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

11 In the Matter of the Accusation Against:

Case No. 5878

12 **CASEY SCOTT DUCKWALL**
13 **4406 Charleston Place Circle**
Nashville, TN 94122

A C C U S A T I O N

14 **Intern Pharmacist Registration No. INT 37089**

15 Respondent.

16
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 ("Board"), Department of Consumer Affairs.

21 2. On or about October 15, 2015, the Board issued Intern Pharmacist Registration
22 Number INT 37089 to Casey Scott Duckwall ("Respondent"). The intern pharmacist registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 March 31, 2020, unless renewed.

25 **JURISDICTION/STATUTORY PROVISIONS**

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 ("Code") unless otherwise
28 indicated.

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4. Code section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(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:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper . . .

5. Code section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

6. Code section 4301 states, in pertinent part:

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 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not 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.

....

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to

1 fix the degree of discipline or, in the case of a conviction not involving controlled
2 substances or dangerous drugs, to determine if the conviction is of an offense
3 substantially related to the qualifications, functions, and duties of a licensee under this
4 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
5 contendere is deemed to be a conviction within the meaning of this provision. The
6 board may take action when the time for appeal has elapsed, or the judgment of
7 conviction has been affirmed on appeal or when an order granting probation is made
8 suspending the imposition of sentence, irrespective of a subsequent order under
9 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
10 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
11 dismissing the accusation, information, or indictment . . .

7 COST RECOVERY

8 7. Code section 125.3 provides, in pertinent part, that a Board may request the
9 administrative law judge to direct a licentiate found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 FIRST CAUSE FOR DISCIPLINE

13 (Criminal Conviction)

14 8. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
15 Code section 4301, subdivision (1), in that on or about February 11, 2016, in the criminal
16 proceeding entitled *People vs. Casey S. Duckwall* (San Francisco County Super. Ct., Case No.
17 16000959), Respondent was convicted by the Court on his plea of nolo contendere of violating
18 Vehicle Code section 23152, subdivision (b) (driving while having a 0.08 percent or higher blood
19 alcohol), a misdemeanor, a crime substantially related to the qualifications, functions, and duties
20 of an intern pharmacist. The circumstances of the crime are as follows: On or about January 15,
21 2016, officers with the San Francisco Police Department responded to the intersection of Fillmore
22 Street and Post Street regarding a drunk driver involved in a non-injury traffic collision. Upon
23 arrival, the officers observed a male subject, later identified as Respondent, sitting in the driver
24 seat of a vehicle with the engine still running. One of the officers approached Respondent and
25 could immediately smell the odor of alcohol coming from his breath. The officer pulled
26 Respondent out of the vehicle and walked him over to the sidewalk. Respondent was stumbling
27 and had trouble keeping his balance as he walked. The officer observed that Respondent was
28 slurring his words and was unable to remember any of his contact information or insurance

1 information. Later, Respondent underwent a chemical test of his blood and was determined to
2 have a blood alcohol level of 0.30 percent.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Use of Alcoholic Beverages to an Extent or in a Manner**
5 **Dangerous or Injurious to Oneself, Others and the Public)**

6 9. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
7 Code section 4301, subdivision (h), in that Respondent used alcoholic beverages to an extent or in
8 a manner dangerous or injurious to himself, others, and the public, as set forth in paragraph 8
9 above.

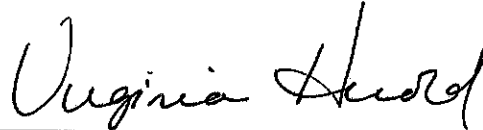
10 **PRAYER**

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

- 13 1. Revoking or suspending Intern Pharmacist Registration Number INT 37089, issued to
14 Casey Scott Duckwall;
- 15 2. Ordering Casey Scott Duckwall to pay the Board of Pharmacy the reasonable costs of
16 the investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3; and
- 18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: _____

9/8/16



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

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