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6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 SONYA LEE WELLS AKA SONYA LEE
12 FOREST AKA SONYA WELLS ESHBAUGH
13 1407 Hillside Lane
Roseville, California 95661

14 Pharmacist License No. RPH 41039

15 Respondent.

Case No. 2804

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 In the interest of a prompt and speedy settlement of this matter, consistent with the
18 public interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs,
19 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
20 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

21
22 PARTIES

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

26 2. Respondent Sonya Lee Wells aka Sonya Lee Forest aka Sonya Wells
27 Eshbaugh (Respondent) is representing herself in this proceeding and has chosen not to exercise
28 her right to be represented by counsel.

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

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

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

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

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

24 **6. Notice to Employers.** Respondent shall notify all present and
25 prospective employers of the decision in Case Number 2804 and the terms, conditions and
26 restrictions imposed on Respondent by the decision. Within thirty (30) days of the effective
27 date of this decision and within fifteen (15) days of Respondent undertaking new employment,
28 Respondent shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to
the Board in writing acknowledging the employer has read the decision in Case Number 2804.

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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 terms and conditions of the decision in Case Number 2804 in advance
4 of 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
Respondent is considered an employee or independent contractor.

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

11 **8. Reimbursement of Board Costs.** Respondent shall pay to the Board
12 its costs of investigation and prosecution in the amount of \$3,500.00. Payments shall be due
13 on a quarterly basis, with the entire amount to be paid within three (3) years. Failure to make
14 timely payments of Board costs as directed shall be considered a violation of probation.

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

17 **9. Probation Monitoring Costs.** Respondent shall pay the costs
18 associated with probation monitoring as determined by the Board each and every year of
19 probation. Probation monitoring costs are currently estimated at \$520.00 per year, though the
20 Board reserves the right to reimbursement of any actual and/or additional associated costs.
21 Such costs shall be payable to the Board at the end of each year of probation. Failure to pay
22 such costs in a timely manner shall be considered a violation of probation.

23 **10. 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
25 suspension or probation is tolled.

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

1 11. **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 ten (10) days of notification by the Board that the surrender is
10 accepted. Respondent may not reapply for any license from the Board for three (3) years from
11 the effective date of the surrender. Respondent shall meet all requirements applicable to the
12 license sought as of the date the application for that license is submitted to the Board.

13 12. **Notification of Employment/Mailing Address Change.** Respondent
14 shall notify the Board in writing within ten (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 ten (10) days of a change in name, mailing address or phone number. Failure to
18 timely report changes in employment shall be considered a violation of probation.

19 13. **Tolling of Probation.** Should Respondent, regardless of residency, for
20 any reason cease practicing pharmacy for a minimum of forty (40) hours per calendar month
21 in California, Respondent must notify the Board in writing within ten (10) days of cessation of
22 the practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
23 shall not apply to the reduction of the probation period. It shall constitute a violation of
24 probation for Respondent's probation to remain tolled pursuant to the provisions of this
25 condition for a period exceeding three (3) years.

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

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1 14. **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 finally 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 15. **Completion of Probation.** Upon successful completion of probation,
13 Respondent's license will be fully restored.

14 16. **Abstain from Non-Prescribed Drugs and Alcohol Use.** Respondent
15 shall abstain from possession or use of alcohol, controlled substances, dangerous drugs and
16 their associated paraphernalia except when lawfully prescribed by a licensed practitioner as
17 part of a documented medical treatment. Upon request of the Board, Respondent shall provide
18 documentation from the licensed practitioner that the prescription was legitimately issued and
19 is a necessary part of the treatment of the Respondent. Possession or use of a drug for which
20 documentation is not timely provided on request shall constitute a violation of probation.

21 17. **Random Drug Screening.** Respondent shall, at her own expense,
22 participate in random testing, including but not limited to biological fluid testing (urine,
23 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
24 The length of time shall be for the entire probation period and the frequency of testing will be
25 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
26 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
27 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
28 directed shall constitute a violation of probation.

1 Any confirmed positive drug test for a drug not authorized and documented in
2 accordance with paragraph 16 shall result in an immediate suspension of Respondent's license
3 pursuant to paragraph 20. Once a positive test for a non-authorized drug is confirmed,
4 Respondent may not resume the practice of pharmacy until notified by the Board in writing.

5 18. **Mental Health Examinations.** Within sixty (60) days of the effective
6 date of this decision, Respondent shall undergo, at her own expense, evaluations by two (2)
7 Board-appointed or -approved psychiatrists, psychologists or other mental health practitioners
8 experienced in diagnosis and treatment of chemical dependency and alcoholism. Respondent
9 shall sign a release authorizing each to furnish the Board with a written diagnosis and report.

10 Each of the two evaluators shall be furnished with a copy of this decision and
11 of Accusation No. 2804. Each evaluator shall evaluate Respondent and furnish the Board with
12 a written diagnosis and report addressing at least the following questions:

- 13 • Is Respondent currently safe to practice independently as a pharmacist? If not,
14 what steps do you think are necessary to render Respondent safe to practice?
- 15 • Is Respondent currently dependent on or abusing alcohol or any controlled
16 substance or dangerous drug, including but not limited to Talwin or Ultram?
- 17 • In your professional opinion, can Respondent work as a pharmacist while
18 taking Ultram or any other drug for pain management, exercising all of the
19 privileges of a pharmacist license, without compromising public safety? If
20 your answer is conditional or contextual (e.g., only if Respondent is enrolled in
21 the Pharmacists Recovery Program, only if Respondent is subject to workplace
22 monitoring), please specify the conditions or restrictions you recommend.
- 23 • Do you recommend that Respondent enroll in and/or participate in/complete
24 the Pharmacists Recovery Program? Would you recommend any particular
25 mode, type, or intensity of treatment for Respondent?
- 26 • Do you recommend that Respondent engage in individual or group therapy? If
27 so, do you have a specific recommendation about type/intensity of therapy?
- 28 • Do you recommend that Respondent's prescriptions and use of prescription
drugs be monitored?
- Do you recommend that Respondent be required to submit reports to the Board
of total acquisition and disposition by Respondent or her employer(s) of any
and all controlled substances?
- Do you recommend that Respondent be prohibited from ordering, possessing,
dispensing or having access to any controlled substance in Schedules II, III, IV
or V (Health and Safety Code sections 11055-58 inclusive), and/or that she be
prohibited from ordering, receiving or retaining any prescription forms?

- 1
- 2 • Has Respondent attempted pain management modalities other than by use of medication? Are there alternative pain management modalities available?

3 Respondent shall comply with any recommendation made by either of the two
4 (2) approved mental health evaluators if directed by the Board. Where appropriate, any such
5 compliance shall be coordinated by Respondent with her personal physician(s).

6 If either evaluator opines or concludes that Respondent: (a) is not currently safe
7 to practice independently as a pharmacist; (b) is currently dependent on or abusing alcohol, a
8 controlled substance, or a dangerous drug; and/or (c) is currently taking Ultram or any other
9 drug, Respondent's use of that drug compromises her ability to practice pharmacy safely, and
10 Respondent is unable or unwilling to comply with any conditions that would in the evaluator's
11 opinion render her safe to practice independently as a pharmacist while using that drug, then
12 Respondent shall be immediately suspended from practice pursuant to paragraph 20.

13 19. **Psychotherapy.** If either evaluator recommends, and the Board directs,
14 Respondent shall undergo psychotherapy. Respondent shall, within thirty (30) days of written
15 notice of the need for psychotherapy, submit to the Board for its prior approval the name(s)
16 and qualifications of one (1) or more licensed mental health practitioner(s) of Respondent's
17 choice and a recommended program for ongoing psychotherapeutic care. Respondent shall
18 undergo and continue psychotherapy, at Respondent's own expense, until further notice from
19 the Board. Should Respondent, for any reason, cease treatment with the approved licensed
20 mental health practitioner, Respondent shall notify the Board immediately and within thirty
21 (30) days of ceasing treatment submit the name(s) of one (1) or more replacement licensed
22 mental health practitioner(s) of Respondent's choice to the Board for its prior approval.

23 Therapy shall be at least once a week unless otherwise approved by the Board.
24 Respondent shall provide the therapist with copies of the Board's accusation and decision, and
25 the written reports authored by the Board-approved evaluators, no later than the first therapy
26 session. Respondent shall take all necessary steps to ensure that the treating therapist submits
27 written quarterly reports to the Board concerning Respondent's fitness to practice, progress in
28 treatment, and such other information as may be required by the Board.

1 Upon approval of the licensed mental health practitioner(s), Respondent shall
2 undergo and continue treatment with that/those therapist(s) and at Respondent's own expense,
3 until the Board deems that no further psychotherapy is necessary. At any time during the term
4 of therapy, the Board may require Respondent to undergo, at her expense, an evaluation by an
5 independent Board-appointed or -approved licensed mental health practitioner.

6 If a treating therapist finds at any time that Respondent cannot practice safely
7 or independently, the therapist shall notify the Board immediately by telephone and follow up
8 by written letter within three (3) working days. If recommended at any time by Respondent's
9 treating therapist and approved by the Board, Respondent shall be suspended pursuant to
10 paragraph 20 until the treating therapist recommends, in writing, stating the basis therefor, that
11 Respondent can safely practice pharmacy, and the Board approves said recommendation.

12 20. **Suspension.** If a suspension is called for under any paragraph of this
13 decision and order, the following terms shall apply to that suspension: License Number RPH
14 41039, issued to Respondent Sonya Lee Wells, shall be immediately suspended without
15 further notice or opportunity for hearing until such time as Respondent is notified in writing
16 by the Board that Respondent is permitted to resume practice. Respondent shall not practice
17 pharmacy until informed by the Board in writing that this requirement has been met.

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

26 During suspension, Respondent shall not engage in any activity requiring the
27 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of
28 the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician

1 or an exemptee for any entity licensed by the Board. Subject to the above restrictions,
2 Respondent may continue to own or hold an interest in any pharmacy in which she holds an
3 interest at the time this decision becomes effective unless otherwise specified in this order.

4 During suspension, if Respondent leaves California to reside or practice outside
5 the state, for any period exceeding ten (10) days, including vacation, Respondent must notify
6 the Board in writing of the dates of departure and return. Periods of residency or practice
7 outside the state - or any absence exceeding a period of ten (10) days - shall not apply to the
8 reduction of the suspension period.

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

11 21. **Prescription Monitoring.** If either evaluator recommends, and the
12 Board directs, Respondent shall submit to the Board, for its prior approval, the name and
13 qualifications of a single physician, nurse practitioner, physician assistant, or psychiatrist of
14 Respondent's choice, who shall be aware of Respondent's history with the use of alcohol,
15 controlled substances, and/or dangerous drugs and who will coordinate and monitor any
16 prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering
17 drugs. The coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall
18 report to the Board on a quarterly basis for the duration of probation Respondent's compliance
19 with this condition. If any substances considered addictive have been prescribed, the report
20 shall identify a program for the time limited use of any such substances. The Board may
21 require that the single coordinating physician, nurse practitioner, physician assistant or
22 psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.

23 22. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**
24 If either evaluator recommends, and the Board directs, Respondent shall, within thirty (30)
25 days of the effective date of this decision, contact the Pharmacists Recovery Program (PRP)
26 for evaluation and shall successfully participate in and complete the treatment contract and
27 any subsequent addendums as recommended and provided by the PRP and as approved by the
28 Board. The costs for PRP participation shall be borne by the Respondent.

1 If Respondent is currently enrolled in the PRP, said participation is now
2 mandatory and is no longer considered a self-referral under Business and Professions Code
3 section 4363, as of the effective date of this decision. Respondent shall successfully
4 participate in and complete her current contract and any subsequent addendums with the PRP.

5 Probation shall be automatically extended until Respondent successfully
6 completes her treatment contract. If Respondent is terminated from the program, she shall be
7 automatically suspended upon notice by the Board pursuant to paragraph 20. Respondent may
8 not resume the practice of pharmacy until notified by the Board in writing. The Board shall
9 retain jurisdiction to institute action to terminate probation for any violation of this term.

10 23. **Report of Controlled Substances.** If either evaluator recommends,
11 and the Board directs, Respondent shall submit reports to the Board of total acquisition and
12 disposition by Respondent or her employer(s) of such controlled substances as the Board may
13 direct. Respondent shall specify manner of disposition (e.g., prescription, burglary, etc.) or
14 acquisition (e.g., from manufacturer, another retailer, etc.) of such controlled substances.
15 Respondent shall report on a quarterly basis or as directed by the Board. The report shall be
16 delivered or mailed to the Board no later than ten (10) days after the reporting period.

17 24. **No Access to Controlled Substances.** If either evaluator recommends,
18 and the Board directs, Respondent shall not order, possess, dispense or have access to any
19 controlled substance in Schedule II, III, IV or V. Upon recommendation and Board direction,
20 Respondent shall also not order, receive or retain any prescription forms.

21 25. **Reduction of Probation Period.** The base period of probation (subject
22 to any tolling or extensions) shall be reduced to three (3) years if all of the following occur:

- 23 • both evaluators opine or conclude that Respondent is currently safe to practice
24 independently as a pharmacist;
- 25 • both evaluators opine or conclude that Respondent is not now dependent on or
26 abusing alcohol, any controlled substance, or any dangerous drug; and
- 27 • if Respondent is currently using Ultram or any other drug, both evaluators
28 opine or conclude that Respondent's current use does not compromise her
ability to practice pharmacy safely.

The reduction shall be effective upon written notification thereof by the Board.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my 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: 4/26/05



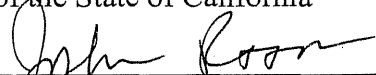
SONYA LEE WELLS AKA SONYA LEE FOREST
AKA SONYA WELLS ESHBAUGH
Respondent

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: 4/29/05

BILL LOCKYER, Attorney General
of the State of California



JOSHUA A. ROOM
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SF2004401269;40054308.wpd

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

In the Matter of the Accusation Against:

SONYA LEE WELLS AKA SONYA LEE
FOREST AKA SONYA WELLS ESHBAUGH
1407 Hillside Lane
Roseville, California 95661

Pharmacist License No. RPH 41039

Respondent.

Case No. 2804

OAH No.

DECISION AND ORDER

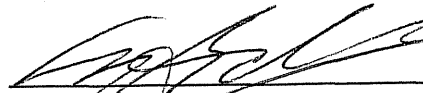
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 1, 2005.

It is so ORDERED June 1, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2804

1 BILL LOCKYER, Attorney General
of the State of California
2 JOSHUA A. ROOM, State Bar No. 214663
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-1299
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 SONYA LEE WELLS AKA SONYA LEE
FOREST AKA SONYA WELLS ESHBAUGH
12 1407 Hillside Lane
Roseville, California 95661
13 Pharmacist License No. RPH 41039
14 Respondent.

Case No. 2804

OAH No.

A C C U S A T I O N

16 Complainant alleges:

17 PARTIES

- 18 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
19 official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs.
20 2. On or about August 17, 1987, the Board of Pharmacy issued Pharmacist
21 License No. RPH 41039 to Sonya Lee Wells aka Sonya Lee Forest aka Sonya Wells Eshbaugh
22 (Respondent). The Pharmacist License was in full force and effect at all times relevant to the
23 charges brought herein and will expire on September 30, 2006, unless renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board of Pharmacy (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
28

1 FIRST CAUSE FOR DISCIPLINE

2 (Acts Involving Dishonesty, Deceit or Corruption)

3 20. Respondent is subject to disciplinary action under section 4301(f) of the
4 Code in that, as described in paragraphs 17-19 above, in and between 2000 and 2002 Respondent
5 committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, dishonestly
6 appropriating without permission Talwin NX tablets from the stock of her pharmacy employer.

7 SECOND CAUSE FOR DISCIPLINE

8 (Unlawful Self-Administration of a Controlled Substance)

9 21. Respondent is subject to disciplinary action under section 4301(h) and/or
10 section 4059 of the Code, and/or Health and Safety Code section 11170, in that, as described in
11 paragraphs 17-19 above, in and between 2000 and 2002 Respondent unlawfully furnished and/or
12 administered to herself unknown quantities of Talwin NX, a controlled substance.

13 THIRD CAUSE FOR DISCIPLINE

14 (Unlawful Possession of a Controlled Substance)

15 22. Respondent is subject to disciplinary action under section 4301(j) and/or
16 4301(o) of the Code in that, as described in paragraphs 17-19 above, in and between 2000 and
17 2002 Respondent violated and/or attempted to violate controlled substance and pharmacy laws
18 by: (a) possessing Talwin NX, a controlled substance, without a prescription or drug order, in
19 violation of section 4060 of the Code and/or Health and Safety Code section 11350(a); and by (b)
20 obtaining controlled substances (Talwin NX) by fraud, deceit, misrepresentation, subterfuge, or
21 concealment of a material fact, in violation of Health and Safety Code section 11173(a).

22 FOURTH CAUSE FOR DISCIPLINE

23 (Working as Pharmacist While Under the Influence)

24 23. Respondent is subject to disciplinary action under section 4301(j) and/or
25 4301(o) of the Code in that, as described in paragraphs 17-19 above, in and between 2000 and
26 2002 Respondent violated and/or attempted to violate controlled substance and pharmacy laws by
27 being on duty dispensing, selling or compounding drugs while under the influence of a dangerous
28 drug (Talwin NX, also a controlled substance), in violation of section 4327 of the Code.

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 1. Revoking or suspending Pharmacist License Number RPH 41039, issued
5 to Sonya Lee Wells aka Sonya Lee Forest aka Sonya Wells Eshbaugh (Respondent).
6 2. Ordering Respondent to pay the Board of Pharmacy its reasonable costs of
7 investigation and enforcement, pursuant to Business and Professions Code section 125.3; and
8 3. Taking such other and further action as is deemed necessary and proper.

9 DATED: 12/31/04

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11 

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

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17 40042104.wpd

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