

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

In the Matter of the Accusation Against:

ROBERT THOMAS HALL
9631 Cow Pony Drive
Las Vegas, Nevada 89123

Pharmacist License No. RPH 32860

Respondent.

Case No. 2989

OAH No. N2007100790

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 February 13, 2008.

It is so ORDERED January 14, 2008.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
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4 California Department of Justice
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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 ROBERT THOMAS HALL
9631 Cow Pony Drive
13 Las Vegas, Nevada 89123

14 Pharmacist License No. RPH 32860

15 Respondent.

Case No. 2989

OAH No. N2007100790

**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 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
24 by Edmund G. Brown Jr., Attorney General of the State of California, by Joshua A. Room,
25 Deputy Attorney General.

26 2. Respondent Robert Thomas Hall (Respondent) is represented in this
27 proceeding by attorney Gregory P. Matzen, whose address is Lewis Brisbois Bisgaard & Smith
28 LLP - Sacramento, 2500 Venture Oaks Way, Suite 200, Sacramento, CA 95833.

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 be
7 a consultant to any licensee of the Board, or have access to or control ordering, manufacturing or
8 dispensing of dangerous drugs and devices or controlled substances.

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

15 2. **Obey All Laws.** Respondent shall obey all state and federal laws and
16 regulations substantially related to or governing the practice of pharmacy. Respondent shall
17 report any of the following to the Board, in writing, within seventy-two (72) hours:

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

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1 Any violation of pertinent law or any failure to timely report to the Board in
2 writing any of the foregoing occurrences shall be considered a violation of probation.

3 3. **Reporting to the Board.** Respondent shall report to the Board on a
4 quarterly basis, in person or in writing, as directed. In each such report, Respondent shall state
5 under penalty of perjury whether there has been compliance with all the terms and conditions
6 of probation. Failure to make any report timely and complete as directed shall be considered a
7 violation of probation. If the final probation report is not made as directed, probation shall be
8 extended automatically until such time as the final report is made and accepted by the Board.

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

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

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

19 7. **Notice to Employers.** Respondent shall notify all present and
20 prospective employers of the decision in Case Number 2989 and the terms, conditions and
21 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
22 this decision, and within 15 days of Respondent undertaking new employment, Respondent
23 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
24 writing acknowledging the employer has read the decision in Case Number 2989.

25 If Respondent works for or is employed by or through a pharmacy employment
26 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
27 every pharmacy of the and terms conditions of the decision in Case Number 2989 in advance
28 of the Respondent commencing work at each pharmacy.

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

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

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

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

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

17 11. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**

18 Within thirty (30) days of the effective date of this decision, Respondent shall
19 contact the Pharmacists Recovery Program (PRP) for evaluation and shall successfully
20 participate in and complete the treatment contract and any subsequent addendums as
21 recommended and provided by the PRP and as approved by the Board. The costs for PRP
22 participation shall be borne by the Respondent. If Respondent is currently enrolled in the
23 PRP, said participation is now mandatory and is no longer considered a self-referral under
24 Business and Professions Code section 4363, as of the effective date of this decision.
25 Respondent shall hereafter successfully participate in and complete his current contract and
26 any subsequent addendums with the PRP. Probation shall be automatically extended until
27 Respondent successfully completes any such treatment contract(s).

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1 If Respondent is terminated from the program, his license to practice shall be
2 automatically suspended upon notice by the Board. Respondent may not resume the practice
3 of pharmacy until notified by the Board in writing. The Board shall retain jurisdiction to
4 institute action to terminate probation for any violation of this term.

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

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

21 **14. Ethics Counseling.** Within ninety (90) days of the effective date of
22 this decision, Respondent shall commence one-on-one ethics counseling with a mental health
23 practitioner or other counselor approved by the Board or its designee. Respondent shall then
24 complete an approved course up to twenty-five (25) hours of one-on-one counseling within
25 one (1) year from the effective date. All costs shall be borne by Respondent. Probation shall
26 be automatically extended until required hours of counseling are completed and written proof,
27 in a form acceptable to the Board, is provided to the Board. Failure to timely commence or
28 complete, or submit proof of completion, shall be considered a violation of probation.

1 15. **Supervised Practice.** Respondent shall practice only under supervision
2 of a pharmacist not on probation with the Board. Respondent shall not practice until the
3 supervisor is approved by the Board. Supervision shall be, as required by the Board, either:

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

5 Substantial - At least 50% of a work week

6 Partial - At least 25% of a work week

7 Daily Review - Supervisor review of daily activities within 24 hours

8 Within thirty (30) days of the effective date of this decision, Respondent shall
9 have his supervisor submit notification to the Board in writing stating the supervisor has read
10 the decision in Case Number 2989 and is familiar with the level of supervision required.

11 If Respondent changes employment, Respondent shall have his new supervisor,
12 within fifteen (15) days after employment commences, submit notification to the Board in
13 writing stating the direct supervisor and pharmacist-in-charge have read the decision in Case
14 Number 2989 and are familiar with the level of supervision as determined by the Board.

15 16. **Notification of Employment/Mailing Address Change.** Respondent
16 shall notify the Board in writing within ten (10) days of any change of employment. Said
17 notification shall include the reasons for leaving and/or the address of the new employer,
18 supervisor or owner and work schedule if known. Respondent shall notify the Board in
19 writing within ten (10) days of a change in name, mailing address or phone number. Failure to
20 timely provide either notification to the Board shall be considered a violation of probation.

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

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

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1 18. **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 his 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 the probation set forth herein. Upon acceptance of the surrender,
8 Respondent shall relinquish his pocket license to the Board within ten (10) days of notification
9 by the Board that the surrender of the license is accepted.

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

13 19. **Tolling of Probation.** Except during his suspension, Respondent shall
14 work at least forty (40) hours as a pharmacist in each calendar month and at least an average
15 of eighty (80) hours per month in any six (6) consecutive months. Failure to do so will be
16 considered a violation of probation. If Respondent has not complied with this condition
17 during the probationary term, and Respondent has presented sufficient documentation of his
18 good faith efforts to comply with this condition, and if no other conditions have been violated,
19 the Board, in its discretion, may grant an extension of Respondent's probation period of up to
20 one (1) year without further hearing in order to comply with this condition.

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

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

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20. **Tolling of Suspension.** If Respondent leaves California to reside or practice outside this state, for any period exceeding ten (10) days (including vacation), he must notify the Board in writing of the dates of departure and return. Any period(s) of residency or practice outside the state - or any absence exceeding a period of ten (10) days - shall not apply to reduction of the suspension period. Respondent shall not practice pharmacy upon returning to this state until notified by the Board that the period of suspension has been completed.

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

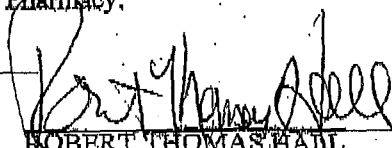
If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the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

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

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 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.

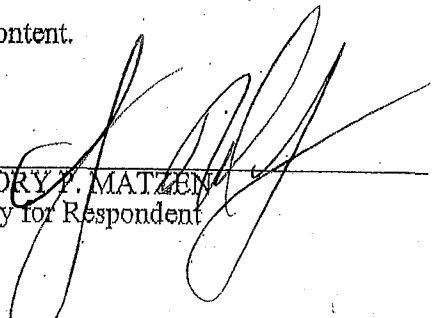
DATED: 11-24-07


ROBERT THOMAS HAHL
Respondent

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I have read and fully discussed with Respondent Robert Thomas Hall the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/5/07



GREGORY F. 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: 11/29/07

EDMUND G. BROWN JR., Attorney General
of the State of California

FRANK H. PACOE
Supervising Deputy Attorney General



JOSHUA A. ROOM
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SF2006401249
40181420.wpd

Exhibit A
Accusation No. 2989

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
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4 California Department of Justice
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7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 2989

13 ROBERT THOMAS HALL
14 9631 Cow Pony Drive
15 Las Vegas, Nevada 89123

OAH No.

A C C U S A T I O N

16 Pharmacist License No. RPH 32860

Respondent.

17 Complainant alleges:

PARTIES

18 1. Virginia Herold (Complainant) brings this Accusation solely in her official
19 capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about August 7, 1979, the Board of Pharmacy issued Pharmacist
21 License Number RPH 32860 to Robert Thomas Hall (Respondent). License No. RPH 32860 was
22 in full force and effect at all times relevant to the charges brought herein, and will expire on
23 October 31, 2008, unless renewed.

JURISDICTION

24
25
26 3. This Accusation is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code (Code) unless otherwise indicated.

1 4. Section 4011 of the Code provides that the Board shall administer and
2 enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled
3 Substances Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the
5 Board may be suspended or revoked.

6 6. Section 118(b) of the Code provides, in pertinent part, that the suspension,
7 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
8 proceed with a disciplinary action during the period within which the license may be renewed,
9 restored, reissued or reinstated. Section 4402(a) of the Code provides that any pharmacist license
10 that is not renewed within three years following its expiration may not be renewed, restored, or
11 reinstated and shall be canceled by operation of law at the end of the three-year period.

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STATUTORY PROVISIONS

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15 7. Section 4301 of the Code provides, in pertinent part, that the Board shall
16 take action against any holder of a license who is guilty of “unprofessional conduct,” defined to
17 include, but not be limited to, any of the following:

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...

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

21

22 “(g) Knowingly making or signing any certificate or other document that falsely
23 represents the existence or nonexistence of a state of facts.

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25 “(j) The violation of any of the statutes of this state, of any other state, or of the
26 United States regulating controlled substances and dangerous drugs.

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1 17. Health and Safety Code section 11377, in pertinent part, makes it unlawful
2 to possess certain Schedule I-III controlled substances, or any controlled substance in Schedules
3 III-V which is not a narcotic drug, unless upon written prescription of an authorized prescriber.

4 18. Section 4115 of the Code provides, in pertinent part, that a pharmacy
5 technician may perform certain nondiscretionary tasks, only while assisting, and while under the
6 direct supervision and control of a pharmacist, and provides that the pharmacist on duty shall be
7 directly responsible for the conduct of a pharmacy technician supervised by that pharmacist.

8 19. California Code of Regulations, title 16, section 1793.1 provides, in
9 pertinent part, that only a pharmacist or an intern pharmacist under pharmacist supervision may
10 supervise packaging of drugs and check the packaging procedure and product upon completion.

11 20. California Code of Regulations, title 16, section 1793.7 requires, in
12 pertinent part, that functions performed by a pharmacy technician in connection with dispensing
13 a prescription must be verified and documented in writing by a pharmacist, and the pharmacist
14 must indicate verification by initialing the prescription label before the medication is dispensed.

15 21. Section 125.3 of the Code provides, in pertinent part, that the Board may
16 request the administrative law judge to direct a licensee found to have committed a violation of
17 the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

18
19 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

20 22. Section 4021 of the Code states:

21 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing
22 with Section 11053) of Division 10 of the Health and Safety Code.”

23 23. Section 4022 of the Code states, in pertinent part:

24 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for
25 self-use, except veterinary drugs that are labeled as such, and includes the following:

26 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
27 without prescription,’ ‘Rx only,’ or words of similar import.

28 ...

1 31. On or about March 20, April 15, and May 7, 2003, at Lima's pharmacy,
2 Respondent filled and furnished to himself, and/or supervised another's filling and furnishing to
3 Respondent of, refill prescriptions in his own name, each of the three (3) for forty (40) tablets of
4 **Hydrocodone with APAP 10/325**. These refills were not authorized by the prescriber.

5 32. On or about April 15 and May 7, 2003, Respondent was the pharmacist on
6 duty at Lima's. On each date, prescriptions in Respondent's name for forty (40) **Hydrocodone**
7 **with APAP 10/325** tablets were entered into the database, filled, and furnished to Respondent,
8 but the only identifying information on the prescription labels was that of a pharmacy technician,
9 and the label was not initialed by Respondent to show verification before the drug was dispensed.

10 33. For a period of time including but not necessarily limited to between in or
11 about April 2005 and in or about November 2005, Respondent was employed as a pharmacist at
12 a Longs Drug Store (PHY 46012; Longs # 582) in Eureka, California.

13 34. On or about April 4, 2005, Respondent was the sole pharmacist on duty at
14 Longs # 582. On that date, he transferred and/or supervised transfer of the one remaining refill
15 on a prescription (Rx # 172065) in his own name for **Hydrocodone with APAP 10/325** from
16 another Longs Drug Store (PHY 16900; Longs # 65) in Eureka, California. Rather than enter his
17 initials as the authorizing pharmacist, Respondent entered and/or supervised entry into the Longs
18 # 582 computer the initials of the Pharmacist in Charge (Mr. Miller) for that store as authorizing
19 the transfer, when in fact Mr. Miller was not on duty on that date and had not authorized transfer.
20 Respondent further entered and/or supervised entry into the computer at Longs # 582 a notation
21 that dispensing of this refill roughly fourteen (14) days earlier than expected given the number of
22 tablets and the dosing instructions on the original prescription had been authorized by "MD," the
23 prescribing physician, when the prescriber had not provided authorization. Respondent filled and
24 furnished the drugs to himself, and/or supervised the filling and furnishing of the prescription.

25 35. On or about April 18, 2005, Respondent contacted the office of his treating
26 physician, Dr. Elizabeth Steltz, requesting and receiving authorization for an early refill of his
27 prescription (Rx # 172065) for **Hydrocodone with APAP 10/325** that he had already transferred
28 and filled early without authorization. He did not disclose his transfer and early refill thereof.

1 36. Based in part on the foregoing conduct, by letter dated April 21, 2005, Dr.
2 Steltz informed Respondent that "a therapeutic relationship no longer exists between you and our
3 office. Continuing care will no longer be available from the physicians at [this office]. . . ."

4 37. On or about April 25, 2005, while at Longs # 582, Respondent transferred
5 and/or supervised the transfer of a refill prescription in his wife's name for **Hydrocodone with**
6 **APAP 10/325** from Longs # 65. Rather than enter his own initials as the authorizing pharmacist,
7 Respondent entered and/or supervised entry into the Longs computer of Mr. Miller's initials as
8 authorizing transfer. Mr. Miller was not on duty on that date and had not authorized the transfer.

9 38. Following the termination of his care by Dr. Steltz on or about April 21,
10 2005, on or about May 5, 2005, while on duty at Longs # 582, Respondent transferred and/or
11 supervised the transfer of two (2) prescriptions in his own name from Longs # 65 that had been
12 written for Respondent by Dr. Steltz prior to termination of care: (i) a prescription for 180 tablets
13 of **methocarbamol 750mg**, with three (3) refills remaining; and (ii) a prescription for 120 tablets
14 of **ibuprofen 800mg**, with three (3) refills remaining. Respondent then filled these prescriptions
15 and furnished these drugs to himself, and/or supervised the filling and furnishing thereof.

16 39. On or about October 15 and 16, 2005, Respondent worked as a relief staff
17 pharmacist at a Target Pharmacy (PHY 46185; Target Store # T-615) in Redding, California.

18 40. On or about October 15, 2005, Respondent created false documentation of
19 two (2) orally transmitted telephonic prescriptions for Patient K.H.² for (i) twenty (20) tablets of
20 **Soma 350mg** and (ii) thirty (30) tablets of **Norco 10/325**, entered the prescriptions into a Target
21 database, and filled and furnished these prescriptions, all without prescriber authorization. In
22 addition, Respondent falsely documented that the **Norco 10/325** prescription allowed one refill.

23 41. On approximately thirteen dates between on or about March 5, 2005 and
24 his termination on or about January 7, 2006, Respondent worked as a relief staff pharmacist at a
25 Target Pharmacy (PHY 46910; Target Store # T-1421) in Eureka, California.

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27 _____
28 2. The patient's full name can be provided to Respondent during discovery.

1 42. On or about October 29, 2005, Respondent created false documentation of
2 one (1) orally transmitted telephonic prescription for Patient S.S.² for ten (10) tablets of **Norco**
3 **10/325**, entered the prescription into a Target database, and filled and furnished this prescription
4 to his wife on that same date, all without prescriber authorization.

5 43. On or about October 29, 2005, Respondent created and/or assisted in or
6 supervised the creation of a false record, when he permitted and/or encouraged his wife to sign
7 the "Guest Signature Log" to pick up the prescription, falsely using the name of Patient S.S.

8 44. On or about November 26, 2005, Respondent created false documentation
9 of one (1) orally transmitted telephonic prescription for Patient S.S. for ten (10) tablets of **Norco**
10 **10/325**, entered the prescription into a Target database, and filled and furnished this prescription
11 to his wife on that same date, all without prescriber authorization.

12 45. On or about November 26, 2005, Respondent created and/or assisted in or
13 supervised the creation of a false record, when he permitted and/or encouraged his wife to sign
14 the "Guest Signature Log" to pick up the prescription, falsely using the name of Patient S.S.

15 46. On or about November 26, 2005, Respondent stole from Target drug stock
16 approximately eighty (80) tablets of **Norco 10/325** or **Hydrocodone with APAP 10/325**.

17 47. On or about January 7, 2006, Respondent reported to work at Target Store
18 # T-1421 in Eureka, California. However, he was informed on that date that his employment was
19 being terminated based on the foregoing. During a conversation with his supervisor subsequent
20 to or as part of his termination, Respondent stated that his wife had a drug problem but refused to
21 get help, confessed that what he had done was wrong, and said "but it's not me."

22 48. On or about January 9, 2006, during a conversation with a supervisor from
23 Longs, Respondent admitted that while he was employed at the Target Pharmacy, he created two
24 (2) false prescriptions so as to obtain drugs for his wife: (i) a prescription for **Norco**, for ten (10)
25 tablets; and (ii) a prescription for **Norco**, for twenty (20) tablets.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Act(s) Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

3 49. Respondent is subject to discipline under section 4301(f) of the Code in
4 that Respondent, as described above in paragraphs 30, 31, 34, 35, 37, 38, 40, and/or 42-48,
5 committed one or more acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.

6
7 SECOND CAUSE FOR DISCIPLINE

8 (Making or Signing False Documents(s))

9 50. Respondent is subject to discipline under section 4301(g) of the Code in
10 that Respondent, as described in paragraphs 30, 34, 37, 38, 40, 42-45 and/or 48 above, made or
11 signed document(s) falsely representing the existence or nonexistence of a state of facts.

12
13 THIRD CAUSE FOR DISCIPLINE

14 (Unlawful Furnishing/Dispensing of Controlled Substances/Dangerous Drugs)

15 51. Respondent is subject to discipline under sections 4301(j) and/or (o) of the
16 Code in that Respondent, as described in paragraphs 30, 31, 34, 38, 40, 42, 44, and/or 48 above,
17 violated, attempted to violate, assisted in or abetted violation of or conspired to violate laws
18 regulating controlled substances and dangerous drugs and/or laws governing pharmacy, when
19 Respondent furnished/dispensed to himself or to others, and/or assisted in or abetted furnishing
20 or dispensing of, and/or conspired to furnish or dispense, without valid prescriptions, controlled
21 substances and/or dangerous drugs, in violation of section 4059 of the Code.

22
23 FOURTH CAUSE FOR DISCIPLINE

24 (Unlawful Possession of Controlled Substances/Dangerous Drugs)

25 52. Respondent is subject to discipline under sections 4301(j) and/or (o) of the
26 Code in that Respondent, as described in paragraphs 30, 31, 34, 38, 40, 42, 44, 46, and/or 48
27 above, violated, attempted to violate, assisted in or abetted violation of or conspired to violate
28 laws regulating controlled substances and dangerous drugs and/or laws governing pharmacy,

1 when Respondent possessed and/or assisted in/abetted possession of, and/or conspired to possess,
2 without valid prescriptions, controlled substances and/or dangerous drugs, in violation of section
3 4060 of the Code and/or Health and Safety Code section(s) 11350 and/or 11377.

4
5 FIFTH CAUSE FOR DISCIPLINE

6 (Unlawful Refills of Prescriptions)

7 53. Respondent is subject to discipline under sections 4301(j) and/or (o) of the
8 Code in that Respondent, as described in paragraphs 30, 31, 34, 38, 40, 42, 44, and/or 48 above,
9 violated, attempted to violate, assisted in or abetted violation of or conspired to violate laws
10 regulating controlled substances and dangerous drugs and/or laws governing pharmacy, when
11 Respondent furnished/dispensed to himself or to others and/or assisted in or abetted furnishing or
12 dispensing of, and/or conspired to dispense or furnish, without valid authorizations therefor,
13 refills of controlled substances and/or dangerous drugs, in violation of section 4063 of the Code.

14
15 SIXTH CAUSE FOR DISCIPLINE

16 (Unlawful Writing or Issuance of Prescriptions)

17 54. Respondent is subject to discipline under section 4301 (j) and/or (o) of the
18 Code, in that Respondent, as described in paragraphs 30, 40, 42, 44, and/or 48 above, violated,
19 attempted to violate, assisted in or abetted violation of or conspired to violate laws regulating
20 controlled substances and dangerous drugs and/or laws governing pharmacy, when Respondent
21 wrote or issued prescriptions and/or assisted in/abetted writing or issuance of, and/or conspired to
22 write or issue prescriptions, in violation of Health and Safety Code section 11150.

23
24 SEVENTH CAUSE FOR DISCIPLINE

25 (Writing or Issuance of False or Fictitious Prescriptions)

26 55. Respondent is subject to discipline under section 4301 (j) and/or (o) of the
27 Code, in that Respondent, as described in paragraphs 30, 40, 42, 44, and/or 48 above, violated,
28 attempted to violate, assisted in or abetted violation of or conspired to violate laws regulating

1 controlled substances and dangerous drugs and/or laws governing pharmacy, when Respondent
2 wrote or issued, and/or assisted/abetted and/or conspired to write or issue, false prescriptions, in
3 violation of section 4324 of the Code and/or Health and Safety Code section 11157.

4
5 EIGHTH CAUSE FOR DISCIPLINE

6 (Unlawful Self-Precribing/-Dispensing/-Furnishing)

7 56. Respondent is subject to discipline under section 4301 (j) and/or (o) of the
8 Code, in that Respondent, as described in paragraphs 30, 31, 34, 38 and/or 46 above, violated,
9 attempted to violate, assisted in or abetted violation of or conspired to violate laws regulating
10 controlled substances and dangerous drugs and/or laws governing pharmacy, when Respondent
11 prescribed, administered, and/or furnished to himself, and/or assisted in or abetted and/or
12 conspired to prescribe, administer, and/or furnish to himself, controlled substances and/or
13 dangerous drugs, in violation of Health and Safety Code section 11170.

14
15 EIGHTH CAUSE FOR DISCIPLINE

16 (False or Fraudulent Procurement of Controlled Substance(s)/Prescription(s))

17 57. Respondent is subject to discipline under section 4301 (j) and/or (o) of the
18 Code, in that Respondent, as described in paragraphs 30, 31, 34, 37, 38, 40, and/or 42-48 above,
19 violated, attempted to violate, assisted in or abetted violation of or conspired to violate laws
20 regulating controlled substances and dangerous drugs and/or laws governing pharmacy, when
21 Respondent obtained/attempted to obtain and/or assisted in or abetted and/or conspired to obtain
22 controlled substances, procured/attempted to procure, assisted in or abetted, and/or conspired to
23 procure administration of or prescriptions for controlled substances, by fraud, deceit, subterfuge
24 misrepresentation, or concealment of fact, in violation of Health and Safety Code section 11173.

25
26 NINTH CAUSE FOR DISCIPLINE

27 (Failure to Adequately Supervise Pharmacy Technician)

28 58. Respondent is subject to discipline under section 4301 (j) and/or (o) of the

1 Code, in that Respondent, as described in paragraph 32 above, violated, attempted to violate,
2 assisted in or abetted violation of or conspired to violate laws regulating controlled substances
3 and dangerous drugs and/or laws governing pharmacy, when Respondent failed to adequately
4 supervise a pharmacy technician, to review a prescription before its issuance, and/or to place his
5 initials on the prescription label before its issuance to show review, in violation of section 4115
6 of the Code and/or California Code of Regulations, title 16, section(s) 1793.1 and/or 1793.7.

7
8 TENTH CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

10 59. Respondent is subject to disciplinary action under section 4301 of the
11 Code in that Respondent, by way of the conduct described in paragraphs 29-58 above, engaged in
12 "unprofessional conduct" not becoming the profession of pharmacy.

13
14 PRAYER

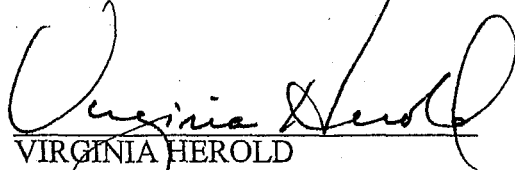
15 WHEREFORE, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

17 A. Revoking or suspending Pharmacist License Number RPH 32860, issued
18 to Robert Thomas Hall (Respondent);

19 B. Ordering Respondent to pay the Board reasonable costs of investigation
20 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

22 DATED: 5/18/07



23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant