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

10 In the Matter of the Accusation Against:

11 **DARYL SCOTT WOLFE**  
12 **1529 Golf Course Drive**  
13 **Windsor, CA 95492**

14 **Pharmacist License No. RPH 46273**

15 Respondent.

Case No. 5825

OAH No. 2016050553

**A C C U S A T I O N**

16 Complainant alleges:

17 PARTIES

- 18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
20 2. On or about August 10, 1993, the Board issued Pharmacist License No. RPH 46273  
21 to Daryl Scott Wolfe (Respondent). The License was in full force and effect at all times relevant  
22 to the charges brought herein and will expire on October 31, 2016, unless renewed.

23 JURISDICTION

- 24 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
25 Consumer Affairs, under the authority of the following laws. All section references are to the  
26 Business and Professions Code (Code) unless otherwise indicated.

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1           16. The blood sample taken from Respondent incident to the February 11, 2016 arrest  
2 showed a positive result for the presence of **benzodiazepines**, a Schedule IV controlled substance  
3 and a central nervous system depressant.

4           17. On or about April 28, 2016, Respondent's employer (CVS Pharmacy) made an  
5 impaired pharmacist report to the Board of Pharmacy, noting that on or about March 23, 2016,  
6 Respondent reported to work as a pharmacist at a CVS Pharmacy location exhibiting symptoms  
7 consistent with drug impairment including: being unsteady on his feet, swaying back and forth,  
8 being unable to access the dispensing system on the computer for several minutes, slurring his  
9 speech, seeming confused, acting strangely, having glassy eyes, and being unable to answer  
10 simple questions. After his employer determined that he was unfit to work and called him a cab,  
11 Respondent dropped the same item multiple times on his way out to the parking lot, and stumbled  
12 and nearly fell when he was trying to retrieve the item.

13           18. On or about May 2, 2016, during an interview with a Board of Pharmacy Inspector,  
14 Respondent refused to answer any questions about his conduct or any drug consumption during or  
15 prior to his arrests on July 9, 2015, February 11, 2016, and February 20, 2016. He did say that he  
16 did not have any prescriptions for controlled substances before or subsequent to these arrests, and  
17 said that he was not taking any controlled substances. He said that he last received a prescription  
18 for controlled substances in September or October 2015, for **clonezapam**, but gave the drugs to  
19 his wife for her use. Respondent admitted receiving monthly injections of Vivitrol, a medication  
20 indicated for treatment of alcohol dependence or for prevention of relapse to opioid dependence.  
21 But he insisted he had not consumed alcohol for over ten (10) years, contradicting an admission  
22 he made to the same Board of Pharmacy Inspector in August 2014 that he had begun drinking  
23 again in April 2014 due to family stress, including his own and family members' medical issues.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)

3 19. Respondent is subject to discipline under section 4301(f) of the Code, in that  
4 Respondent, as described in paragraphs 15-18 above, engaged in one or more acts involving  
5 moral turpitude, dishonesty, fraud, or deceit.

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7 SECOND CAUSE FOR DISCIPLINE

8 (Self-Administration of Controlled Substance)

9 20. Respondent is subject to discipline under section 4301(h), (j) and/or (o) of the Code,  
10 and/or Health and Safety Code section 11170, in that Respondent, as described in paragraphs 15-  
11 18 above above, administered to himself, and/or conspired to self-administer, and/or assisted or  
12 abetted self-administration of, a controlled substance.

13  
14 THIRD CAUSE FOR DISCIPLINE

15 (Furnishing of Controlled Substance)

16 21. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
17 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described  
18 in paragraphs 15-18 above, furnished to himself or another without a valid prescription, and/or  
19 conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.\

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21 FOURTH CAUSE FOR DISCIPLINE

22 (Possession of Controlled Substance(s))

23 22. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
24 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described  
25 in paragraphs 15-18 above, possessed, conspired to possess, and/or assisted in or abetted  
26 possession of, a controlled substance, without a prescription.

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1 FIFTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 23. Respondent is subject to discipline under section 4301 of the Code in that  
4 Respondent, as described in paragraphs 15-22 above, engaged in unprofessional conduct.

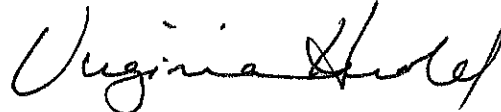
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6 PRAYER

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

- 9 1. Revoking or suspending Pharmacist License Number RPH 46273, issued to Daryl  
10 Scott Wolfe (Respondent);
- 11 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
12 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 13 3. Taking such other and further action as is deemed necessary and proper.

14  
15 DATED: \_\_\_\_\_

7/15/16



16 VIRGINIA HEROLD  
17 Executive Officer  
18 Board of Pharmacy  
19 Department of Consumer Affairs  
20 State of California  
21 *Complainant*

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