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8 Attorneys for Complainant

9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 ALAN CHRISTOPHER SMALL, RPH  
20647 Mesa Oaks Drive  
13 Riverside, CA 92508

14 Pharmacist License No. 45083

15 Respondent.

Case No. 2864

OAH No. L-2006030019

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 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. She brought this action solely in her official capacity and is represented in this matter  
22 by Bill Lockyer, Attorney General of the State of California, by Susan Fitzgerald, Deputy  
23 Attorney General.

24 2. Respondent Alan Christopher Small, RPH (Respondent) is represented in this  
25 proceeding by attorney Herbert L. Weinberg, whose address is Van Etten, Suzumoto & Beckett  
26 LLP, 1620 26th Street, Suite 6000 North, Santa Monica, CA 90404.

27 3. On or about March 17, 1992, the Board of Pharmacy issued Pharmacist License  
28 No. 45083 to Alan Christopher Small, RPH (Respondent). The license was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 2864 and will expire on  
2 February 28, 2006, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2864 was filed before the Board of Pharmacy (Board), and is  
5 currently pending against Respondent. The Accusation and all other statutorily required  
6 documents were properly served on Respondent on December 27, 2005. Respondent timely filed  
7 his Notice of Defense contesting the Accusation. A copy of Accusation No. 2864 is attached as  
8 exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 2864. Respondent has also carefully read, fully  
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
13 Order.

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

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

23 CULPABILITY

24 8. Respondent admits the truth of each charge and allegation in Accusation No.  
25 2864.

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



1 if any, as the Board's Diversion Program may prescribe.

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

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

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

18 Respondent shall report any of the following occurrences to the Board, in writing, within  
19 72 hours of such occurrence:

- 20 • an arrest or issuance of a criminal complaint for violation of any provision of the  
21 Pharmacy Law, state and federal food and drug laws, or state and federal  
22 controlled substances laws
- 23 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to  
24 any criminal complaint, information or indictment
- 25 • a conviction of any crime
- 26 • discipline, citation, or other administrative action filed by any state and federal  
27 agency which involves Respondent's license or which is related to the practice  
28 of pharmacy or the manufacturing, obtaining, handling or distribution or billing

1 or charging for any drug, device or controlled substance.

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

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

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

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

17 7. **Notice to Employers.** Respondent shall notify all present and prospective  
18 employers of the decision in case number 2864 and the terms, conditions and restrictions  
19 imposed on Respondent by the decision. Within 30 days of the effective date of this decision,  
20 and within 15 days of Respondent undertaking new employment, Respondent shall cause his  
21 direct supervisor, pharmacist-in-charge and/or owner to report to the Board in writing  
22 acknowledging the employer has read the decision in case number 2864.

23 If Respondent works for or is employed by or through a pharmacy employment  
24 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
25 every pharmacy of the and terms conditions of the decision in case number 2864 in advance of  
26 the Respondent commencing work at each pharmacy.

27 "Employment" within the meaning of this provision shall include any full-time, part-  
28 time, temporary, relief or pharmacy management service as a pharmacist, whether the

1 Respondent is considered an employee or independent contractor.

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

6 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board its costs  
7 of investigation and prosecution in the amount of \$4,100.00. Respondent shall make said  
8 payments as follows: quarterly with his probation reporting to the Board (condition #3 above).

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

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

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

18 If Respondent's license expires or is cancelled by operation of law or otherwise, upon  
19 renewal or reapplication, Respondent's license shall be subject to all terms and conditions of  
20 this probation not previously satisfied.

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

28 Upon acceptance of the surrender, Respondent shall relinquish his pocket license to the

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

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

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

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

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

26       If Respondent has not complied with any term or condition of probation, the Board  
27 shall have continuing jurisdiction over Respondent, and probation shall automatically be  
28 extended until all terms and conditions have been satisfied or the Board has taken other action

1 as deemed appropriate to treat the failure to comply as a violation of probation, to terminate  
2 probation, and to impose the penalty which was stayed.

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

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

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

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



1 practice of pharmacy until notified by the Board in writing.

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

8 18. **Supervised Practice.** Respondent shall practice only under the supervision of  
9 a pharmacist not on probation with the Board. Respondent shall not practice until the  
10 supervisor is approved by the Board. The supervision shall be, as required by the Board or as  
11 otherwise recommended by the PRP, either:

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

13 Substantial - At least 50% of a work week

14 Partial - At least 25% of a work week

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

17 Within 30 days of the effective date of this decision, Respondent shall have his  
18 supervisor submit notification to the Board in writing stating the supervisor has read the  
19 decision in case number 2864 and is familiar with the level of supervision as determined by  
20 the Board.

21 If Respondent changes employment, Respondent shall have his new supervisor, within  
22 15 days after employment commences, submit notification to the Board in writing stating the  
23 direct supervisor and pharmacist-in-charge have read the decision in case number 2864 and is  
24 familiar with the level of supervision as determined by the Board.

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

26 19. **No Ownership of Premises.** Respondent shall not own, have any legal or  
27 beneficial interest in, or serve as a manager, administrator, member, officer, director,  
28 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter

1 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any  
2 entity licensed by the Board within 90 days following the effective date of this decision and  
3 shall immediately thereafter provide written proof thereof to the Board.


4 20. **Tolling of Suspension.** If Respondent leaves California to reside or practice  
5 outside this state, for any period exceeding 10 days (including vacation), Respondent must  
6 notify the Board in writing of the dates of departure and return. Periods of residency or  
7 practice outside the state - or any absence exceeding a period of 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 notified by  
10 the Board that the period of suspension has been completed.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order  
13 and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the  
14 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated  
15 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
16 bound by the Decision and Order of the Board of Pharmacy.

17 DATED: 5-22, 2006.

18  
19   
20 ALAN CHRISTOPHER SMALL, RPH  
Respondent

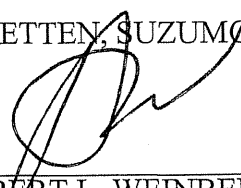
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I have read and fully discussed with Respondent Alan Christopher Small, RPH the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: May 22, 2006.

VAN ETTEN, SUZUMOTO & BECKETT, LLP

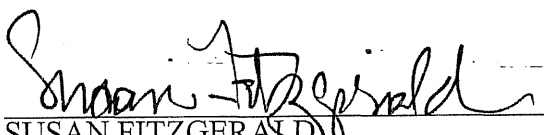
  
\_\_\_\_\_  
HERBERT L. WEINBERG  
Attorney for Respondent

ENDORSEMENT

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

DATED: May 24, 2006.

BILL LOCKYER, Attorney General  
of the State of California

  
\_\_\_\_\_  
SUSAN FITZGERALD  
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE  
BOARD OF PHARMACY  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ALAN CHRISTOPHER SMALL, RPH  
20647 Mesa Oaks Drive  
Riverside, CA 92508

Pharmacist License No. 45083

Respondent.

Case No. 2864

OAH No. L-2006030019

**DECISION AND ORDER**

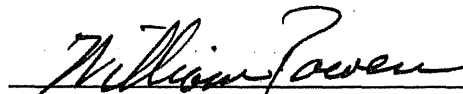
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, as its Decision in this matter.

This Decision shall become effective on August 24, 2006.

It is so ORDERED July 25, 2006.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



WILLIAM POWERS

Board President

**Exhibit A**  
**Accusation No. 2864**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
3 California Department of Justice  
110 West "A" Street, Suite 1100  
4 San Diego, CA 92101

5 P.O. Box 85266  
San Diego, CA 92186-5266  
6 Telephone: (619) 645-2066  
Facsimile: (619) 645-2061

7 Attorneys for Complainant  
8

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

12 In the Matter of the Accusation Against:

Case No. 2864

13 ALAN CHRISTOPHER SMALL, RPH  
20647 Mesa Oaks Drive  
14 Riverside, CA 92508

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

15 Pharmacist License No. 45083

16 Respondent.

17 Complainant alleges:  
18

19 **PARTIES**

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

22 2. On or about March 17, 1992, the Board of Pharmacy issued Pharmacist License  
23 Number 45083 to Alan Christopher Small, RPH (Respondent). The Pharmacist license was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on  
25 February 28, 2006, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Pharmacy (Board), under the  
28 authority of the following sections of the Business and Professions Code:

1 A. Section 4301 of the Code states in pertinent part:

2 "The board shall take action against any holder of a license who is guilty of  
3 unprofessional conduct or whose license has been procured by fraud or misrepresentation or  
4 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
5 following:

6 ". . . .

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

10 ". . . .

11 "(j) The violation of any of the statutes of this state or of the United States regulating  
12 controlled substances and dangerous drugs.

13 ". . . .

14 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
15 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
16 federal and state laws and regulations governing pharmacy, including regulations established by  
17 the board.

18 ". . . ."

19 B. Section 4059 of the Code provides in pertinent part that no person may furnish a  
20 dangerous drug except upon valid prescription.

21 C. Section 4060 of the Code states in pertinent part:

22 "No person shall possess any controlled substance, except that furnished to a person upon  
23 the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug  
24 order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner  
25 pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This section  
26 shall not apply to the possession of any controlled substance by a manufacturer, wholesaler,  
27 pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse practitioner,  
28 or physician assistant, when in stock in containers correctly labeled with the name and address of

1 the supplier or producer.

2 ". . . ."

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

7 4. This Accusation also refers to the following sections of the Health & Safety Code  
8 (H&S Code):

9 A. H&S Code section 11170 provides that "[n]o person shall prescribe, administer,  
10 or furnish a controlled substance for himself."

11 B. H&S Code section 11173 states in pertinent part:

12 "(a) No person shall obtain or attempt to obtain controlled substances, or procure or  
13 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,  
14 deceit, misrepresentation, or subterfuge. . . .

15 ". . . ."

16 **DRUGS**

17 5. The following are all dangerous drugs, pursuant to Business & Professions  
18 Code section 4022 and are also controlled substances, if so identified below:

19 A. Hydrocodone, a narcotic drug, with acetaminophen 10/500 mg., a brand name for  
20 which is "Lortab," is a Schedule III controlled substance under H&S Code section  
21 11056;

22 B. Hydrocodone, a narcotic drug, with acetaminophen 10/325 mg., a brand name for  
23 which is "Norco," is a Schedule III controlled substance under H&S Code section  
24 11056;

25 C. "Vicodin" is a Schedule III controlled substance under H&S Code section 11056;

26 D. Methylphenidate 10 and 20 mg., a brand name for which is "Ritalin," is a  
27 Schedule II controlled substance under H&S Code section 11055;

28 ///



- 1 E. Butalbital/aspirin/caffeine, a brand name for which is "Fiorinal," is a Schedule III  
2 controlled substance under H&S Code section 11056;
- 3 F. Diphenoxylate is a Schedule V controlled substance under H&S Code section  
4 11058;
- 5 G. Phentermine 15 and 30 mg. is a Schedule IV controlled substance under H&S  
6 Code section 11057;
- 7 H. Amitriptyline 10 mg. is a dangerous drug under Business & Professions Code  
8 section 4022;
- 9 I. Neurontin 300 mg. is a dangerous drug under Business & Professions Code  
10 section 4022;
- 11 J. Prenavite is a dangerous drug under Business & Professions Code section 4022;
- 12 K. Pseudoephedrine 60 mg. is a dangerous drug under Business & Professions Code  
13 section 4022;
- 14 L. "Viagra" is a dangerous drug under Business & Professions Code section 4022;
- 15 M. Ibuprofen 400 and 800 mg. is a dangerous drug under Business & Professions  
16 Code section 4022.

17 **CHARGES AND ALLEGATIONS**

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct: Acts of Moral Turpitude, Dishonesty,  
20 Fraud, Deceit, or Corruption)**

21 6. Respondent is subject to disciplinary action under section 4301(f) in that over at  
22 least a year's time, in approximately 2003, Respondent stole controlled substances and dangerous  
23 drugs from various Rite Aid pharmacies in southern California for which he worked as a  
24 "floater" pharmacist. He furnished these drugs to himself and on one occasion in December,  
25 2003, was observed to ingest some of the stolen drugs. The stolen drugs include those listed  
26 above in paragraph 5.

27 ///

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Illegal Furnishing of Controlled Substances)**

3 7. Respondent is subject to disciplinary action under section 4301(j) in conjunction  
4 with H&S Code section 11170 in that he illegally furnished controlled substances, to wit, Ritalin  
5 (methylphenidate), Norco (hydrocodone/acetaminophen 10/325), hydrocodone/acetaminophen  
6 10/500, butalbital/aspirin/caffeine, diphenoxylate, and phentermine to himself, as alleged in  
7 paragraph 6 above and incorporated herein by reference.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct: Obtaining Controlled Substances by Fraud, Deceit, Etc.)**

10 8. Respondent is subject to disciplinary action under section 4301(j) in conjunction  
11 with H&S Code section 11173 in that his theft of controlled substances, to wit Ritalin  
12 (methylphenidate), Norco (hydrocodone/acetaminophen 10/325), hydrocodone/acetaminophen  
13 10/500, butalbital/aspirin/caffeine, diphenoxylate, and phentermine, constitutes obtaining them  
14 by fraud, deceit, misrepresentation or subterfuge. Paragraph 6 above is incorporated herein by  
15 reference.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct: Possession of Controlled Substances Without an Rx)**

18 9. Respondent is subject to disciplinary action under section 4301(o) in conjunction  
19 with Code section 4060 for possessing controlled substances without a prescription, to wit  
20 Ritalin (methylphenidate), Norco (hydrocodone/acetaminophen 10/325),  
21 hydrocodone/acetaminophen 10/500, butalbital/aspirin/caffeine, diphenoxylate, and phentermine.  
22 Paragraph 6 above is incorporated herein by reference.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct: Illegal Furnishing of Dangerous Drugs)**

25 10. Respondent is subject to disciplinary action under section 4301(o) in conjunction  
26 with Code section 4059 for furnishing himself various dangerous drugs without a prescription, to  
27 wit Ritalin (methylphenidate), Norco (hydrocodone/acetaminophen 10/325),

28 ///

1 hydrocodone/acetaminophen 10/500, butalbital/aspirin/caffeine, diphenoxylate, and phentermine.  
2 Paragraph 6 above is incorporated herein by reference.

3 **PRAYER**

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

6 1. Revoking or suspending Pharmacist License Number 45083, issued to Alan  
7 Christopher Small, RPH;

8 2. Ordering Alan Christopher Small, RPH to pay the Board of Pharmacy the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3;

11 3 Taking such other and further action as deemed necessary and proper.

12  
13  
14  
15 DATED: 12/16/05

16  
17 P. F. Harris  
18 PATRICIA F. HARRIS  
19 Executive Officer  
20 Board of Pharmacy  
21 State of California  
22 Complainant  
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