1	Kamala D. Harris
2	Attorney General of California KENT D. HARRIS
3	Supervising Deputy Attorney General STERLING A. SMITH
4	Deputy Attorney General State Bar No. 84287
5	1300 I Street, Suite 125 P.O. Box 944255
6	Sacramento, CA 94244-2550 Telephone: (916) 445-0378
7	Facsimile: (916) 327-8643 Attorneys for Complainant
8	BEFORE THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 4654
12	GARY ALLEN BARTEE
13	517 Avalon Court NE Albany, Oregon 97322A C C U S A T I O N
14	Pharmacist License No. RPH 43085
15	Respondent.
16	
17	
18	Complainant alleges:
19	PARTIES
20	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22	2. On or about March 1, 1990, the Board of Pharmacy issued Pharmacist License No.
23	RPH 43085 to Gary Allen Bartee (Respondent). The Pharmacist License was in full force and
24	effect at all times relevant to the charges brought herein and will expire on May 31, 2015, unless
25	renewed.
26	111
27	
28	
	1
	Accusation

Board of Pharmacy (Board), Department of
owing laws. All section references are to the
ndicated.
rtinent part::
or revoked.
any license issued by the board, whose default
the board and found guilty, by any of the
or a period not exceeding one year.
sciplining him or her as the board in its
be conducted in accordance with Chapter 5
vision 3 of the Government Code, and the board
ion shall be final, except that the propriety of
rt pursuant to Section 1094.5 of the Code of
t "the expiration, cancellation, forfeiture, or
n of law, or by order or decision of the board or
red status, or the voluntary surrender of a
f jurisdiction to commence or proceed with any
ing against, the licensee or to render a decision
-

1	6. Section 4301 of the Code states, in pertinent part:
2	"The board shall take action against any holder of a license who is guilty of unprofessional
3	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
4	Unprofessional conduct shall include, but is not limited to, any of the following:
5	
6	(n) The revocation, suspension, or other discipline by another state of a license to practice
• 7	pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter.
8	
9	7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10	administrative law judge to direct a licentiate found to have committed a violation or violations of
11	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12	enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
13	renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
14	included in a stipulated settlement.
15	8. Section 118, subdivision (b), of the Code provides that the
16	suspension/expiration/surrender/cancellation of a license shall not deprive the
17	Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
18	within which the license may be renewed, restored, reissued or reinstated.
19	FIRST CAUSE FOR DISCIPLINE
20	(Unprofessional Conduct: Out of State Discipline)
21	9. Respondent is subject to disciplinary action under Code section 4301(n) for
22	unprofessional conduct because on or about August 25, 2009, while licensed as a pharmacist by
23	the Oregon Board of Pharmacy, Respondent 's Oregon license No. 11137 was disciplined by the
24	Oregon Board of Pharmacy. Respondent's license was suspended for three months, five years
25	probation was imposed and a fine of \$1,000.00 was assessed pursuant to a Notice of Proposed
26	Disciplinary Action; Answer Required" and a "Consent Order", copies of which are attached
27	hereto as Exhibit A collectively and incorporated by reference. The circumstances were that from
28	on or about November 2007 through March 2009, while Respondent was employed as a
	3
	Acquisition

1	pharmacist at Wal-Mart Pharmacy 10-1775 in Lebanon, Oregon, Respondent wrote, dispensed	
2	and fraudulently billed insurance for multiple unauthorized prescriptions for Respondent and	
3	members of his family.in violation of the Oregon laws identified in Exhibit A.	
4	PRAYER	
5	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	,
6	and that following the hearing, the Board of Pharmacy issue a decision:	
7	1. Revoking or suspending Pharmacist License No. RPH 43085, issued to Gary Allen	
8	Bartee;	
9	2. Ordering Gary Allen Bartee to pay the Board of Pharmacy the reasonable costs of th	e
10	investigation and enforcement of this case, pursuant to Business and Professions Code section	
11	125.3; and	
12	3. Taking such other and further action as deemed necessary and proper.	
13	DATED: 10/23/13 (home Herde	
14	VIRGINIA HEROLD Executive Officer	_
15	Board of Pharmacy Department of Consumer Affairs	
16	State of California Complainant	
17		
18		e.
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
	4Accusati	on