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6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

11 SUSAN ELLEN HOWARD-BENNETT  
12 18765 Cherokee Road  
Grass Valley, CA 95949

13 Original Pharmacist License No. 46815

14 Respondent.

Case No. 2747

OAH No. N2005010535

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 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. Complainant brought this action solely in her official capacity and is represented in  
22 this matter by Bill Lockyer, Attorney General of the State of California, by Janice K. Lachman,  
23 Deputy Attorney General.

24 2. Respondent Susan Ellen Howard-Bennett (Respondent) is represented in  
25 this proceeding by attorney Gregory P. Matzen, whose address is Lewis Brisbois Bisgaard &  
26 Smith LLP, 2500 Venture Oaks Way, Suite 200, Sacramento, CA 95833.

27 3. On or about November 8, 1993, the Board of Pharmacy issued Original  
28 Pharmacist License No. 46815 to Susan Ellen Howard-Bennett (Respondent). The license was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 2747 and  
2 will expire on November 30, 2005, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2747 was filed before the Board of Pharmacy (Board),  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on August 3,  
7 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
8 Accusation No. 2747 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and  
11 understands the charges and allegations in Accusation No. 2747. Respondent has also carefully  
12 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
13 Disciplinary Order.

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

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in  
25 Accusation No. 2747.

26 9. Respondent agrees that her Original Pharmacist License is subject to  
27 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the  
28 Disciplinary Order below.



1                   During suspension, Respondent shall not enter any pharmacy area or any portion  
2 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other  
3 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous  
4 drugs and devices or controlled substances are maintained. Respondent shall not practice  
5 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,  
6 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or  
7 be a consultant to any licensee of the Board, or have access to or control the ordering,  
8 manufacturing or dispensing of dangerous drugs and devices or controlled substances.

9                   Respondent shall not engage in any activity that requires the professional  
10 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of  
11 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for  
12 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to  
13 own or hold an interest in any pharmacy in which she holds an interest at the time this decision  
14 becomes effective unless otherwise specified in this order.

15                   \***Suspension Credit:** Respondent shall receive credit towards the one year period  
16 of suspension for relevant time during which Respondent did not practice as a pharmacist.  
17 Accordingly, based upon competent documentary evidence provided, Respondent shall be  
18 credited with one year of suspension served and this condition of probation shall be deemed  
19 fulfilled as of the effective date of the decision in this matter.

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

22                   Respondent shall report any of the following occurrences to the Board, in writing,  
23 within 72 hours of such occurrence:

- 24                   •       an arrest or issuance of a criminal complaint for violation of any provision of the  
25                   Pharmacy Law, state and federal food and drug laws, or state and federal  
26                   controlled substances laws
- 27                   •       a plea of guilty or nolo contendere in any state or federal criminal proceeding to  
28                   any criminal complaint, information or indictment

- 1 • a conviction of any crime
- 2 • discipline, citation, or other administrative action filed by any state and federal
- 3 agency which involves Respondent's license or which is related to the practice
- 4 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
- 5 or charging for any drug, device or controlled substance.

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

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

16 5. **Cooperation with Board Staff.** Respondent shall cooperate with the  
17 Board's inspection program and in the Board's monitoring and investigation of Respondent's  
18 compliance with the terms and conditions of her probation. Failure to comply shall be  
19 considered a violation of probation.

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

22 7. **Notice to Employers.** Respondent shall notify all present and  
23 prospective employers of the decision in case number 2747 and the terms, conditions and  
24 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of  
25 this decision, and within 15 days of Respondent undertaking new employment, Respondent  
26 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
27 writing acknowledging the employer has read the decision in case number 2747.

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1           If Respondent works for or is employed by or through a pharmacy employment  
2 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
3 every pharmacy of the and terms conditions of the decision in case number 2747 in advance of  
4 the Respondent commencing work at each pharmacy.

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

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

13           **9. Reimbursement of Board Costs.** Respondent shall pay to the Board  
14 its costs of investigation and prosecution in the amount \$3,600. Respondent shall make said  
15 payments on a quarterly basis.

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

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

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

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

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

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

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

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

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

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1                   15.    **Violation of Probation.** If Respondent violates probation in any  
2 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke  
3 probation and carry out the disciplinary order which was stayed. If a petition to revoke  
4 probation or an accusation is filed against Respondent during probation, the Board shall have  
5 continuing jurisdiction and the period of probation shall be extended, until the petition to  
6 revoke probation or accusation is heard and decided.

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

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

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

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



1                   18.     **Random Drug Screening.** Respondent, at her own expense, shall  
2 participate in random testing, including but not limited to biological fluid testing (urine,  
3 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.  
4 The length of time shall be for the entire probation period and the frequency of testing will be  
5 determined by the Board. At all times Respondent shall fully cooperate with the Board, and  
6 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,  
7 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as  
8 directed shall constitute a violation of probation. Any confirmed positive drug test shall result  
9 in the immediate suspension of practice by Respondent. Respondent may not resume the  
10 practice of pharmacy until notified by the Board in writing.

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

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

- 21                   Continuous - 75% to 100% of a work week
- 22                   Substantial - At least 50% of a work week
- 23                   Partial - At least 25% of a work week
- 24                   Daily Review - Supervisor's review of probationer's daily activities within 24
- 25                   hours

26                   Within 30 days of the effective date of this decision, Respondent shall have her supervisor  
27 submit notification to the Board in writing stating the supervisor has read the decision in case  
28 number 2747 and is familiar with the level of supervision as determined by the Board.

1                   If Respondent changes employment, Respondent shall have her new supervisor,  
2 within 15 days after employment commences, submit notification to the Board in writing  
3 stating the direct supervisor and pharmacist-in-charge have read the decision in case number  
4 2747 and is familiar with the level of supervision as determined by the Board.

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

7                   **21. No Ownership of Premises.** Respondent shall not own, have any legal  
8 or beneficial interest in, or serve as a manager, administrator, member, officer, director,  
9 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter  
10 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any  
11 entity licensed by the Board within 90 days following the effective date of this decision and  
12 shall immediately thereafter provide written proof thereof to the Board.

13                   **22. No Access to Controlled Substances.** Respondent shall not order,  
14 possess, dispense or otherwise have access to any controlled substance(s) in Schedule II, III,  
15 IV or V (Health and Safety Code sections 11055-11058 inclusive) and shall not order, receive  
16 or retain any triplicate prescription forms. This condition shall be subject to modification as  
17 deemed appropriate by the Pharmacist Recovery Program.

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

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

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ACCEPTANCE

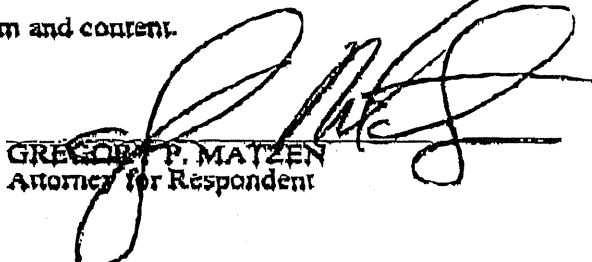
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Gregory P. Matzen. I understand the stipulation and the effect it will have on my Original Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 5/3/05

  
SUSAN ELLEN HOWARD-BENNETT  
Respondent

I have read and fully discussed with Respondent Susan Ellen Howard-Bennett the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/29/05

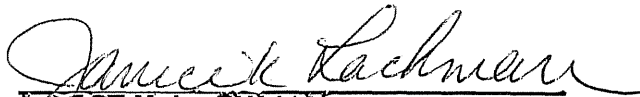
  
GREGORY P. MATZEN  
Attorney for Respondent

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: 5/03/05

BILL LOCKYER, Attorney General  
of the State of California

  
JANICE K. LACHMAN  
Deputy Attorney General  
Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 2747

**SUSAN ELLEN HOWARD-BENNET**  
18765 Cherokee Rd  
Grass Valley, CA 95949

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

Original Pharmacist License No. RPH 46815

Respondent.

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**DECISION AND ORDER**

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

This decision shall become effective on September 2, 2005.

It is so ORDERED on August 3, 2005.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG  
Board President

**Exhibit A**  
**Accusation No. 2747**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JANICE K. LACHMAN, State Bar No. 186131  
Deputy Attorney General  
3 California Department of Justice  
1300 I Street, Suite 125  
4 P.O. Box 944255  
Sacramento, CA 94244-2550  
5 Telephone: (916) 445-7384  
Facsimile: (916) 327-8643  
6 Attorneys for Complainant

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. 2747

12 SUSAN ELLEN HOWARD-BENNETT  
18765 Cherokee Road  
13 Grass Valley, CA 95949

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

14 Original Pharmacist License No. 46815

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

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

22 2. On or about November 8, 1993, the Board of Pharmacy issued Original  
23 Pharmacist License Number 46815 to Susan Ellen Howard-Bennett (Respondent). The Original  
24 Pharmacist License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on November 30, 2005, unless renewed.

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JURISDICTION

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

4. Section 4301 of the Code provides that the Board shall take action against any licensee who is guilty of unprofessional conduct, which is defined by Code section 4301 as including, but as not limited to, any of the following:

- (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.
- (h) The administration to oneself, of any controlled substance....
- (j) The violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs.
- (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.”

5. Section 4059 of the Code provides, in pertinent part, that “[n]o person shall furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. . . .”

6. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.  
"Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, or a physician assistant to order his or her own stock of dangerous drugs and devices.

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1 7. Under section 4022 of the Code, a dangerous drug is defined as any drug  
2 requiring a prescription under federal law.

3 8. Under section 4021 of the Code, a controlled substance is defined as "any  
4 substance listed in Chapter 2...of Division 10 of the Health and Safety Code."

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

### 9 DRUGS

10 10. Morphine, and opiate narcotic used pain relief, is a dangerous drug  
11 pursuant to Business and Professions Code section 4022 as well as a Schedule II Controlled  
12 Substance as defined by Health & Safety Code section 11055(b)(1)(m).

13 11. Phenergan, used to treat nausea, is a dangerous drug pursuant to Business  
14 and Professions Code section 4022.

15 12. Demerol (meperidine), used for pain relief, is a dangerous drug pursuant to  
16 Business and Professions Code section 4022 as well as a Schedule II Controlled Substance as  
17 defined by Health & Safety Code section 11055(c)(17).

### 18 FACTUAL BACKGROUND

19 13. From approximately November 1998, through September 2001,  
20 Respondent worked as a full-time pharmacist at Kaiser Hospital of Roseville. On or about  
21 February 16, 2001, another Kaiser pharmacist reported a suspicious incident involving  
22 Respondent and overfill Demerol in the compounding area of the pharmacy. Respondent was  
23 confronted about the incident by the pharmacist-in-charge. On or about February 24, 2001,  
24 Respondent left Kaiser on an extended medical leave, and on or about August 21, 2001, resigned  
25 her position at Kaiser. Respondent subsequently admitted that for the period from February 2000  
26 through February 2001, she stole waste and overfilled morphine from the Kaiser pharmacy and  
27 injected herself with it, hiding supplies of the morphine at home.

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1                   14.     In or around October 2002, Respondent was hired as a full-time  
2 pharmacist at Sierra Nevada Hospital in Grass Valley, California.   In or around April 2003,  
3 Respondent found a syringe containing morphine in her closet, which she had previously taken  
4 from Kaiser. The next day, Respondent stole a vial of Phenergan injection from Sierra Nevada  
5 Hospital. On or about April 30, 2003, while on vacation in Arizona, Respondent injected herself  
6 with the morphine, using the needle from the Phenergan injection.

7   FIRST CAUSE FOR DISCIPLINE

8   (Dishonest/Corrupt Acts)

9                   15.     Respondent is subject to disciplinary action for unprofessional conduct  
10 under section 4301(f) of the Code in that Respondent committed dishonest and corrupt acts by  
11 stealing controlled substances, dangerous drug(s) and drug paraphernalia while on duty as a  
12 licensed pharmacist at both Kaiser Hospital and Sierra Nevada Hospital, as described in  
13 paragraphs 13 and 14.

14   SECOND CAUSE FOR DISCIPLINE

15   (Unlawful Possession of Controlled Substance)

16                   16.     Respondent is subject to disciplinary action under section 4060 of the  
17 Code in that Respondent had possession of a controlled substance without authorization or a  
18 valid prescription therefor, as more fully set forth in paragraphs 13 and 14.

19   THIRD CAUSE FOR DISCIPLINE

20   (Furnishing Dangerous Drugs)

21                   17.     Respondent is subject to disciplinary action under section 4059 of the  
22 Code in that respondent furnished to herself a dangerous drug(s) without a valid prescription on  
23 file therefor, as more fully set forth in paragraph 14.

24   FOURTH CAUSE FOR DISCIPLINE

25   (Unlawful Administration of Controlled Substance)

26                   18.     Respondent is subject to disciplinary action for unprofessional conduct  
27 under section 4301(h) of the Code in that Respondent administered to herself a controlled  
28 substance, morphine, as more fully set forth in paragraph 14.

1 FIFTH CAUSE FOR DISCIPLINE

2 (Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)

3 19. Respondent is subject to disciplinary action for unprofessional conduct  
4 under section 4301(j) of the Code in that respondent violated statutes regulating controlled  
5 substances and dangerous drugs, including section 4059 and section 4060, as set forth in  
6 paragraphs 13 and 14, and provisions of the Health and Safety Code, as follows:

7 A. Health and Safety Code section 11158, which provides that no  
8 Schedule II, III, IV or V controlled substance may be dispensed without a prescription.

9 B. Health and Safety Code section 11170, which provides that "[n]o  
10 person shall prescribe, administer or furnish a controlled substance for himself.

11 SIXTH CAUSE FOR DISCIPLINE

12 (Violating Laws and Regulations Governing Pharmacy)

13 20. Respondent is subject to disciplinary action under section 4301(o) of the  
14 Code in that Respondent violated the laws and regulations governing pharmacy, as set forth in  
15 paragraphs 15 through 19.

16 PRAYER

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

19 A. Revoking or suspending Original Pharmacist License Number 46815,  
20 issued to Susan Ellen Howard-Bennett;

21 B. Ordering Susan Ellen Howard-Bennett to pay the Board of Pharmacy the  
22 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
23 Professions Code section 125.3, and;

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

DATED: 7/20/04

*P. F. Harris*  
\_\_\_\_\_  
PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant