

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

In the Matter of the Accusation Against:

Case No. 3364

CHRIS EUGENE PLATT

1320 Maricopa Hwy.
Ojai, CA 93023

Pharmacist License No. RPH 41579

Respondent.

DECISION AND ORDER

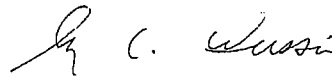
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 7, 2011.

It is so ORDERED on December 8, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HEATHER HUA
Deputy Attorney General
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Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 3364

11 **CHRIS EUGENE PLATT**

OAH No. L-2010030271

12
13 1320 Maricopa Hwy
Ojai, CA 93023
14 Pharmacist License No. RPH 41579
15 Respondent.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibility of the Board of Pharmacy of the 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 Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Edmund
24 G. Brown Jr., Attorney General of the State of California, by Heather Hua, Deputy Attorney
25 General.

26 2. Respondent Chris Eugene Platt (Respondent) is represented in this proceeding by
27 attorney Robert Hahn, whose address is 5801 Christie Avenue, Suite 385, Emeryville, CA 94608
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1 or specific, express or implied, constitutes an admission for any purpose or proceeding to which
2 the Board is not a party, including but not limited to third party, civil, or criminal, proceedings.

3 9. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
4 to be bound by the Board of Pharmacy (Board)'s imposition of discipline as set forth in the
5 Disciplinary Order below.

6 **CONTINGENCY**

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

16 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
17 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
18 effect as the originals.

19 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
20 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
21 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
22 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
23 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
24 writing executed by an authorized representative of each of the parties.

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

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 41579 issued to Respondent
3 Chris Eugene Platt (Respondent) is revoked. However, the revocation is stayed and Respondent
4 is placed on probation for four (4) years on the following terms and conditions.

5 **1. Obey All Laws**

6 Respondent shall obey all state and federal laws and regulations.

7 Respondent shall report any of the following occurrences to the Board, in writing, within
8 seventy-two (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 controlled
11 substances laws
- 12 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
13 criminal complaint, information or indictment
- 14 • a conviction of any crime
- 15 • discipline, citation, or other administrative action filed by any state or federal agency
16 which involves Respondent's pharmacist license or which is related to the practice of
17 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
18 for any drug, device or controlled substance.

19 Failure to timely report such occurrence shall be considered a violation of probation.

20 **2. Report to the Board**

21 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its
22 designee. The report shall be made either in person or in writing, as directed. Among other
23 requirements, Respondent shall state in each report under penalty of perjury whether there has
24 been compliance with all the terms and conditions of probation. Failure to submit timely reports
25 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
26 in submission of reports as directed may be added to the total period of probation. Moreover, if
27 the final probation report is not made as directed, probation shall be automatically extended until
28 such time as the final report is made and accepted by the Board.

1 **3. Interview with the Board**

2 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
3 with the Board or its designee, at such intervals and locations as are determined by the Board or
4 its designee. Failure to appear for any scheduled interview without prior notification to Board
5 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee
6 during the period of probation, shall be considered a violation of probation.

7 **4. Cooperate with Board Staff**

8 Respondent shall cooperate with the Board's inspection program and with the Board's
9 monitoring and investigation of Respondent's compliance with the terms and conditions of his
10 probation. Failure to cooperate shall be considered a violation of probation.

11 **5. Continuing Education**

12 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
13 pharmacist as directed by the Board or its designee.

14 **6. Notice to Employers**

15 During the period of probation, Respondent shall notify all present and prospective
16 employers of the decision in case number 3364 and the terms, conditions and restrictions imposed
17 on Respondent by the decision, as follows:

18 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
19 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
21 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
22 individual(s) has/have read the decision in case number 3364, and terms and conditions imposed
23 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or
24 supervisor(s) submit timely acknowledgment(s) to the Board.

25 If Respondent works for or is employed by or through a pharmacy employment service,
26 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
27 licensed by the Board of the terms and conditions of the decision in case number 3364 in advance
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1 of the Respondent commencing work at each licensed entity. A record of this notification must
2 be provided to the Board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
4 (15) days of Respondent undertaking any new employment by or through a pharmacy
5 employment service, Respondent shall cause his direct supervisor with the pharmacy employment
6 service to report to the Board in writing acknowledging that he has read the decision in case
7 number 3364 and the terms and conditions imposed thereby. It shall be Respondent's
8 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely
9 acknowledgment(s) to the Board.

10 Failure to timely notify present or prospective employer(s) or to cause that/those
11 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of
12 probation.

13 "Employment" within the meaning of this provision shall include any full-time,
14 part-time, temporary, relief or pharmacy management service as a pharmacist or any
15 position for which a pharmacist license is a requirement or criterion for employment,
16 whether the Respondent is an employee, independent contractor or volunteer.

17 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
18 **Designated Representative-in-Charge, or Serving as a Consultant**

19 During the period of probation, Respondent shall not supervise any intern pharmacist, be
20 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
21 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
22 unauthorized supervision responsibilities shall be considered a violation of probation.

23 **8. Reimbursement of Board Costs**

24 As a condition precedent to successful completion of probation, Respondent shall pay to the
25 Board its costs of investigation and prosecution in the amount of \$12,000 (Twelve thousand
26 dollars). Respondent shall make said payments pursuant to a payment plan approved by the
27 Board or its designee.

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1 There shall be no deviation from this schedule absent prior written approval by the Board or
2 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
3 probation.

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

6 **9. Probation Monitoring Costs**

7 Respondent shall pay any costs associated with probation monitoring as determined by the
8 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
9 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
10 shall be considered a violation of probation.

11 **10. Status of License**

12 Respondent shall, at all times while on probation, maintain an active, current license with
13 the Board, including any period during which suspension or probation is tolled. Failure to
14 maintain an active, current license shall be considered a violation of probation.

15 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
16 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
17 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this
18 probation not previously satisfied.

19 **11. License Surrender While on Probation/Suspension**

20 Following the effective date of this decision, should Respondent cease practice due to
21 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
22 Respondent may tender his license to the Board for surrender. The Board or its designee shall
23 have the discretion whether to grant the request for surrender or take any other action it deems
24 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent
25 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
26 record of discipline and shall become a part of the Respondent's license history with the Board.

27 Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license
28 to the Board within ten (10) days of notification by the Board that the surrender is accepted.

1 Respondent may not reapply for any license from the Board for three (3) years from the effective
2 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
3 of the date the application for that license is submitted to the Board, including any outstanding
4 costs.

5 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
6 **Employment**

7 Respondent shall notify the Board in writing within ten (10) days of any change of
8 employment. Said notification shall include the reasons for leaving, the address of the new
9 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
10 shall further notify the Board in writing within ten (10) days of a change in name, residence
11 address, mailing address, or phone number.

12 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
13 phone number(s) shall be considered a violation of probation.

14 **13. Tolling of Probation**

15 Except during periods of suspension, Respondent shall, at all times while on probation, be
16 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.
17 Any month during which this minimum is not met shall toll the period of probation, i.e., the
18 period of probation shall be extended by one month for each month during which this minimum is
19 not met. During any such period of tolling of probation, Respondent must nonetheless comply
20 with all terms and conditions of probation.

21 Should Respondent, regardless of residency, for any reason (including vacation) cease
22 practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California,
23 Respondent must notify the Board in writing within ten (10) days of the cessation of practice, and
24 must further notify the Board in writing within ten (10) days of the resumption of practice. Any
25 failure to provide such notification(s) shall be considered a violation of probation.

26 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
27 provisions of this condition for a total period, counting consecutive and non-consecutive months,
28 exceeding thirty-six (36) months.

1 "Cessation of practice" means any calendar month during which Respondent is
2 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and
3 Professions Code section 4000 et seq . "Resumption of practice" means any calendar
4 month during which Respondent is practicing as a pharmacist for at least forty (40)
5 hours as a pharmacist as defined by Business and Professions Code section 4000 et
6 seq.

7 **14. Violation of Probation**

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

13 If Respondent violates probation in any respect, the Board, after giving Respondent notice
14 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
15 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
16 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
17 a petition to revoke probation or an accusation is filed against Respondent during probation, the
18 Board shall have continuing jurisdiction and the period of probation shall be automatically
19 extended until the petition to revoke probation or accusation is heard and decided.

20 **15. Completion of Probation**

21 Upon written notice by the Board or its designee indicating successful completion of
22 probation, Respondent's license will be fully restored.

23 **16. Pharmacists Recovery Program (PRP)**

24 Within thirty (30) days of the effective date of this decision, Respondent shall contact the
25 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,
26 successfully participate in, and complete the treatment contract and any subsequent addendums as
27 recommended and provided by the PRP and as approved by the Board or its designee. The costs
28 for PRP participation shall be borne by the Respondent.

1 If Respondent is currently enrolled in the PRP, said participation is now mandatory and as
2 of the effective date of this decision is no longer considered a self-referral under Business and
3 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete
4 his current contract and any subsequent addendums with the PRP.

5 Failure to timely contact or enroll in the PRP, or successfully participate in and complete
6 the treatment contract and/or any addendums, shall be considered a violation of probation.

7 Probation shall be automatically extended until Respondent successfully completes the
8 PRP. Any person terminated from the PRP program shall be automatically suspended by the
9 Board. Respondent may not resume the practice of pharmacy until notified by the Board in
10 writing.

11 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
12 licensed practitioner as part of a documented medical treatment shall result in the automatic
13 suspension of practice by Respondent and shall be considered a violation of probation.

14 Respondent may not resume the practice of pharmacy until notified by the Board in writing.

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

23 During suspension, Respondent shall not engage in any activity that requires the
24 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
25 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
26 designated representative for any entity licensed by the Board.

27 Subject to the above restrictions, Respondent may continue to own or hold an interest in
28 any licensed premises in which he holds an interest at the time this decision becomes effective

1 unless otherwise specified in this order.

2 Failure to comply with this suspension shall be considered a violation of probation.

3 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
4 timely paid to the PRP shall constitute a violation for probation. The Board will collect unpaid
5 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

6 Respondent shall work in a pharmacy setting with access to controlled substances for six
7 (6) consecutive months before successfully completing probation. If Respondent fails to do so,
8 probation shall be automatically extended until this condition has been met. Failure to satisfy this
9 condition within six (6) months beyond the original date of expiration of the term of probation
10 shall be considered a violation of probation.

11 17. **Random Drug Screening**

12 Respondent, at his own expense, shall participate in random testing, including but not
13 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
14 screening program as directed by the Board or its designee. Respondent may be required to
15 participate in testing for the entire probation period and the frequency of testing will be
16 determined by the Board or its designee. At all times, Respondent shall fully cooperate with the
17 Board or its designee, and shall, when directed, submit to such tests and samples for the detection
18 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or
19 its designee may direct. Failure to timely submit to testing as directed shall be considered a
20 violation of probation. Upon request of the Board or its designee, Respondent shall provide
21 documentation from a licensed practitioner that the prescription for a detected drug was
22 legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely
23 provide such documentation shall be considered a violation of probation. Any confirmed positive
24 test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a
25 documented medical treatment shall be considered a violation of probation and shall result in the
26 automatic suspension of practice of pharmacy by Respondent. Respondent may not resume the
27 practice of pharmacy until notified by the Board in writing.

28 During suspension, Respondent shall not enter any pharmacy area or any portion of the

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

8 During suspension, Respondent shall not engage in any activity that requires the
9 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
10 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
11 designated representative for any entity licensed by the Board.

12 Subject to the above restrictions, Respondent may continue to own or hold an interest in
13 any licensed premises in which he holds an interest at the time this decision becomes effective
14 unless otherwise specified in this order.

15 Failure to comply with this suspension shall be considered a violation of probation.

16 **18. Abstain from Drugs and Alcohol Use**

17 Respondent shall completely abstain from the possession or use of alcohol, controlled
18 substances, dangerous drugs and their associated paraphernalia except when the drugs are
19 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
20 request of the Board or its designee, Respondent shall provide documentation from the licensed
21 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
22 treatment of the Respondent. Failure to timely provide such documentation shall be considered a
23 violation of probation. Respondent shall ensure that he is not in the same physical location as
24 individuals who are using illicit substances even if Respondent is not personally ingesting the
25 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
26 not supported by the documentation timely provided, and/or any physical proximity to persons
27 using illicit substances, shall be considered a violation of probation.

28 **19. Prescription Coordination and Monitoring of Prescription Use**

1 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
2 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
3 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
4 Respondent's history with the use of alcohol, controlled substances, and/or dangerous drugs and
5 who will coordinate and monitor any prescriptions for Respondent for dangerous drugs,
6 controlled substances or mood-altering drugs. The approved practitioner shall be provided with a
7 copy of the Board's Accusation and decision. A record of this notification must be provided to
8 the Board upon request. Respondent shall sign a release authorizing the practitioner to
9 communicate with the Board about Respondent's treatment(s). The coordinating physician, nurse
10 practitioner, physician assistant, or psychiatrist shall report to the Board on a quarterly basis for
11 the duration of probation regarding Respondent's compliance with this condition. If any
12 substances considered addictive have been prescribed, the report shall identify a program for the
13 time limited use of any such substances. The Board may require that the single coordinating
14 physician, nurse practitioner, physician assistant or psychiatrist be a specialist in addictive
15 medicine, or consult a specialist in addictive medicine. Should Respondent, for any reason, cease
16 supervision by the approved practitioner, Respondent shall notify the Board immediately and,
17 within thirty (30) days of ceasing treatment, submit the name of a replacement physician, nurse
18 practitioner, physician assistant, or psychiatrist of Respondent's choice to the Board or its
19 designee for its prior approval. Failure to timely submit the selected practitioner or replacement
20 practitioner to the Board for approval, or to ensure the required reporting thereby on the quarterly
21 reports, shall be considered a violation of probation.

22 If at any time an approved practitioner determines that Respondent is unable to practice
23 safely or independently as a pharmacist, the practitioner shall notify the Board immediately by
24 telephone and follow up by written letter within three (3) working days. Upon notification from
25 the Board or its designee of this determination, Respondent shall be automatically suspended and
26 shall not resume practice until notified by the Board that practice may be resumed.

27 During suspension, Respondent shall not enter any pharmacy area or any portion of the
28 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of

1 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices
2 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
3 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
4 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
5 Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
6 and controlled substances. Respondent shall not resume practice until notified by the Board.

7 During suspension, Respondent shall not engage in any activity that requires the
8 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
9 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
10 designated representative for any entity licensed by the Board.

11 Subject to the above restrictions, Respondent may continue to own or hold an interest in
12 any licensed premises in which he holds an interest at the time this decision becomes effective
13 unless otherwise specified in this order.

14 Failure to comply with this suspension shall be considered a violation of probation.

15 **20. Supervised Practice**

16 During the period of probation, Respondent shall practice only under the supervision of a
17 licensed pharmacist not on probation with the Board. Upon and after the effective date of this
18 decision, Respondent shall not practice pharmacy and his license shall be automatically
19 suspended until a supervisor is approved by the Board or its designee. The supervision shall be,
20 as required by the Board or its designee, either:

21 Continuous – At least 75% of a work week

22 Substantial - At least 50% of a work week

23 Partial - At least 25% of a work week

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

25 Within thirty (30) days of the effective date of this decision, Respondent shall have his
26 supervisor submit notification to the Board in writing stating that the supervisor has read the
27 decision in case number 3364 and is familiar with the required level of supervision as determined
28 by the Board or its designee. It shall be the Respondent's responsibility to ensure that his

1 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
2 Board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
3 acknowledgements to the Board shall be considered a violation of probation.

4 If Respondent changes employment, it shall be the Respondent's responsibility to ensure
5 that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely
6 acknowledgement(s) to the Board. Respondent shall have his new supervisor, within fifteen (15)
7 days after employment commences, submit notification to the Board in writing stating the direct
8 supervisor and pharmacist-in-charge have read the decision in case number 3364 and is familiar
9 with the level of supervision as determined by the Board. Respondent shall not practice
10 pharmacy and his license shall be automatically suspended until the Board or its designee
11 approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to
12 submit timely acknowledgements to the Board shall be considered a violation of probation.

13 Within ten (10) days of leaving employment, Respondent shall notify the Board in writing.

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

22 During suspension, Respondent shall not engage in any activity that requires the
23 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
24 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
25 designated representative for any entity licensed by the Board.

26 Subject to the above restrictions, Respondent may continue to own or hold an interest in
27 any licensed premises in which he holds an interest at the time this decision becomes effective
28 unless otherwise specified in this order.

1 Failure to comply with this suspension shall be considered a violation of probation.

2 **21. No Ownership of Licensed Premises**

3 Respondent shall not own, have any legal or beneficial interest other than community
4 property interest through his marriage to owner Hanh Platt, or serve as a manager, administrator,
5 member, officer, director, trustee, associate, or partner of any business, firm, partnership, or
6 corporation currently or hereinafter licensed by the Board. Respondent shall sell or transfer any
7 legal or beneficial interest other than community property interest through his marriage to owner
8 Hanh Platt, in any entity licensed by the Board within ninety (90) days following the effective
9 date of this decision and shall immediately thereafter provide written proof thereof to the Board.
10 Failure to timely divest any legal or beneficial interest(s) other than community property interest
11 through his marriage to owner Hanh Platt or provide documentation thereof shall be considered a
12 violation of probation.

13 Moreover, Respondent shall disassociate himself from Platt, LLC by the effective date of
14 this decision.

15 **22. No Additional Ownership of a Board-approved Premises**

16 Respondent Platt shall not acquire any new ownership, legal or beneficial interest nor serve
17 as a manager, administrator, member, officer, director, trustee, associate, or partner of any
18 additional business, firm, partnership, or corporation licensed by the Board. Violation of this
19 restriction shall be considered a violation of probation.

20 **ACCEPTANCE**

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
22 discussed it with my attorney, Robert Hahn. I understand the stipulation and the effect it will
23 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order
24 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
25 Board of Pharmacy.

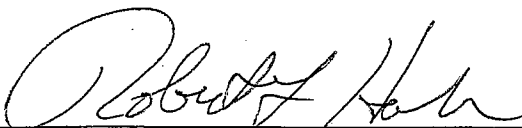
26 DATED: 9/13/10

27 Chris Eugene Platt
CHRIS EUGENE PLATT
Respondent

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

DATED: 9-13-10 
ROBERT HAHN
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: Sept. 13, 2010

Respectfully Submitted,
EDMUND G. BROWN JR.
Attorney General of California
GREGORY J. SALUTE
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Exhibit A

Accusation No. 3364

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

11 In the Matter of the Accusation Against:

Case No. 3364

12 CHRIS EUGENE PLATT
1320 Maricopa Hwy.
13 Ojai, CA 93023

ACCUSATION

14 Pharmacist License No. RPH 41579

15 Respondent.
16

17
18 Complainant alleges:

19 PARTIES

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

22 2. On or about April 23, 1988, the Board of Pharmacy (Board) issued Pharmacist
23 License No. RPH 41579 to Chris Eugene Platt (Respondent). The Pharmacist License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on November
25 30, 2009, unless renewed.

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1 dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with
2 regard to the provision of services.

3 8. Section 4104 of the Code states:

4

5 "(c) Every pharmacy shall report to the board, within 30 days of the receipt or development
6 of the following information with regard to any licensed individual employed by or with the
7 pharmacy: (6) Any termination of a licensed individual based on theft, diversion, or self-use
8 of dangerous drugs.

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

10 "For the purpose of denial, suspension, or revocation of a personal or facility license
11 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
12 crime or act shall be considered substantially related to the qualifications, functions or duties of a
13 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
14 licensee or registrant to perform the functions authorized by his license or registration in a manner
15 consistent with the public health, safety, or welfare."

16 10. Section 4300 provides, in pertinent part, that every license issued by the Board is
17 subject to discipline, including suspension or revocation.

18 11. Section 4301 states:

19 "The board shall take action against any holder of a license who is guilty of unprofessional
20 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

21 Unprofessional conduct shall include, but is not limited to, any of the following:

22

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

26

27 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
28 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to

1 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
2 to the extent that the use impairs the ability of the person to conduct with safety to the public the
3 practice authorized by the license.

4
5 "(j) The violation of any of the statutes of this state, or any other state, or of the United
6 States regulating controlled substances and dangerous drugs.

7
8 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
9 violation of or conspiring to violate any provision or term of this chapter or of the applicable
10 federal and state laws and regulations governing pharmacy, including regulations established by
11 the board or by any other state or federal regulatory agency."

12 12. Health and Safety Code section 11170 states: "No person shall prescribe, administer,
13 or furnish a controlled substance for himself."

14 13. Health and Safety Code section 11171 states: "No person shall prescribe, administer,
15 or furnish a controlled substance except under the conditions and in the manner provided by this
16 division."

17 14. Health and Safety Code section 11173 states: "No person shall obtain or attempt to
18 obtain controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
19 concealment of a material fact."

20 COST RECOVERY

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

25 DANGEROUS DRUGS

26 16. The dangerous drugs stolen by Respondent are listed below:

27 a. "Tussionex Suspension," is a brand name for hydrocodone chlorpheniramin

28 10mg/5ml, is a Schedule III controlled substance as designated by Health and Safety

1 Code section 11056, subdivision (e)(4) and is categorized as a “dangerous drug,”
2 pursuant to Business and Professions Code section 4022.

3 b. “Vicodin,” is the brand name for a combination drug containing hydrocodone and
4 acetaminophen, is a schedule III controlled substance as defined in Health and Safety
5 Code section 11056(e)(4) and is categorized as a dangerous drug according to Business
6 and Professions Code section 4022.

7 c. “Lortab,” is a brand name for a combination drug containing hydrocodone and
8 acetaminophen 500mg/2.5ml, is a schedule III controlled substance as defined in Health
9 and Safety Code section 11056(e)(4) and is categorized as a dangerous drug according
10 to Business and Professions Code section 4022.

11 d. “Vicoprofen,” is a brand name for a fixed combination of hydrocodone and ibuprofen,
12 a schedule II controlled substance as defined in Health and Safety Code section
13 11056(e)(4) and is categorized as a dangerous drug according to Business and
14 Professions Code section 4022(c).

15 e. “Norco,” is a brand name for a combination drug containing hydrocodone and
16 acetaminophen, is a schedule II controlled substance as defined in Health and Safety
17 Code section 11056(3)(4) and is categorized as a dangerous drug according to Business
18 and Professions Code section 4022.

19 f. “Lorcet,” is a brand name for a combination drug containing hydrocodone and
20 acetaminophen is a schedule II controlled substance as defined in Health and Safety
21 Code section 4022 and is categorized as a dangerous drug according to Business and
22 Professions Code section 4022.

23 FIRST CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct – Stealing Controlled Substances)

25 17. Respondent is subject to disciplinary action under section 4301, subdivision (f) on the
26 grounds of unprofessional conduct in that he committed acts involving moral turpitude,
27 dishonesty, fraud, deceit or corruption. Specifically, between approximately April 18, 2006
28 through August 1, 2007, the exact dates unknown, Respondent stole approximately 4,573 tablets

1 containing hydrocodone and approximately 11,597 ml of Tussionex Suspension, both schedule III
2 controlled substances according to Health and Safety Code section 11056 while working at eight
3 (8) pharmacies owned by Ralphs Grocery Company including #720, in Rancho Palos Verdes,
4 California, #280, in Marina Del Rey, California, #51, #123 and 106, in San Diego, California,
5 #681, in Bermuda Dunes, California, #160, in Indio, California, and #309, in Pacoima, California

6 SECOND CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct – Self Administration of a Controlled Substance)

8 18. Respondent is subject to disciplinary action under section 4301, subdivision (h), on
9 the grounds of unprofessional conduct for violating Health and Safety Code section 11070 in that
10 he administered to himself a controlled substance without a prescription. Specifically, between
11 approximately April 18, 2006 through August 1, 2007, the exact dates unknown, Respondent
12 administered to himself approximately 4,573 tablets containing Hydrocodone and approximately
13 11,597 ml of Tussionex suspension that he obtained from eight (8) pharmacies owned by Ralphs
14 Grocery Company where he worked as a pharmacist.

15
16 THIRD CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct – Possession of a Controlled Substance)

18 19. Respondent is subject to disciplinary action under section 4301, subdivision (j) on the
19 grounds of unprofessional conduct for violating section 4060. Specifically, between
20 approximately April 18, 2006 through August 1, 2007, the exact dates unknown, Respondent was
21 in the possession of approximately 4,573 tablets containing Hydrocodone and approximately
22 10,089 ml of Tussionex suspension. Particularly on July 30, 2007, during an investigation
23 interview at the Directors' Office at Ralphs #720 in Rancho Palos Verdes, California, Respondent
24 was in possession of 8 ½ Vicodin tablets and a small bottle of Tussionex Suspension taken from
25 the pharmacy without a prescription in violation of Business and Professions Code section 4060.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Dispensing While Under the Influence)

3 20. Respondent is subject to disciplinary action under section 4301, subdivision (j) on the
4 grounds of unprofessional conduct, for violating section 4327 in that Respondent worked as a
5 pharmacist while under the influence of controlled substances. Specifically, between
6 approximately April 18, 2006 through August 1, 2007, the exact dates unknown, Respondent
7 admitted that he drank Tussionex Suspension working at eight (8) pharmacies as a floater. This is
8 a violation of pharmacy law and a misdemeanor according to Business and Professions Code
9 section 4327.

10 FIFTH CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct – Unauthorized Disclosure of a Prescription)

12 21. Respondent is subject to disciplinary action under section 4301, subdivision (f) on the
13 grounds of unprofessional conduct, for violating the California Code of Regulations 1764 in that
14 he committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption as it relates
15 to California Code of Regulations 1764 in that Respondent took patient records from the
16 pharmacy. Specifically, on July 30, 2007 during an investigation at Ralphs Store # 720 in Rancho
17 Palos Verdes, California, patient prescription information was found in Respondent's car. Taking
18 patient prescription information is a violation of Business and Professions Code section 4301,
19 subdivision (f) as it relates to California Code of Regulations 1764 and a HIPAA¹ violation.

20 SIXTH CAUSE FOR DISCIPLINE

21 (Unprofessional Conduct – Unauthorized Disclosure of Medical Information)

22 22. Respondent is subject to disciplinary action under section 4301, subdivision (f) as it
23 relates to Civil Code section 56.10, subdivision (a). Specifically, on July 30, 2007, during an

24 ¹ The Health Insurance Portability and Accountability Act (HIPAA) was enacted by the U.S. Congress in 1996.
25 Title I of HIPAA protects health insurance coverage for workers and their families when they change or lose their
26 jobs. Title II of HIPAA, known as the Administrative Simplification (AS) provisions, requires the establishment of
27 national standards for electronic health care transactions and national identifiers for providers, health insurance plans,
28 and employers. This is intended to help people keep their information private, though in practice it is normal for
providers and health insurance plans to require the waiver of HIPAA rights as a condition of service.

1 investigation at Ralphs Store No. 720, in Rancho Palos Verdes, California, patient medical
2 information was found in Respondent's car. Taking patient medical information is a violation of
3 Business and Professions Code section 4301, subdivision (f) as it relates to Civil Code section
4 56.10, subdivision (a) and a HIPPA violation.

5 SEVENTH CAUSE FOR DISCIPLINE

6 (Unprofessional Conduct – Adulterating a Drug)

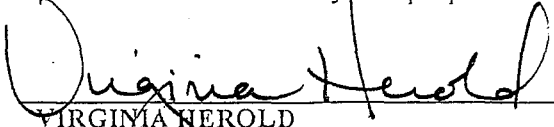
7 23. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
8 that he committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption when, by
9 his own admission, he adulterated pharmacy drug stock in violation of the Sherman Food, Drug
10 and Cosmetic Act defined by Health and Safety Code sections 111250, 111280, 11285, 111290,
11 and 111300 in that he adulterated stock bottles of Tussionex Suspension. Specifically, between
12 approximately May 1, 2006 and July 31, 2007, the exact dates unknown, Respondent took
13 varying amounts of Tussionex Suspension, a schedule III controlled substance from the stock
14 bottles at Ralphs Stores where he worked and replaced the contents with water. It is unlawful for
15 any person to adulterate any drug or device.

16 PRAYER

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

- 19 1. Revoking or suspending Pharmacist License No. RPH 41579, issued to Respondent
20 Chris Eugene Platt;
- 21 2. Ordering Chris Eugene Platt to pay the Board the reasonable costs of the investigation
22 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 12/8/09

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