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

11 In the Matter of the Accusation Against:

Case No. 2666

12 **RALPH CROWDER**
425 Dobbins Court
13 Suisun City, California 94585

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Registered Pharmacist License No. RPH 41786

15 Respondent.

16
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to
18 the above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Patricia F. Harris ("Complainant") is the Executive Officer of the Board of
21 Pharmacy ("Board"). She brought this action solely in her official capacity and is represented in this
22 matter by Bill Lockyer, Attorney General of the State of California, by Joshua A. Room, Deputy
23 Attorney General.

24 2. Ralph Crowder ("Respondent") is representing himself in this proceeding and
25 has chosen not to exercise his right to be represented by counsel.

26 3. On or about May 27, 1988, the Board issued Registered Pharmacist License
27 No. RPH 41786 to Respondent. The License was in full force and effect at all times relevant to the
28 charges brought in Accusation No. 2666 and will expire on July 31, 2005, unless renewed.

1 **JURISDICTION**

2 4. Accusation No. 2666 was filed before the Board. The Accusation and all
3 other statutorily required documents were properly served on Respondent on November 13, 2003.
4 Respondent timely filed his Notice of Defense contesting the Accusation.

5 5. On or about October 20, 2004, Accusation No. 2666 was amended to include
6 a criminal conviction related to the charges listed in the Accusation. A copy of First Amended
7 Accusation No. 2666 is attached as **Exhibit A** and incorporated herein by reference.

8 **ADVISEMENT AND WAIVERS**

9 6. Respondent has carefully read and understands the charges and allegations in
10 Amended Accusation No. 2666. Respondent has also carefully read and understands the effects of
11 this Stipulated Settlement and Disciplinary Order.

12 7. Respondent is fully aware of his legal rights in this matter, including the right
13 to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel
14 at his own expense; the right to confront and cross-examine the witnesses against him; the right to
15 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
16 the attendance of witnesses and the production of documents; the right to reconsideration and court
17 review of an adverse decision; and all other rights accorded by the California Administrative
18 Procedure Act and other applicable laws.

19 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each
20 and every right set forth above.

21 **CULPABILITY**

22 9. Respondent admits the truth of each and every charge and allegation in First
23 Amended Accusation No. 2666.

24 10. Respondent agrees that his Registered Pharmacist License is subject to
25 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
26 Disciplinary Order below.

27 **CIRCUMSTANCES IN MITIGATION**

28 11. Respondent Ralph Crowder has never been the subject of any disciplinary

1 action. He is admitting responsibility at an early stage in the proceedings.

2 **CONTINGENCY**

3 12. This stipulation shall be subject to approval by the Board of Pharmacy.
4 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
5 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
6 without notice to or participation by Respondent. By signing the stipulation, Respondent
7 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
8 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as
9 its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
10 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and
11 the Board shall not be disqualified from further action by having considered this matter.

12 13. The parties understand and agree that facsimile copies of this Stipulated
13 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force
14 and effect as the originals.

15 14. In consideration of the foregoing admissions and stipulations, the parties agree
16 that the Board may, without further notice or formal proceeding, issue and enter the following
17 Disciplinary Order:

18 **DISCIPLINARY ORDER**

19 **IT IS HEREBY ORDERED** that Registered Pharmacist License No. RPH 41786
20 issued to Respondent Ralph Crowder is revoked. However, the revocation is stayed and Respondent
21 is placed on probation for five (5) years on the following terms and conditions.

22 1. **Actual Suspension.** As part of probation, Respondent is suspended from the
23 practice of pharmacy for a period of ninety (90) days. However, Respondent's self-imposed
24 suspension that started on or about December 2002, shall serve as credit for the entire suspension
25 period.

26 2. **Obey All Laws.** Respondent shall obey all state and federal laws and
27 regulations substantially related to or governing the practice of pharmacy.

28 Respondent shall report any of the following occurrences to the Board, in writing,

1 within 72 hours of such occurrence:

- 2 • an arrest or issuance of a criminal complaint for violation of any provision of the
3 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
substances laws;
- 4 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
5 criminal complaint, information or indictment;
- 6 • a conviction of any crime;
- 7 • discipline, citation, or other administrative action filed by any state and federal
8 agency which involves Respondent's license or which is related to the practice of
9 pharmacy or the manufacturing, obtaining, handling or distribution or billing or
charging for any drug, device or controlled substance.

10 **3. Reporting to the Board.** Respondent shall report to the Board quarterly. The
11 report shall be made either in person or in writing, as directed. Respondent shall state under penalty
12 of perjury whether there has been compliance with all the terms and conditions of probation. If the
13 final probation report **is not** made as directed, probation shall be extended automatically until such
14 time as the final report is made and accepted by the Board.

15 **4. Interview with the Board.** Upon receipt of reasonable notice, Respondent
16 shall appear in person for interviews with the Board upon request at various intervals at a location
17 to be determined by the Board. Failure to appear for a scheduled interview without prior notification
18 to Board staff shall be considered a violation of probation.

19 **5. Cooperation with Board Staff.** Respondent shall cooperate with the
20 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
21 compliance with the terms and conditions of his probation. Failure to comply shall be considered
22 a violation of probation.

23 **6. Continuing Education.** Respondent shall provide evidence of efforts to
24 maintain skill and knowledge as a pharmacist as directed by the Board.

25 **7. Notice to Employers.** Respondent shall notify all present and prospective
26 employers of the decision in Case Number 2666 and the terms, conditions and restrictions imposed
27 on Respondent by the decision. Within 30 days of the effective date of this decision, and within 15
28 days of Respondent undertaking new employment, Respondent shall cause his direct supervisor,

1 pharmacist-in-charge and/or owner to report to the Board in writing acknowledging the employer
2 has read the decision in Case Number 2666.

3 If Respondent works for or is employed by or through a pharmacy employment
4 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at every
5 pharmacy of the and terms conditions of the decision in Case Number 2666 in advance of the
6 Respondent commencing work at each pharmacy.

7 "Employment" within the meaning of this provision shall include any full-time, part-
8 time, temporary, relief or pharmacy management service as a pharmacist, whether the Respondent
9 is considered an employee or independent contractor.

10 **8. No Preceptorships, Supervision of Interns, Being Pharmacist-in-Charge**
11 **(PIC), or Serving as a Consultant.** Respondent shall not supervise any intern pharmacist or
12 perform any of the duties of a preceptor, nor shall Respondent be the pharmacist-in-charge of any
13 entity licensed by the Board unless otherwise specified in this order.

14 **9. Reimbursement of Board Costs.** Respondent shall pay to the Board its
15 costs of investigation and prosecution in the amount of \$5,500.00. Respondent shall make said
16 payments as follows: quarterly.

17 The filing of bankruptcy by Respondent shall not relieve Respondent of his
18 responsibility to reimburse the Board its costs of investigation and prosecution.

19 **10. Probation Monitoring Costs.** Respondent shall pay the costs associated with
20 probation monitoring as determined by the Board each and every year of probation. Such costs shall
21 be payable to the Board at the end of each year of probation. Failure to pay such costs shall be
22 considered a violation of probation.

23 **11. Status of License.** Respondent shall, at all times while on probation,
24 maintain an active current license with the Board, including any period during which suspension or
25 probation is tolled.

26 If Respondent's license expires or is canceled by operation of law or otherwise, upon
27 renewal or re-application, Respondent's license shall be subject to all terms and conditions of this
28 probation not previously satisfied.

1 **12. License Surrender while on Probation/Suspension.** Following the effective
2 date of this decision, should Respondent cease practice due to retirement or health, or be otherwise
3 unable to satisfy the terms and conditions of probation, Respondent may tender his license to the
4 Board for surrender. The Board shall have the discretion whether to grant the request for surrender
5 or take any other action it deems appropriate and reasonable. Upon formal acceptance of the
6 surrender of the license, Respondent will no longer be subject to the terms and conditions of
7 probation.

8 Upon acceptance of the surrender, Respondent shall relinquish his pocket license to
9 the Board within 10 days of notification by the Board that the surrender is accepted. Respondent may
10 not reapply for any license from the Board for three years from the effective date of the surrender.
11 Respondent shall meet all requirements applicable to the license sought as of the date the application
12 for that license is submitted to the Board.

13 **13. Notification of Employment/Mailing Address Change.** Respondent shall
14 notify the Board in writing within 10 days of any change of employment. Said notification shall
15 include the reasons for leaving and/or the address of the new employer, supervisor or owner and
16 work schedule if known. Respondent shall notify the Board in writing within 10 days of a change
17 in name, mailing address or phone number.

18 **14. Tolling of Probation.** Should Respondent, regardless of residency, for any
19 reason cease practicing pharmacy for a minimum of 40 hours per calendar month in California,
20 Respondent must notify the Board in writing within 10 days of cessation of the practice of pharmacy
21 or the resumption of the practice of pharmacy. Such periods of time shall not apply to the reduction
22 of the probation period. It is a violation of probation for Respondent's probation to remain tolled
23 pursuant to the provisions of this condition for a period exceeding three years.

24 “Cessation of practice” means any period of time exceeding 30 days in which
25 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the Business
26 and Professions Code.

27 **15. Violation of Probation.** If Respondent violates probation in any respect, the
28 Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and

1 carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation
2 is filed against Respondent during probation, the Board shall have continuing jurisdiction and the
3 period of probation shall be extended, until the petition to revoke probation or accusation is heard
4 and decided.

5 If Respondent has not complied with any term or condition of probation, the Board
6 shall have continuing jurisdiction over Respondent, and probation shall automatically be extended
7 until all terms and conditions have been satisfied or the Board has taken other action as deemed
8 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to
9 impose the penalty which was stayed.

10 **16. Completion of Probation.** Upon successful completion of probation,
11 Respondent's license will be fully restored.

12 **17. Rehabilitation Program - Pharmacists Recovery Program (PRP).** Within
13 30 days of the effective date of this decision, Respondent shall contact the Pharmacists Recovery
14 Program for evaluation and shall successfully participate in and complete the treatment contract and
15 any subsequent addendums as recommended and provided by the PRP and as approved by the Board.
16 The costs for PRP participation shall be borne by Respondent.

17 If Respondent is currently enrolled in the PRP, said participation is now mandatory
18 and is no longer considered a self-referral under Business and Professions Code section 4363, as of
19 the effective date of this decision. Respondent shall successfully participate in and complete his
20 current contract and any subsequent addendums with the PRP. Probation shall be automatically
21 extended until Respondent successfully completes his treatment contract. Any person terminated
22 from the program shall be automatically suspended upon notice by the Board. Respondent may not
23 resume the practice of pharmacy until notified by the Board in writing. The Board shall retain
24 jurisdiction to institute action to terminate probation for any violation of this term.

25 **18. Random Drug Screening.** Respondent, at his own expense, shall participate
26 in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer,
27 hair follicle testing, or a drug screening program approved by the Board. The length of time shall
28 be for the entire probation period and the frequency of testing will be determined by the Board. At

1 all times, Respondent shall fully cooperate with the Board, and shall, when directed, submit to such
2 tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other
3 controlled substances. Failure to submit to testing as directed shall constitute a violation of
4 probation. Any confirmed positive drug test shall result in the immediate suspension of practice by
5 Respondent. Respondent may not resume the practice of pharmacy until notified by the Board in
6 writing.

7 **19. Abstain from Drugs and Alcohol Use.** Respondent shall completely abstain
8 from the possession or use of alcohol, controlled substances, dangerous drugs, and their associated
9 paraphernalia, except when the drugs are lawfully prescribed by a licensed practitioner as part of a
10 documented medical treatment. Upon request of the Board, Respondent shall provide documentation
11 from the licensed practitioner that the prescription was legitimately issued and is a necessary part of
12 the treatment of Respondent.

13 **20. Supervised Practice.** Respondent shall practice only under the supervision
14 of a pharmacist not on probation with the Board. Respondent shall not practice until the supervisor
15 is approved by the Board. The supervision shall be, as required by the Board, either:

16 Continuous - 75% to 100% of a work week

17 Substantial - At least 50% of a work week

18 Partial - At least 25% of a work week

19 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

20 Within 30 days of the effective date of this decision, Respondent shall have his supervisor submit
21 notification to the Board in writing stating the supervisor has read the decision in Case Number 2666
22 and is familiar with the level of supervision as determined by the Board.

23 If Respondent changes employment, Respondent shall have his new supervisor,
24 within 15 days after employment commences, submit notification to the Board in writing stating the
25 direct supervisor and pharmacist-in-charge have read the decision in Case Number 266 and is
26 familiar with the level of supervision as determined by the Board.

27 Within 10, days of leaving employment, Respondent shall notify the Board in writing.

28 **21. No Ownership of Premises.** Respondent shall not own, have any legal or

1 beneficial interest in, or serve as a manager, administrator, member, officer, director, associate, or
2 partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the
3 Board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the
4 Board within 90 days following the effective date of this decision and shall immediately thereafter
5 provide written proof thereof to the Board.

6 **22. Criminal Probation/Parole Reports.** Respondent shall provide a copy of
7 the conditions of any criminal probation/parole to the Board, in writing, within 10 days of the
8 issuance or modification of those conditions. Respondent shall provide the name of his
9 probation/parole officer to the Board, in writing, within 10 days after that officer is designated or a
10 replacement for that officer is designated. Respondent shall provide a copy of all criminal
11 probation/parole reports to the Board within 10 days after Respondent receives a copy of such a
12 report.

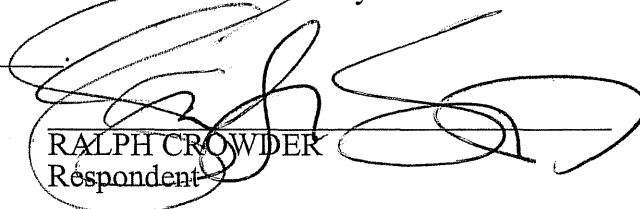
13 **23. Tolling of Suspension.** If Respondent leaves California to reside or practice
14 outside this state, for any period exceeding 10 days (including vacation), Respondent must notify the
15 Board in writing of the dates of departure and return. Periods of residency or practice outside the
16 state - or any absence exceeding a period of 10 days shall not apply to the reduction of the
17 suspension period.

18 Respondent shall not practice pharmacy upon returning to this state until notified by
19 the Board that the period of suspension has been completed.

20
21 **ACCEPTANCE**

22 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand
23 the stipulation and the effect it will have on my Registered Pharmacist License. I enter into this
24 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to
25 be bound by the Decision and Order of the Board of Pharmacy.

26 DATED: 1/29/05

27 
28 RALPH CROWDER
Respondent

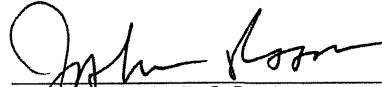
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 2/9/05.

BILL LOCKYER, Attorney General
of the State of California



JOSHUA A. ROOM
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2666

RALPH CROWDER
425 Dobbins Court
Suisun City, California 94585

Registered Pharmacist License No. RPH 41786

Respondent.

DECISION AND ORDER

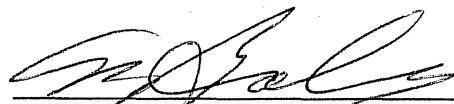
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 20, 2005.

It is so ORDERED March 21, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A

First Amended Accusation No. 2666

1 BILL LOCKYER, Attorney General
of the State of California
2 LISA S. WIGGINS, State Bar No. 168399
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
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6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2666

11 **RALPH CROWDER**
12 425 Dobbins Court
Suisun City, California 94585

FIRST AMENDED ACCUSATION

13 Registered Pharmacist License No. RPH 41786
14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Patricia F. Harris ("Complainant") brings this Accusation solely in her official
19 capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer
20 Affairs.

21 2. On or about May 27, 1988, the Board of Pharmacy issued Registered
22 Pharmacist License Number RPH 41786 to Ralph Crowder ("Respondent"). The Registered
23 Pharmacist License was in full force and effect at all times relevant to the charges brought herein and
24 will expire on July 31, 2005, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the
27 following laws.

28 4. Business and Professions Code section 118(b) provides that the suspension,

1 expiration, surrender, and/or cancellation of a license shall not deprive the Board of jurisdiction to
2 proceed with a disciplinary action during the period within which the license may be renewed,
3 restored, reissued or reinstated.

4 5. Business and Professions Code section 4300 states:

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

6 "(b) The board shall discipline the holder of any license issued by the board, whose
7 default has been entered or whose case has been heard by the board and found guilty, by any of the
8 following methods:

9 "(1) Suspending judgment.

10 "(2) Placing him or her upon probation.

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

13 "(4) Revoking his or her license.

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

16 6. Business and Professions Code section 4301 gives the Board the right to take
17 action against a licensee who is guilty of unprofessional conduct. According to Section 4301,
18 "[u]nprofessional conduct shall include, but is not limited to, any of the following:

19 ...

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

23 ...

24 "(h) The administering to oneself, of any controlled substance, or the use of any
25 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious
26 to oneself, to a person holding a license under this chapter, or to any other person or to the public,
27 or to the extent that the use impairs the ability of the person to conduct with safety to the public the
28 practice authorized by the license.

1 or a physician assistant pursuant to Section 3502.1."

2 8. Health and Safety Code section 11173(a) states:

3 "No person shall obtain or attempt to obtain controlled substances, or procure or
4 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
5 deceit, misrepresentation, or subterfuge, or (2) by the concealment of a material fact."

6 9. Penal Code section 487(a) defines theft as grand theft "[w]hen the money,
7 labor, or real or personal property taken is of a value exceeding four hundred dollars (\$400)...."

8 10. Penal Code section 503 defines embezzlement as "the fraudulent appropriation
9 of property by a person to whom it has been intrusted."

10 11. California Code of Regulations, title 16, section 1770, states:

11 "For the purpose of denial, suspension, or revocation of a personal or facility license
12 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
13 crime or act shall be considered substantially related to the qualifications, functions or duties of a
14 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee
15 or registrant to perform the functions authorized by his license or registration in a manner consistent
16 with the public health, safety, or welfare."

17 12. Business and Professions Code section 125.3 states, in pertinent part, that the
18 Board may request the administrative law judge to direct a licentiate found to have committed a
19 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
20 investigation and enforcement of the case.

21 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

22 13. Business and Professions Code section 4021 defines the term "Controlled
23 Substance" as "any substance listed in Chapter 2 (commencing with Section 11053) of Division 10
24 of the Health and Safety Code."

25 14. Business and Professions Code section 4022 defines "dangerous drug" or
26 "dangerous device" as "any drug or device unsafe for self-use, except veterinary drugs that are
27 labeled as such, and includes the following:

28 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing

1 without prescription,' 'Rx only,' or words of similar import.

2 ...

3 "(c) Any other drug or device that by federal or state law can be lawfully dispensed
4 only on prescription or furnished pursuant to Section 4006."

5 15. **Vicodin®**, a brand of **hydrocodone bitartrate** (an opiate) combined with
6 **acetaminophen**, is a Schedule III controlled substance as designated by Health and Safety Code
7 section 11056(e) and is a dangerous drug as defined by Business and Professions Code section 4022,
8 and is used for relief of moderate to severe pain.

9 16. **Duragesic®**, a brand of **fentanyl** (a narcotic), is a Schedule II controlled
10 substance as designated by Health and Safety Code section 11055(c)(8) and is a dangerous drug as
11 defined by Business and Professions Code section 4022, and is used for relief of moderate to severe
12 pain.

13 17. **Ambien®**, a brand of **zolpidem tartrate** (a non-benzodiazepine hypnotic), is
14 a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(32)
15 and is a dangerous drug as defined by Business and Professions Code section 4022, and is used for
16 relief of insomnia.

17 18. **Oxycontin®**, a brand of **oxycodone hydrochloride** (an agonist opioid), is a
18 Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(N)
19 and is a dangerous drug as defined by Business and Professions Code section 4022, and is used for
20 relief of moderate to severe pain.

21 19. **Cocaine hydrochloride** (a central nervous system stimulant) is a Schedule
22 II controlled substance as designated by Health and Safety Code section 11055(b)(6) and is a
23 dangerous drug as defined by Business and Professions Code section 4022, and is used as an
24 anesthetic.

25 **FIRST CAUSE FOR DISCIPLINE**

26 (Commission of Dishonest/Fraudulent Acts)

27 20. Respondent is subject to disciplinary action under Business and Professions
28 Code section 4301(f) in that Respondent dishonestly/fraudulently appropriated large quantities of

1 medications from Northbay Medical Center Pharmacy ("Northbay Pharmacy") located at 1200 B.
2 Gale Wilson Boulevard, Fairfield, California, while on duty as a licensed pharmacist at the hospital.
3 The circumstances are that from approximately September 1994 to December 2002, while employed
4 at the Northbay Pharmacy, Respondent falsified Northbay Pharmacy medication records in order to
5 misappropriate large quantities of medications from the pharmacy. The appropriated medications
6 include, but are not limited to, Vicodin[®], Duragesic[®], Ambien[®], Oxycontin[®], and Cocaine
7 hydrochloride.

8 **SECOND CAUSE FOR DISCIPLINE**

9 (Self-Administration of Controlled Substances/Dangerous Drugs in a Manner to Be
10 Dangerous/Injurious to Oneself/Others)

11 21. Respondent is subject to disciplinary action under Business and Professions
12 Code section 4301(h) in that Respondent administered to himself controlled substances/dangerous
13 drugs while working as a licensed pharmacist at the Northbay Pharmacy. The circumstances are that
14 from approximately September 1994 to December 2002, while employed at the Northbay Pharmacy,
15 Respondent self-administered controlled substances/dangerous drugs he had taken from the Northbay
16 Pharmacy. The controlled substances/dangerous drugs include, but are not limited to, Vicodin[®],
17 Duragesic[®], Ambien[®], Oxycontin[®], and Cocaine hydrochloride.

18 **THIRD CAUSE FOR DISCIPLINE**

19 (Unlawful Possession of Controlled Substances/Dangerous Drugs)

20 22. Respondent is subject to disciplinary action under Business and Professions
21 Code section 4301(j) in that Respondent was in possession of controlled substances/dangerous drugs
22 without a prescription for them. The circumstances are that from approximately September 1994
23 to December 2002, while employed at the Northbay Pharmacy, Respondent possessed controlled
24 substances/dangerous drugs he had taken from the Northbay Pharmacy without a prescription for
25 them. The controlled substances/dangerous drugs include, but are not limited to, Vicodin[®],
26 Duragesic[®], Ambien[®], Oxycontin[®], and Cocaine hydrochloride.

27 ///

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Working as a Pharmacist While Under the Influence of Controlled Substances/Dangerous
3 Drugs)

4 23. Respondent is subject to disciplinary action under Business and Professions
5 Code section 4301(o) in that Respondent, while on duty as a pharmacist at the Northbay Pharmacy,
6 dispensed or compounded drugs while under the influence of controlled substances/dangerous drugs.
7 The circumstances are that from sometime in September 1994 to December 2002, Respondent
8 worked as a licensed pharmacist at the Northbay Pharmacy while under the influence of controlled
9 substances/dangerous drugs, including, but not limited to Vicodin®, Duragesic®, Ambien®,
10 Oxycontin®, and/or Cocaine hydrochloride.

11 FIFTH CAUSE FOR DISCIPLINE

12 (Conviction of Substantially Related Crime)

13 24. Respondent is subject to disciplinary action under section 4301(l) of the Code
14 and California Code of Regulations, title 16, section 1770, in that on or about January 26, 2004, in
15 a criminal proceeding entitled *People v. Ralph Crowder* in Solano County Superior Court, Case No.
16 FCR210863, Respondent was convicted by *nolo contendere* plea of violating Penal Code section
17 487(a)/503 (theft/embezzlement), a felony, and Health and Safety Code section 11173(a) (obtaining
18 controlled substances by fraud), a felony. The facts are as follows:

19 a. On or about September 24, 2003, a criminal complaint was filed in the
20 Solano County Superior Court against Respondent, which charged Respondent with four (4) felony
21 counts of violating Penal Code section 487(a)/503 (theft/embezzlement) and three (3) felony counts
22 of violating Health and Safety Code section 11173(a) (obtaining controlled substances by fraud).

23 b. On or about January 26, 2004, Respondent pleaded *nolo contendere*
24 to one felony count of violating Penal Code section 487(a)/503 and one felony count of violating
25 Health and Safety Code section 11173(a). The remaining counts were dismissed.

26 c. On or about March 8, 2004, Respondent was sentenced to 30 days in
27 jail, three years probation, and fines.

28 ///

1 PRAYER

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

4 A. Revoking or suspending Registered Pharmacist License Number RPH 41786,
5 issued to Ralph Crowder;

6 B. Ordering Ralph Crowder to pay the Board of Pharmacy the reasonable costs
7 of the investigation and enforcement of this case, pursuant to Business and Professions Code section
8 125.3;

9 C. Taking such other and further action as deemed necessary and proper.

10 DATED: 10/21/04

11
12 P. J. Harris
13 PATRICIA F. HARRIS
14 Executive Officer
15 Board of Pharmacy
16 Department of Consumer Affairs
17 State of California
18 Complainant

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