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8	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
9	STATE OF CALIFORNIA
10	In the Matter of the Accusation Against: Case No. 3225
11	SHAUNA MARIE WEAVER
12	P.O. Box 1212 Pebble Beach, CA 93953 ACCUSATION
13	Pharmacist License No. RPH 49557
14	Respondent.
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17	Complainant alleges:
18	<u>PARTIES</u>
19	 Virginia Herold (Complainant) brings this Accusation solely in her official
20	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21	2. On or about August 20, 1997, the Board of Pharmacy issued Pharmacist
22	License No. RPH 49557 to Shauna Marie Weaver (Respondent). The Pharmacist License was in
23	full force and effect at all times relevant to the charges brought herein and will expire on July 31,
24	2009, unless renewed.
25	JURISDICTION
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 (Code) unless otherwise indicated.

- 4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].
- 5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.
- 6. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not renewed within three years following its expiration may not be renewed, restored, or reinstated and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of the Code provides that any other license issued by the Board may be canceled by the Board if not renewed within 60 days after its expiration, and any license canceled in this fashion may not be reissued but will instead require a new application to seek reissuance.

STATUTORY PROVISIONS

- 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following:
- (h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.
- (j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.
- (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy...

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January 2006, she became Pharmacist in Charge of that Vons Pharmacy.

- 15. By her own admission, Respondent began having problems with drinking alcohol in or around the final month(s) of 2006 and/or the first month(s) of 2007. By April 2007, Respondent was consuming significant quantities of alcohol, primarily vodka. Respondent often felt the effects of her drinking while on duty as a pharmacist, including hangovers and vomiting. On one or more occasions between March 2007 and September 2007, her co-workers at the Vons Pharmacy observed that Respondent appeared to be under the influence of alcohol or drugs.
- 16. On or about September 8, 2007, Respondent reported to work at the Vons Pharmacy suffering effects from and/or under the influence of alcohol. She was unable to handle the functions of her position, and after a short period shut down the pharmacy and locked up. At that point she admitted to her superior(s) at Vons that she had a drinking problem.
- 17. On or about October 2-3, 2007, Respondent drank a significant quantity of vodka, then ingested approximately 20 tablets of **Vicodin** in what she described as an attempt at suicide and/or a cry for help. On or about October 3, 2007 Respondent was taken by ambulance to an area hospital, and after refusing treatment was detained for evaluation pursuant to Welfare and Institutions Code section 5150 (permitting detention for up to 72 hours for evaluation and treatment of a person likely to be a threat to him/herself or others).

FIRST CAUSE FOR DISCIPLINE

(Dangerous or Injurious Use of Alcohol and/or Drugs)

18. Respondent is subject to disciplinary action under section 4301(h) of the Code, in that as described in paragraphs 15-17 above, on one or more occasions between at least April and October 2007, Respondent used alcohol, controlled substances and/or dangerous drugs to an extent or in a manner so as to be dangerous or injurious to herself or to others, or to the extent that the use impaired her ability to practice pharmacy with safety to the public.

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SECOND CAUSE FOR DISCIPLINE

(Self-Administration of Controlled Substance)

19. Respondent is subject to disciplinary action under section 4301(j) and/or (o) of the Code, and Health and Safety Code section 11170, in that as described in paragraphs 15-17 above, between at least April and October 2007, Respondent self-administered alcohol and/or one or more controlled substances in an improper or abusive manner, and/or directly or indirectly attempted, conspired, and/or assisted in or abetted such conduct.

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:

- A. Revoking or suspending Pharmacist License Number RPH 49557, issued to Shauna Marie Weaver (Respondent);
- B. Ordering Respondent to pay the Board reasonable costs of investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - C. Taking such other and further action as is deemed necessary and proper.

DATED: 4/10/09

IRGINIA HEROLD

Executive Officer
Board of Pharmacy

Department of Consumer Affairs

State of California Complainant

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