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7 **BEFORE THE**
8 **BOARD OF PHARMACY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3526

12 **MEGAN BRIGID HARWOOD**
13 **1215 S. Citrus Avenue**
14 **Los Angeles, CA 90019**

A C C U S A T I O N

15 **Pharmacist License No. RPH 60791**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about March 7, 2008, the Board of Pharmacy (Board) issued Pharmacist
22 License No. RPH 60791 to Megan Brigid Harwood (Respondents). The Pharmacist License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on July
24 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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STATUTORY PROVISIONS

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2 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license
3 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period
4 within which the license may be renewed, restored, reissued or reinstated.

5 5. Section 492 states:

6 “Notwithstanding any other provision of law, successful completion of any diversion
7 program under the Penal Code, or successful completion of an alcohol and drug problem
8 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of
9 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
10 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
11 division, from taking disciplinary action against a licensee or from denying a license for
12 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
13 record pertaining to an arrest.

14 “This section shall not be construed to apply to any drug diversion program operated by any
15 agency established under Division 2 (commencing with Section 500) of this code, or any
16 initiative act referred to in that division.”

17 6. Section 4060 states:

18 “No person shall possess any controlled substance, except that furnished to a person upon
19 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
20 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
21 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
22 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
23 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
24 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
25 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
26 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
27 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
28 labeled with the name and address of the supplier or producer.

1 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
2 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
3 devices."

4 7. Section 4300 provides, in pertinent part, that every license issued by the Board is
5 subject to discipline, including suspension or revocation.

6 8. Section 4301 states, in pertinent part:

7 "The board shall take action against any holder of a license who is guilty of unprofessional
8 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

9 Unprofessional conduct shall include, but is not limited to, any of the following:

10

11 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
12 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
13 whether the act is a felony or misdemeanor or not.

14

15 "(j) The violation of any of the statutes of this state, or any other state, or of the United
16 States regulating controlled substances and dangerous drugs.

17

18 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
19 violation of or conspiring to violate any provision or term of this chapter or of the applicable
20 federal and state laws and regulations governing pharmacy, including regulations established by
21 the board or by any other state or federal regulatory agency."

22 **CONTROLLED SUBSTANCES**

23 9. "Ambien" a generic name for zolpidem tartrate, a nonbarbiturate hypnotic, is a
24 Schedule IV controlled substance as designated by Health and safety Code section 11057,
25 subdivision (d)(32), and is categorized as a dangerous drug pursuant to Business and Professions
26 Code section 4022.

27 10. "Amphetamine" is a Schedule II controlled substance as defined in Health and Safety
28 Code section 11055(d)(1) and is categorized as a dangerous drug pursuant to Business and

1 Professions Code section 4022.

2 11. "Benzodiazepine" is a dangerous drug according to Business and Professions Code
3 section 4022. It is a Schedule IV controlled substance as defined in Health and safety Code
4 section 11057(d).

5 12. "Buprenorphine" and all products containing buprenorphine are controlled in
6 Schedule III of the Controlled Substances Act.

7 13. "Lunesta" a trade name for eszopiclone a S-isomer of zopiclone, is a Schedule IV
8 controlled substance as designated by Health and Safety Code section 11057, subdivision (d), and
9 is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

10 14. "Phentermine" a stimulant, is classified as a Schedule IV controlled substance
11 pursuant to the Health and Safety Code section 11057, subdivision (f)(4), and is a dangerous drug
12 within the meaning of Business and Professions Code section 4022.

13 15. "Ultram" a brand name for tramadol, an effective pain reliever (analgesic) and is
14 categorized as a dangerous drug pursuant to section 4022 of the Code.

15 16. "Valium" a trade name for the chemical substance diazepam, a benzodiazepam
16 derivative, is a Schedule IV controlled substance as designated by Health and Safety Code section
17 11057(d)(9) and is categorized as a dangerous drug pursuant to Business and Professions Code
18 section 4022.

19 17. "Vicoprofen" is the brand name for a fixed combination of hydrocodone, a narcotic
20 and controlled substance, and ibuprofen, an anti-inflammatory and analgesic, a Schedule III
21 controlled narcotic substance pursuant to Health and Safety Code section 11056(b)(4) and a
22 dangerous drug pursuant to Business and Professions Code section 4022(c).

23 **COST RECOVERY**

24 18. Section 125.3 states, in pertinent part, that the Board may request the administrative
25 law judge to direct a licentiate found to have committed a violation or violations of the licensing
26 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
27 case.

28 **FIRST CAUSE FOR DISCIPLINE**

1 **(Possession of Controlled Substances)**

2 19. Respondent is subject to disciplinary action under section 4301, subdivisions (j)
3 and/or (o), in that on or about February 8, 2009, Respondent was found to be in possession of
4 controlled substances and dangerous drugs in violation of code section 4060 without valid
5 prescriptions as follows:

6 a. On or about February 8, 2009, while at the Peace Arch Port of Entry (U.S./Canada
7 border), The Customs Border Protection Officer found Respondent in possession of a large
8 suitcase containing controlled substances, 1 Adderalol, a derivative of Amphetamine, 6
9 Suboxone, a derivative of Buprenorphine, 1 Vicoprofen, 6 Lunesta, 13 Ambien, 1 Valium, 2 1/2
10 Halcion, a derivative of Benzodiazepine, 1 1/2 Adipex-D, a derivative of Phentermine, Ultram,
11 and 4 Valtrex, 1 Inderal, 1 Celecoxib, 1 Clariten, and 2 Azithromycin, classified as dangerous
12 drugs.

13 b. On or about November 19, 2009, after Respondent filed a "Statement on Plea of
14 Guilty" with the Court, Respondent was convicted of one misdemeanor count of violating Revised
15 Code of Washington section 69.50.412 [use of drug paraphernalia], in the criminal proceeding
16 entitled *The People of the State of Washington v. Megan Brigid Harwood* (Super. Ct. Whatcom
17 County, 2009, No. 09-1-00176-9). The Court placed Respondent on Deferred Entry of Judgment
18 for 24 months.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

21 20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), in
22 that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
23 corruption. Complainant refers to, and by this reference incorporates, the allegations set forth
24 above in paragraph 12, subparagraphs (a) and (b), as though set forth fully.

25 **PRAYER**

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

28 1. Revoking or suspending Pharmacist License No. RPH 60791, issued to Megan Brigid

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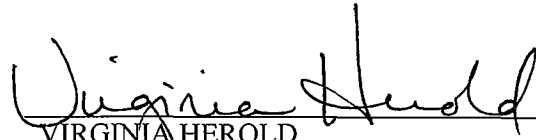
Harwood;

2. Ordering Megan Brigid Harwood to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED:

11/3/10



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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