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7	Attorneys for Complainant
.8	BEFORE THE
, 9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation Against: Case No. 3040
12	IMELDA D. OSTEN
13	475 Buena Vista Ave., #101 Alameda, CA 94501 A C C U S A T I O N
14	Pharmacist License No. 40002,
15	Respondent.
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17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Virginia K. Herold (Complainant) brings this Accusation solely in her
20	official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
21	Affairs.
22	2. On or about March 20, 1986, the Board of Pharmacy issued Pharmacist
23	License Number 40002 to Imelda D. Osten (Respondent). Respondent's Pharmacist License will
24	expire on April 30, 2009, unless renewed.
25	<u>JURISDICTION</u>
26	3. This Accusation is brought before the Board of Pharmacy (Board),
27	Department of Consumer Affairs, under the authority of the following laws. All section
28	references are to the Business and Professions Code unless otherwise indicated.

1	4. Section 4300 of the Code states, in pertinent part:
2	"(a) Every license issued may be suspended or revoked.
3	"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:
5	"(1) Suspending judgment.
6	"(2) Placing him or her upon probation.
7.	"(3) Suspending his or her right to practice for a period not exceeding one year.
.8	"(4) Revoking his or her license.
9	"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper
11 12	5. Section 4301 of the Code states:
13	"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or
14	misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:
15	* * * *
16 17	"(n) The revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter
18	COST RECOVERY
19	6. Section 125.3 of the Code provides, in pertinent part, that the Board may
20	request the administrative law judge to direct a licentiate found to have committed a violation or
21 22	violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
23	and enforcement of the case.
24	FIRST CAUSE FOR DISCIPLINE
25	(Disciplinary Action by the State of Oregon Board of Pharmacy)
26	7. Respondent is subject to disciplinary action pursuant to Code section
20 27	4301, subdivision (a), on the ground of unprofessional conduct, in that she was the subject of two
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disciplinary orders issued by the State of Oregon Board of Pharmacy, as specified in the following paragraphs:

A. <u>Consent Order (Reprimand)</u>. On or about September 20, 1999, the State of Oregon Board of Pharmacy (Oregon Board) issued a Notice of Proposed Disciplinary Action ("Notice") in Case No. 99-0199 against Respondent. The Notice alleged that on June 19, 1999, while employed at the Rite Aid Pharmacy #5359, located at 11930 S.E. Division Street, Portland, Oregon, Respondent erroneously dispensed Lanoxin 250 mcg. (a heart medication used for Congestive Heart Failure or Atrial Fibrillation) in place of the prescribed Lanoxin 125 mcg., in violation of an Oregon regulation and statute governing the practice of pharmacy. In a Consent Order executed on September 25, 1999, Respondent admitted that the allegations in the Notice were true, that legal cause existed to discipline her pharmacy license, and that she consented to disciplinary action in the form of a reprimand.

B. <u>Final Order (Revocation)</u>. On or about August 24, 2006, the Oregon Board issued a Final Order in Case No. 2004-0276. The Final Order concluded that Respondent had violated Oregon law in the following manner: (1) Respondent created false prescription records; (2) Respondent possessed and distributed prescription drugs without a practitioner's prescription, and (3) Respondent's violations of Oregon law constitute unprofessional conduct. The Oregon Board revoked Respondent's pharmacist license and denied her renewal application on the basis of these violations.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that, following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License Number RPH 40002, issued to Imelda D. Osten;

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1	2. Ordering Imelda D. Osten to pay the Board of Pharmacy the reasonable
2	costs of the investigation and enforcement of this case, pursuant to Business and Professions
3	Code section 125.3;
4	3. Taking such other and further action as deemed necessary and proper.
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6	DATED: 10/14/08
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8	lucisia de ala
9	VIRGINIA K. HEROLD Executive Officer
10	Board of Pharmacy Department of Consumer Affairs
11	State of California
11 12	Complainant
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