

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

In the Matter of the Accusation Against:

JAMEY SUSAN COREY  
7809 Martha St.  
Encino, CA 91316

Pharmacist License No. RPH 54463

Respondent.

Case No. 3030

OAH No. L-2007050502

DECISION AND ORDER

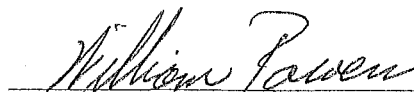
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 16, 2008.

It is so ORDERED December 17, 2007.

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 JENNIFER S. CADY  
Supervising Deputy Attorney General  
3 KIMBERLEE D. KING, State Bar No. 141813  
Deputy Attorney General  
4 California Department of Justice  
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7 Attorneys for Complainant

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

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12 In the Matter of the Accusation Against:

13 JAMEY SUSAN COREY  
7809 Martha St.  
14 Encino, CA 91316

15 Pharmacist License No. RPH 54463

16 Respondent.

Case No. 3030

OAH No. L-2007050502

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

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 Kimberlee D. King,  
25 Deputy Attorney General.

26 2. Respondent Jamey Susan Corey (Respondent) is represented in this  
27 proceeding by attorney Theodore A. Cohen, whose address is 9952 Santa Monica Blvd.  
28 Beverly Hills, CA 90212.





1                   1.       **Actual Suspension - Pharmacist.** License number RPH 54463, issued to  
2 Respondent Jamey Susan Corey is suspended for a period of sixty (60) days beginning the  
3 effective date of this decision. The suspension time shall include any time already served under  
4 any suspension imposed by the Pharmacy Recovery Program.

5                   During suspension, Respondent shall not enter any pharmacy area or any  
6 portion of the licensed premises of a wholesaler, medical device retailer or any other  
7 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous  
8 drugs, controlled substances or legend drugs are maintained. Respondent shall not practice  
9 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,  
10 compounding, dispensing or patient consultation; nor shall Respondent manage, administer,  
11 or be a consultant to any licensee of the Board, or have access to or control the ordering,  
12 manufacturing or dispensing of dangerous drugs or controlled substances of dangerous drugs  
13 or controlled substances. Respondent shall not direct or control any aspect of the practice of  
14 pharmacy. Subject to the above restrictions, Respondent may continue to own or hold an  
15 interest in any pharmacy in which she holds an interest at the time this decision becomes  
16 effective.

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

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

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

1 of pharmacy or the manufacturing, obtaining, handling or distribution or billing  
2 or charging for any drug, device or controlled substance.

3 **3. Reporting to the Board.** Respondent shall report to the Board  
4 quarterly. The report shall be made either in person or in writing, as directed. Respondent  
5 shall state under penalty of perjury whether there has been compliance with all the terms and  
6 conditions of probation. If the final probation report **is not** made as directed, probation shall  
7 be extended automatically until such time as the final report is made and accepted by the  
8 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 inspectional program and in the Board's monitoring and investigation of Respondent's  
15 compliance with the terms and conditions of her probation. Failure to comply shall be  
16 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 3030 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 her 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 3030.

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 3030 in advance  
28 of the Respondent commencing work at each pharmacy.

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

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

9 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board  
10 its costs of investigation and prosecution in the amount of \$3,600.00. Payments shall be made  
11 on a quarterly basis, beginning ninety (90) days after the effective date of this Order until the  
12 entire amount of \$3,600 is paid in full.

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

17 The filing of bankruptcy by Respondent shall not relieve Respondent of her  
18 responsibility to pay these costs.

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

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

25 12. **License Surrender while on Probation/Suspension.** Following the  
26 effective date of this decision, should Respondent cease practice due to retirement or health,  
27 or be otherwise unable to satisfy the terms and conditions of probation, Respondent may  
28 tender her license to the Board for surrender. The Board shall have the discretion whether to

1 grant the request for surrender or take any other action it deems appropriate and reasonable.  
2 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject  
3 to the terms and conditions of probation.

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

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

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

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

24           **15. Violation of Probation.** If Respondent violates probation in any  
25 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke  
26 probation and carry out the disciplinary order which was stayed. If a petition to revoke  
27 probation or an accusation is filed against Respondent during probation, the Board shall have

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1 continuing jurisdiction and the period of probation shall be extended, until the petition to  
2 revoke probation or accusation is heard and decided.

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

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

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

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

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

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

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

13           20.    **Supervised Practice.** Respondent shall practice only under the  
14 supervision of a pharmacist not on probation with the Board. Respondent shall not practice  
15 until the supervisor is approved by either the Pharmacist Recovery Program (PRP) and/or the  
16 Board. The supervision shall be, as required by the PRP and/or the Board, either:

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

18           Substantial - At least 50% of a work week

19           Partial - At least 25% of a work week

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

21 Within 30 days of the effective date of this decision, Respondent shall have her supervisor  
22 submit notification to the PRP and the Board in writing stating the supervisor has read the  
23 decision in case number 3030 and is familiar with the level of supervision as determined by  
24 the PRP and/or the Board.

25           If Respondent changes employment, Respondent shall have her new supervisor,  
26 within 15 days after employment commences, submit notification to the Board in writing  
27 stating that the direct supervisor and pharmacist-in-charge have read the decision in case  
28 number 3030 and is familiar with the level of supervision as determined by the PRP and the




1 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
2 Consumer Affairs.

3  
4 DATED: September 4, 2007

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

7 JENNIFER S. CADY  
8 Supervising Deputy Attorney General

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10   
11 KIMBERLEE D. KING  
12 Deputy Attorney General  
13 Attorneys for Complainant

13 DOJ Matter ID: LA2006601612  
14 60225296.wpd

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Exhibit A  
Accusation No. 3030

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JENNIFER S. CADY  
Supervising Deputy Attorney General  
3 KIMBERLEE D. KING, State Bar No. 141813  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2581  
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

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11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3030

12 JAMEY SUSAN COREY  
13 7809 Martha St.  
Encino, CA 91316

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

14 Pharmacist License No. RPH 54463

15 Respondent.

17 Complainant alleges:

18 PARTIES

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

22 2. On or about April 1, 2003, the Board of Pharmacy issued Pharmacist  
23 License Number RPH 54463 to Jamey Susan Corey (Respondent). The Pharmacist License was  
24 in full force and effect at all times relevant to the charges brought herein and will expire on May  
25 31, 2008, unless renewed.

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JURISDICTION

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

5           4.       Section 4300 of the Code provides, in pertinent part, that every license  
6 issued by the board is subject to discipline including, suspension or revocation.

7           5.       Section 4301 of the Code states:

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

12           .....

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

16           "(g) Knowingly making or signing any certificate or other document that falsely  
17 represents the existence or nonexistence of a state of facts.

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

23           .....

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

26           .....

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

5           6.       Section 4022 of the Code states:

6           "Dangerous drug" or "dangerous device" means any drug or device unsafe for  
7 self-use, except veterinary drugs that are labeled as such, and includes the following:

8           (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing  
9 without prescription," "Rx only," or words of similar import.

10          (b) Any device that bears the statement: "Caution: federal law restricts this  
11 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the  
12 blank to be filled in with the designation of the practitioner licensed to use or order use of the  
13 device.

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

16           7:       Section 4060 of the Code states:

17           "No person shall possess any controlled substance, except that furnished to a  
18 person upon the prescription of a physician, dentist, podiatrist, or veterinarian."

19           8.       Health and Safety Code section 11170 states:

20           "No person shall prescribe, administer, or furnish a controlled substance for  
21 himself."

22           9.       Health and Safety Code section 11173, subdivision (a) states:

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

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

27           "For the purpose of denial, suspension, or revocation of a personal or facility  
28 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions



1 Code, a crime or act shall be considered substantially related to the qualifications, functions or  
2 duties of a licensee or registrant if to a substantial degree it evidences present or potential  
3 unfitness of a licensee or registrant to perform the functions authorized by his license or  
4 registration in a manner consistent with the public health, safety, or welfare."

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

9 12. CONTROLLED SUBSTANCES

10 A. "Lortab" is the brand name for Hydrocodone 7.5 mg. with Acetaminophen  
11 750 mg. It is a Schedule III controlled substance, as defined by Health and Safety Code section  
12 11056, subdivision (e)(4) and is categorized as a "dangerous drug" pursuant to Business and  
13 Professions Code section 4022.

14 B. "Norco" is the brand name for Hydrocodone 10 mg. with Acetaminophen  
15 325 mg. It is a Schedule III controlled substance, as defined by Health and Safety Code section  
16 11056, subdivision (e)(4) and is categorized as a "dangerous drug" pursuant to Business and  
17 Professions Code section 4022.

18 FIRST CAUSE FOR DISCIPLINE

19 (Obtained Controlled Substances by Fraud or Deceit)

20 13. Respondent is subject to disciplinary action under sections 4300 and 4301  
21 subdivisions (f), (j), and (o) of the Code, on the grounds of unprofessional conduct, for violating  
22 Health and Safety Code section 11173, subdivision (a), in that, by her own admission, from about  
23 May, 2005 through December, 2005, on multiple occasions, Respondent, while on duty at Rite  
24 Aid #5567, obtained controlled substances by fraud or deceit by stealing approximately 8,489  
25 tablets of Norco (a narcotic controlled substance) and 4,958 tablets of Lortab (a narcotic  
26 controlled substance) from her employer.

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FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

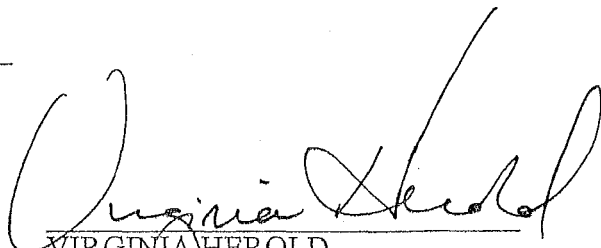
17. Respondent is subject to disciplinary action pursuant to section 4301 subdivision (a) in that while employed as a pharmacist, she committed acts of unprofessional conduct by stealing controlled substances from her employer, possessed Norco and Lortab without a prescription, knowingly made and altered false documents, and/or computer entries, consumed the stolen drugs, and dispensed while under the influence of these drugs, as set forth above in paragraphs 13 through 16.

PRAYER

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

- A. Revoking or suspending Pharmacist License Number RPH 54463, issued to Jamey Susan Corey
- B. Ordering Jamey Susan Corey to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- C. Taking such other and further action as deemed necessary and proper.

DATED: 3/5/07



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant