

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

In the Matter of the Accusation Against:

**LINDA MARIE REYNOLDS**  
2224 Valley Oak Lane  
West Sacramento, CA 95691

Pharmacist License No. RPH 37729

Respondent.

Case No. 3039

OAH No. 208110495

**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 June 25, 2009.

It is so ORDERED on May 26, 2009.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
KENNETH H. SCHELL  
Board President

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of the State of California  
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8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
12 LINDA MARIE REYNOLDS  
2224 Valley Oak Lane  
13 West Sacramento, CA 95691  
14 Pharmacist License No. 37729  
15 Respondent.

Case No. 3039

OAH No. 2008110495

**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 the responsibility of the Board of Pharmacy of the Department of Consumer  
19 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
20 which will be submitted to the Board for approval and adoption as the final disposition of the  
21 Accusation.

22 PARTIES

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

27 2. Respondent Linda Marie Reynolds ("Respondent") is representing herself  
28 in this proceeding and has chosen not to exercise her right to be represented by counsel.



1                   9.       Respondent agrees that her Pharmacist License is subject to discipline and  
2 she agrees to be bound by the Board of Pharmacy's imposition of discipline as set forth in the  
3 Disciplinary Order below.

4   RESERVATION

5                   10.       The admissions made by Respondent herein are only for the purposes of  
6 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional  
7 licensing agency is involved, and shall not be admissible in any other criminal or civil  
8 proceeding.

9   CONTINGENCY

10                  11.       This stipulation shall be subject to approval by the Board of Pharmacy.  
11 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
12 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,  
13 without notice to or participation by Respondent. By signing the stipulation, Respondent  
14 understands and agrees that she may not withdraw her agreement or seek to rescind the  
15 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
16 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
17 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
18 the parties, and the Board shall not be disqualified from further action by having considered this  
19 matter.

20                  12.       The parties understand and agree that facsimile copies of this Stipulated  
21 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same  
22 force and effect as the originals.

23                  13.       In consideration of the foregoing admissions and stipulations, the parties  
24 agree that the Board may, without further notice or formal proceeding, issue and enter the  
25 following Disciplinary Order:

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. 37729 issued to  
3 Respondent Linda Marie Reynolds (Respondent) is revoked. However, the revocation is stayed  
4 and Respondent is placed on probation for five (5) years on the following terms and conditions.

5 1. **Obey All Laws.** Respondent shall obey all state and federal laws and  
6 regulations substantially related to or governing the practice of pharmacy.

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

- 9 • an arrest or issuance of a criminal complaint for violation of any provision of the  
10 Pharmacy Law, state and federal food and drug laws, or state and federal  
11 controlled substances laws
- 12 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to  
13 any criminal complaint, information or indictment
- 14 • a conviction of any crime
- 15 • discipline, citation, or other administrative action filed by any state and federal  
16 agency which involves Respondent's license or which is related to the practice  
17 of pharmacy or the manufacturing, obtaining, handling or distribution or billing  
18 or charging for any drug, device or controlled substance.

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

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

1           4.     **Cooperation with Board Staff.** Respondent shall cooperate with the  
2 Board's inspectional program and in the Board's monitoring and investigation of Respondent's  
3 compliance with the terms and conditions of her probation. Failure to comply shall be  
4 considered a violation of probation.

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

7           6.     **Notice to Employers.** Respondent shall notify all present and  
8 prospective employers of the decision in case number 3039 and the terms, conditions and  
9 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of  
10 this decision, and within 15 days of Respondent undertaking new employment, Respondent  
11 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
12 writing acknowledging the employer has read the decision in case number 3039.

13                     Respondent is not allowed to work for or to be employed by or through a  
14 pharmacy employment service. "Employment" within the meaning of this provision shall  
15 include any full-time, part-time, temporary, relief or pharmacy management service as a  
16 pharmacist, whether the Respondent is considered an employee or independent contractor.

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

22           8.     **Reimbursement of Board Costs.** Respondent shall pay to the Board  
23 its costs of investigation and prosecution in the amount of \$ 10,000. Respondent shall make  
24 said payments on a quarterly basis, or other arrangements agreed to in writing by the Board.

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

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1           9.     **Probation Monitoring Costs.** Respondent shall pay the costs  
2 associated with probation monitoring as determined by the Board each and every year of  
3 probation. Such costs shall be payable to the Board at the end of each year of probation.  
4 Failure to pay such costs shall be considered a violation of probation.

5           10.    **Status of License.** Respondent shall, at all times while on probation,  
6 maintain an active current license with the Board, including any period during which  
7 suspension or probation is tolled.

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

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

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

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

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

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

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

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

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

24                   16.     **Mental Health Examination.** Within 30 days of the effective date of  
25 this decision, and on a periodic basis as may be required by the Board, Respondent shall  
26 undergo, at her own expense, psychiatric evaluation(s) by a Board-appointed or Board-  
27 approved psychiatrist or psychologist. Respondent shall sign a release authorizing the  
28 evaluator to furnish the Board with a current diagnosis and a written report regarding the



1 Respondent's judgment and ability to function independently as a pharmacist with safety to the  
2 public. Respondent shall comply with all the recommendations of the evaluator if directed by  
3 the Board.

4           If the psychiatrist or psychotherapist recommends, and the Board directs,  
5 Respondent shall undergo psychotherapy. Respondent shall, within 30 days of written notice  
6 of the need for psychotherapy, submit to the Board for its prior approval, the recommended  
7 program for ongoing psychotherapeutic care. Respondent shall undergo and continue  
8 psychotherapy, at Respondent's own expense, until further notice from the Board. Respondent  
9 shall have the treating psychotherapist or psychiatrist submit written quarterly reports to the  
10 Board as directed. If Respondent is determined to be unable to practice safely, upon  
11 notification, Respondent shall immediately cease practice and shall not resume practice until  
12 notified by the Board.

13           **17. Medical Evaluation.** Within 30 days of the effective date of this  
14 decision, and on a periodic basis thereafter as may be required by the Board, Respondent shall  
15 undergo a medical evaluation, at Respondent's own expense, by a Board-appointed or Board-  
16 approved physician who shall furnish a medical report to the Board.

17           If Respondent is required by the Board to undergo medical treatment,  
18 Respondent shall, within 30 days of written notice from the Board, submit to the Board for its  
19 prior approval, the name and qualifications of a physician of Respondent's choice. Upon  
20 Board approval of the treating physician, Respondent shall undergo and continue medical  
21 treatment, with that physician and at Respondent's own expense, until further notice from the  
22 Board. Respondent shall have the treating physician submit written quarterly reports to the  
23 Board. Should Respondent, for any reason, cease treatment with the approved physician,  
24 Respondent shall notify the Board immediately and, within 30 days of ceasing treatment,  
25 submit the name of a replacement physician of Respondent's choice to the Board for its prior  
26 approval.

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1                   18.     **Rehabilitation Program - Pharmacists Recovery Program (PRP).**

2     Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists  
3     Recovery Program for evaluation and shall successfully participate in and complete the  
4     treatment contract and any subsequent addendums as recommended and provided by the PRP  
5     and as approved by the Board. The costs for PRP participation shall be borne by the  
6     Respondent.

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

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

26                  20.     **Abstain from Drugs and Alcohol Use.** Respondent shall completely  
27    abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their  
28    associated paraphernalia except when the drugs are lawfully prescribed by a licensed

1 practitioner as part of a documented medical treatment. Upon request of the Board,  
2 Respondent shall provide documentation from the licensed practitioner that the prescription  
3 was legitimately issued and is a necessary part of the treatment of the Respondent.

4           21.    **Supervised Practice.** Respondent shall practice only under the  
5 supervision of a pharmacist not on probation with the Board. Respondent shall not practice  
6 until the supervisor is approved by the Board. The supervision shall be, as required by the  
7 Board, either:

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

9                   Substantial - At least 50% of a work week

10                  Partial - At least 25% of a work week

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

13           Within 30 days of the effective date of this decision, Respondent shall have her supervisor  
14 submit notification to the Board in writing stating the supervisor has read the decision in case  
15 number 3039 and is familiar with the level of supervision as determined by the Board.

16           If Respondent changes employment, Respondent shall have her new supervisor,  
17 within 15 days after employment commences, submit notification to the Board in writing  
18 stating the direct supervisor and pharmacist-in-charge have read the decision in case number  
19 3039 and is familiar with the level of supervision as determined by the Board.

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

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

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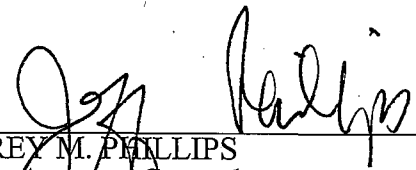
ENDORSEMENT

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: 3/10/09

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

ARTHUR D. TAGGART  
Supervising Deputy Attorney General

  
\_\_\_\_\_  
JEFFREY M. PHILLIPS  
Deputy Attorney General  
Attorneys for Complainant

DOJ Matter ID: SA2006102803  
30688447.wpd

**Exhibit A**  
**Accusation No. 3039**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
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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. 3039

13 LINDA MARIE REYNOLDS  
17539 Bobcat Court  
Weed, CA 96094

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

14 Pharmacist No. 37729

Respondent.

15  
16  
17 PARTIES

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

21 2. On or about April 25, 1983, the Board of Pharmacy issued Pharmacist  
22 License No. RPH 37729 to Linda Marie Reynolds (Respondent). The Pharmacist License No.  
23 RPH 37729 was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on July 31, 2008, unless renewed.

25  
26 JURISDICTION

27 3. This Accusation is brought before the Board of Pharmacy (Board),  
28 Department of Consumer Affairs under the authority of the below mentioned statutes and

1 regulations.<sup>1/</sup>

2 4. California Business and Professions Code section 4300<sup>2/</sup> provides that the  
3 Board may take disciplinary action against any license issued by the Board, including, but not  
4 limited to revocation, suspension, or probation of a license, in addition to placing terms or  
5 conditions on a license.

6 5. Code section 4301<sup>3/</sup> provides that the Board shall take action against any  
7 licensee who is guilty of unprofessional conduct, which is defined by Code section 4301 as  
8 including, but as not limited to, any of the following:

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

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

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

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

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

"(q) Engaging in any conduct that subverts or attempts to  
subvert an investigation of the board."

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25 1. All statutory references are to the Business and Professions Code (Code) unless  
26 otherwise indicated.

27 2. Formerly Code section 4350.

28 3. Formerly Code section 4350.5



1           6.       California Code of Regulations section 1718 defines "current inventory,"  
2 stating that it shall be considered to include complete accountability for all dangerous drugs  
3 handled by every licensee as enumerated in Code section 4081.

4           7.       Code section 4113(b) provides that a "pharmacist-in-charge shall be  
5 responsible for a pharmacy's compliance with all state and federal laws and regulations  
6 pertaining to the practice of pharmacy."

7           8.       Code section 4125(a) states:  
8                   "Every pharmacy shall establish a quality assurance  
9 program that shall, at a minimum, document medication errors  
10 attributable, in whole or in part, to the pharmacy or its personnel.  
11 The purpose of the quality assurance program shall be to assess  
12 errors that occur in the pharmacy in dispensing or furnishing  
13 prescription medications so that the pharmacy may take  
14 appropriate action to prevent a recurrence."

12           9.       Title 16 of the California Code of Regulations, section 1711 states, in  
13 pertinent part:

14                   "(a) Each pharmacy shall establish or participate in an  
15 established quality assurance program which documents and  
16 assesses medication errors to determine cause and an appropriate  
17 response as part of a mission to improve the quality of pharmacy  
18 service and prevent errors.

17                   ...

18                   "(c)(1) Each quality assurance program shall be managed  
19 in accordance with written policies and procedures maintained in  
20 the pharmacy in an immediately retrievable form.

20           10.      Title 16 of the California Code of Regulations, section 1793.7(d) states:

21                   "Any pharmacy employing or using a pharmacy technician  
22 shall develop a job description and written policies and procedures  
23 adequate to ensure compliance with the provisions of Article 11 of  
24 this Chapter, and shall maintain, for at least three years from the  
25 time of making, records adequate to establish compliance with  
26 these sections and written policies and procedures."

26           11.      Title 21 of the Code of Federal Regulations, section 1304.11 requires that  
27 a pharmacy keep a complete and accurate inventory record of all controlled substances on hand.

28           12.      Section 4305.5 states, in pertinent part:

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"(c) Any pharmacist . . . who takes charge of, or acts as manager of a wholesaler . . . who terminates his or her employment at the licensee, shall notify the board within 30 days of the termination of employment. Failure to notify the board within the 30-day period shall constitute grounds for disciplinary action."

13. Section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

**FACTUAL BACKGROUND**

15. Respondent Linda Reynolds worked as a pharmacist at North State Grocery, Inc., doing business as Holiday Fresh Food and Sav-Mor Foods, and also known as Holiday Pharmacy #45, located at 2455 Hartnell Avenue, Redding, California (hereinafter, "Holiday Pharmacy"), from approximately September 28, 2004, through approximately November 18, 2005.

16. On or about October 4, 2004, Respondent became the Pharmacist-In-Charge of Holiday Pharmacy. On or about November 3, 2005, Respondent was observed by several co-workers at work to be slurring her words, barely able to speak, falling, leaning on walls to keep herself from falling down, and addressing known co-workers by the wrong name, was unable to complete her work shift that day, and went home.

17. In an undated letter written by Respondent and received by the Board on or about March 2, 2006, explaining the circumstances of the November 3, 2005 incident, Respondent stated, in part: "I really don't have a doctor up here but I made an appointment at my daughter's M.D."

18. On November 18, 2004, Respondent was terminated from her employment for her failure to provide a doctor's note demonstrating that she was able to safely perform her duties at Holiday Pharmacy on or after November 3, 2005.

19. Documents obtained via Investigative Subpoena issued by the Board demonstrate that Respondent was under the care of Dr. Sternberg and Dr. Goodwin from August

1 2000 to January 30, 2006.

2                   20.     On or about February 14, 2006, a Board Investigator conducted an audit of  
3 Holiday Pharmacy. This audit discovered that Respondent failed to prepare a complete Drug  
4 and Enforcement Agency ("DEA") Inventory of all controlled substances while Pharmacist-In-  
5 Charge of Holiday Pharmacy. The audit demonstrated that Respondent failed to maintain  
6 accurate records of acquisition and disposition of controlled substances while Pharmacist-In-  
7 Charge and specifically found that the following drugs were missing and/or unaccounted for:  
8 Concerta, Duragesic Patches, Methadone, and Oxycodone. This audit uncovered that  
9 Respondent did not develop or maintain a Quality Assurance Program while a Pharmacist-In-  
10 Charge of Holiday Pharmacy. The audit also found that Respondent did not develop a  
11 Technician Policy and Procedure while Pharmacist-In-Charge of Holiday Pharmacy.

12   **First Cause for Discipline**

13   (Impairment Affecting Ability to Practice Pharmacy)

14                   21.     Complainant incorporates by reference the allegation contained in  
15 Paragraphs 15 through 20 as though fully set forth. Respondent used dangerous drugs to the  
16 extent that the use impaired her ability to conduct with safety to the public the practice of  
17 pharmacy, in violation of Business and Professions Code Section 4301(h). On or about  
18 November 3, 2005, Respondent was unable to complete her duties as the Pharmacist-In-Charge,  
19 went home early, and was unable to provide a doctor's note demonstrating that she was able to  
20 safely perform her duties at Holiday Pharmacy on or after November 3, 2005.

21   **Second Cause for Discipline**

22   (Deceitful Statement in Order to Subvert an Investigation by the Board)

23                   22.     Complainant incorporates by reference the allegation contained in  
24 Paragraphs 15 through 20 as though fully set forth. Respondent issued a false and deceitful  
25 statement to the Board's investigator in her letter received by the Board on or about March 2,  
26 2006, explaining the circumstances of the November 3, 2005 incident, denied being under the  
27 influence of drugs, and stated that she was not under the care of a doctor at the time. This  
28 statement was in fact false, since documents obtained by the Board via subpoena demonstrate

1 Respondent was under the care of two different doctors, and had obtained numerous dangerous  
2 drugs and or controlled substances by prescription from her doctors prior to and in close  
3 proximity of the incident of November 3, 2005.

4  
5 **Third Cause for Discipline**  
(No DEA Inventory)

6 23. Complainant incorporates by reference the allegation contained in  
7 Paragraphs 15 through 20 as though fully set forth. Respondent failed to undertake a DEA  
8 inventory of controlled substances and dangerous drugs at least bi-annually while Pharmacist-In-  
9 Charge of Holiday Pharmacy in violation of Business and Professions Code Section 4301(j), (o),  
10 and 21CFR1304-11(a). During the inspection of the Holiday Pharmacy on February 14, 2006,  
11 by the Board investigator, there was no DEA Inventory and only an incomplete/altered schedule  
12 II Perpetual Inventory was discovered.

13  
14 **Fourth Cause for Discipline**  
(No Quality Assurance Program)

15 24. Complainant incorporates by reference the allegation contained in  
16 Paragraphs 15 through 20 as though fully set forth. Respondent failed to develop a Quality  
17 Assurance Program while employed as Pharmacist-In-Charge at Holiday Pharmacy in violation  
18 of Business and Professions Code Section 4301(j), (o), 4125, and CCR Section 1711. No  
19 Quality Assurance Program was discovered during the audit and inspection of Holiday Pharmacy  
20 on February 14, 2006.

21  
22 **Fifth Cause for Discipline**  
(No Pharmacy Technician Policy and Procedure)

23 25. Complainant incorporates by reference the allegation contained in  
24 Paragraphs 15 through 20 as though fully set forth. Respondent failed to develop a Pharmacy  
25 Technician Policy and Procedure while Pharmacist-In-Charge has Holiday Pharmacy in violation  
26 of Business and Professions Code Section 4301(j), (o), and CCR Section 1793.7(d). There was  
27 no such Policy and Procedure found during the audit and inspection of Holiday Pharmacy on  
28 February 14, 2006, as required by law.

1 Sixth Cause for Discipline  
2 (Inaccurate Record Keeping)

3 26. Complainant incorporates by reference the allegation contained in  
4 Paragraphs 15 through 20 as though fully set forth. Respondent failed to keep and maintain  
5 accurate records of acquisition and disposition of controlled substances while Pharmacist-In-  
6 Charge of Holiday Pharmacy in violation of Business and Professions Code Section 4301(j), (o),  
7 4081, and CCR Section 1718. In audit of controlled substances during the time period that  
8 Respondent was Pharmacist-In-Charge found the following dangerous drugs and/or controlled  
9 substances missing and accounted for: Concerta (36mg), Duragesic (25mcg Patches), Methodone  
10 (10mg), and Oxycodone (5mg). The Board's audit and inspection on February 14, 2006, found  
11 that the perpetual inventory maintained by Respondent had incomplete and inaccurate entries for  
12 the acquisition and disposition of schedule II controlled substances. Review of the perpetual  
13 inventory found it to be incomplete with omissions, missing drugs, drug orders not recorded,  
14 cross-outs, late entries, and incorrect balance tabulations.

15 PRAYER

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

18 (a) Revoking or suspending Pharmacist License Number RPH 37729, issued  
19 to Respondent Linda Reynolds;

20 (b) Ordering Respondent Linda Reynolds to pay the Board of Pharmacy the  
21 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
22 Professions Code section 125.3;

23 (c) For any other relief the Board deems appropriate.

24 DATED: 6/10/08

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