

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

In the Matter of the Accusation Against:

Case No. 3526

**MEGAN BRIGID HARWOOD**

1215 S. Citrus Avenue  
Los Angeles, CA 90019

Pharmacist License No. RPH 60791

Respondent.

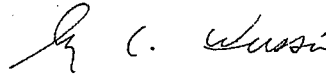
**DECISION AND ORDER**

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 November 23, 2011.

It is so ORDERED on October 24, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RANDY M. MAILMAN  
Deputy Attorney General  
4 State Bar No. 246134  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2442  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 3526

11 **MEGAN BRIGID HARWOOD**  
12 **1215 S. Citrus Avenue**  
13 **Los Angeles, CA 90019**  
**Pharmacist License No. RPH 60791**

OAH No. L-2011030351  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 Respondents.

15  
16 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
17 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
18 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
19 be submitted to the Board for approval and adoption as the final disposition of the Accusation  
20 solely with respect to Megan Brigid Harwood..

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 Kamala  
24 D. Harris, Attorney General of the State of California, by Randy M. Mailman, Deputy Attorney  
25 General.

26 2. Megan Brigid Harwood ("Respondent") is represented in this proceeding by attorney  
27 Samuel Spital, whose address is: 8880 Rio San Diego Drive, Ste 800, San Diego, CA 92108-  
28 1642.



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

3 **CONTINGENCY**

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

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

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

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

25 **DISCIPLINARY ORDER**

26 IT IS HEREBY ORDERED that Pharmacist License No. RPH 60791 issued to Respondent  
27 Megan Brigid Harwood ("Respondent") is revoked. However, the revocation is stayed and  
28 Respondent is placed on probation for three (3) years on the following terms and conditions.

1           **1. Obey All Laws**

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

3           Respondent shall report any of the following occurrences to the Board, in writing, within  
4 seventy-two (72) hours of such occurrence:

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

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

16           **2. Report to the Board**

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

25           **3. Interview with the Board**

26          Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
27 with the Board or its designee, at such intervals and locations as are determined by the Board or  
28 its designee. Failure to appear for any scheduled interview without prior notification to Board

1 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee  
2 during the period of probation, shall be considered a violation of probation.

3 **4. Cooperate with Board Staff**

4 Respondent shall cooperate with the Board's inspection program and with the Board's  
5 monitoring and investigation of Respondent's compliance with the terms and conditions of her  
6 probation. Failure to cooperate shall be considered a violation of probation.

7 **5. Continuing Education**

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

10 **6. Notice to Employers**

11 During the period of probation, Respondent shall notify all present and prospective  
12 employers of the decision in case number 3526 and the terms, conditions and restrictions imposed  
13 on Respondent by the decision, as follows:

14 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
15 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,  
16 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
17 tenure of employment) and owner to report to the Board in writing acknowledging that the listed  
18 individual(s) has/have read the decision in case number 3526, and terms and conditions imposed  
19 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or  
20 supervisor(s) submit timely acknowledgment(s) to the Board.

21 If Respondent works for or is employed by or through a pharmacy employment service,  
22 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity  
23 licensed by the Board of the terms and conditions of the decision in case number 3526 in advance  
24 of the Respondent commencing work at each licensed entity. A record of this notification must  
25 be provided to the Board upon request.

26 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
27 (15) days of Respondent undertaking any new employment by or through a pharmacy  
28 employment service, Respondent shall cause her direct supervisor with the pharmacy

1 employment service to report to the Board in writing acknowledging that she has read the  
2 decision in case number 3526 and the terms and conditions imposed thereby. It shall be  
3 Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely  
4 acknowledgment(s) to the Board.

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

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

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

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

18 **8. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent shall pay to the  
20 Board its costs of investigation and prosecution in the amount of \$5,400. Respondent shall make  
21 said payments as follows: Beginning within thirty days of the effective date of this Decision and  
22 Order, Respondent shall make thirty-six consecutive monthly payments to the Board in the  
23 amount of \$150.00.

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

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

1           **9. Probation Monitoring Costs**

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

6           **10. Status of License**

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

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

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

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

22           Upon acceptance of the surrender, Respondent shall relinquish her pocket and wall license  
23 to the Board within ten (10) days of notification by the Board that the surrender is accepted.  
24 Respondent may not reapply for any license from the Board for three (3) years from the effective  
25 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
26 of the date the application for that license is submitted to the Board, including any outstanding  
27 costs.

28



1           **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
2           **Employment**

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

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

10           **13. Tolling of Probation**

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

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

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

25           "Cessation of practice" means any calendar month during which Respondent is  
26           not practicing as a pharmacist for at least 40 hours, as defined by Business and  
27           Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
28

1 month during which Respondent is practicing as a pharmacist for at least 40 hours as  
2 a pharmacist as defined by Business and Professions Code section 4000 et seq.

3 Respondent is required to practice as a pharmacist in a licensed pharmacy setting that  
4 dispenses medication for a minimum of one year prior to the completion of probation. After the  
5 first year of probation, the Board or its designee may consider a modification of this requirement.  
6 If Respondent fails to comply with this requirement or a subsequent modification thereto, such  
7 failure shall be considered a violation of probation.

#### 8 **14. Violation of Probation**

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

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

#### 21 **15. Completion of Probation**

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

#### 24 **16. Random Drug Screening**

25 Respondent, at her own expense, shall participate in random testing, including but not  
26 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
27 screening program as directed by the Board or its designee. Respondent may be required to  
28 participate in testing for the entire probation period and the frequency of testing will be

1 determined by the Board or its designee. At all times, Respondent shall fully cooperate with the  
2 Board or its designee, and shall, when directed, submit to such tests and samples for the detection  
3 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or  
4 its designee may direct. Failure to timely submit to testing as directed shall be considered a  
5 violation of probation. Upon request of the Board or its designee, Respondent shall provide  
6 documentation from a licensed practitioner that the prescription for a detected drug was  
7 legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely  
8 provide such documentation shall be considered a violation of probation. Any confirmed positive  
9 test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a  
10 documented medical treatment shall be considered a violation of probation and shall result in the  
11 automatic suspension of practice of pharmacy by Respondent. Respondent may not resume the  
12 practice of pharmacy until notified by the Board in writing.

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

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

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

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

1           **17. Pharmacists Recovery Program (PRP)**

2           In the event that any of Respondent's biological samples confirm positive for any drug not  
3 lawfully prescribed by a licensed practitioner as part of a documented medical treatment,  
4 Respondent shall within thirty (30) days of the confirmed positive test, contact the Pharmacists  
5 Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll, successfully  
6 participate in, and complete the treatment contract and any subsequent addendums as  
7 recommended and provided by the PRP and as approved by the board or its designee. The costs  
8 for PRP participation shall be borne by the respondent.

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

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

15           Probation shall be automatically extended until respondent successfully completes the PRP.  
16 Any person terminated from the PRP program shall be automatically suspended by the board.  
17 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

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

22           Respondent shall completely abstain from the possession or use of alcohol, controlled  
23 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
24 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
25 request of the Board or its designee, Respondent shall provide documentation from the licensed  
26 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
27 treatment of the Respondent. Failure to timely provide such documentation shall be considered a  
28 violation of probation. Respondent shall ensure that she is not in the same physical location as

1 individuals who are using illicit substances even if Respondent is not personally ingesting the  
2 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
3 not supported by the documentation timely provided, and/or any physical proximity to persons  
4 using illicit substances, shall be considered a violation of probation.

5 **19. Community Services Program**

6 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the  
7 Board or its designee, for prior approval, a community service program in which Respondent  
8 shall provide free health-care related services on a regular basis to a community or charitable  
9 facility or agency for at least 100 hours during the first year of probation. Within thirty (30) days  
10 of Board approval thereof, Respondent shall submit documentation to the Board demonstrating  
11 commencement of the community service program. A record of this notification must be  
12 provided to the Board upon request. Respondent shall report on progress with the community  
13 service program in the quarterly reports. Failure to timely submit, commence, or comply with the  
14 program shall be considered a violation of probation.

15 **20. Ethics Course**

16 Within sixty (60) calendar days of the effective date of this decision, Respondent shall  
17 enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its  
18 designee. Failure to initiate the course during the first year of probation, and complete it within  
19 the second year of probation, is a violation of probation.

20 Respondent shall submit a certificate of completion to the Board or its designee within five  
21 days after completing the course.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ACCEPTANCE**

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

DATED: \_\_\_\_\_  
MEGAN BRIGID HARWOOD  
Respondent

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

DATED: \_\_\_\_\_  
Samuel Spital  
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: August 8, 2011

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General



RANDY M. MAILMAN  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 3526**



1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 State Bar No. 141267  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-8944  
5 Facsimile: (213) 897-2804

6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3526

12 **MEGAN BRIGID HARWOOD**  
13 **1215 S. Citrus Avenue**  
14 **Los Angeles, CA 90019**

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

15 **Pharmacist License No. RPH 60791**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about March 7, 2008, the Board of Pharmacy (Board) issued Pharmacist  
22 License No. RPH 60791 to Megan Brigid Harwood (Respondents). The Pharmacist License was  
23 in full force and effect at all times relevant to the charges brought herein and will expire on July  
24 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

28 ///

**STATUTORY PROVISIONS**

1  
2       4.     Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license  
3 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period  
4 within which the license may be renewed, restored, reissued or reinstated.

5       5.     Section 492 states:

6           “Notwithstanding any other provision of law, successful completion of any diversion  
7 program under the Penal Code, or successful completion of an alcohol and drug problem  
8 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of  
9 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
10 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that  
11 division, from taking disciplinary action against a licensee or from denying a license for  
12 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a  
13 record pertaining to an arrest.

14           “This section shall not be construed to apply to any drug diversion program operated by any  
15 agency established under Division 2 (commencing with Section 500) of this code, or any  
16 initiative act referred to in that division.”

17       6.     Section 4060 states:

18           “No person shall possess any controlled substance, except that furnished to a person upon  
19 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
20 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
21 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
22 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
23 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
24 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
25 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
26 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
27 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
28 labeled with the name and address of the supplier or producer.

1 “Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
2 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and  
3 devices.”

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

6 8. Section 4301 states, in pertinent part:

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

10 . . . .

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

14 . . . .

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

17 . . . .

18 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
19 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
20 federal and state laws and regulations governing pharmacy, including regulations established by  
21 the board or by any other state or federal regulatory agency.”

22 **CONTROLLED SUBSTANCES**

23 9. “Ambien” a generic name for zolpidem tartrate, a nonbarbiturate hypnotic, is a  
24 Schedule IV controlled substance as designated by Health and safety Code section 11057,  
25 subdivision (d)(32), and is categorized as a dangerous drug pursuant to Business and Professions  
26 Code section 4022.

27 10. “Amphetamine” is a Schedule II controlled substance as defined in Health and Safety  
28 Code section 11055(d)(1) and is categorized as a dangerous drug pursuant to Business and

1 Professions Code section 4022.

2 11. "Benzodiazepine" is a dangerous drug according to Business and Professions Code  
3 section 4022. It is a Schedule IV controlled substance as defined in Health and safety Code  
4 section 11057(d).

5 12. "Buprenorphine" and all products containing buprenorphine are controlled in  
6 Schedule III of the Controlled Substances Act.

7 13. "Lunesta" a trade name for eszopiclone a S-isomer of zopiclone, is a Schedule IV  
8 controlled substance as designated by Health and Safety Code section 11057, subdivision (d), and  
9 is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

10 14. "Phenvermine" a stimulant, is classified as a Schedule IV controlled substance  
11 pursuant to the Health and Safety Code section 11057, subdivision (f)(4), and is a dangerous drug  
12 within the meaning of Business and Professions Code section 4022.

13 15. "Ultram" a brand name for tramadol, an effective pain reliever (analgesic) and is  
14 categorized as a dangerous drug pursuant to section 4022 of the Code.

15 16. "Valium" a trade name for the chemical substance diazepam, a benzodiazepam  
16 derivative, is a Schedule IV controlled substance as designated by Health and Safety Code section  
17 11057(d)(9) and is categorized as a dangerous drug pursuant to Business and Professions Code  
18 section 4022.

19 17. "Vicoprofen" is the brand name for a fixed combination of hydrocodone, a narcotic  
20 and controlled substance, and ibuprofen, an anti-inflammatory and analgesic, a Schedule III  
21 controlled narcotic substance pursuant to Health and Safety Code section 11056(b)(4) and a  
22 dangerous drug pursuant to Business and Professions Code section 4022(c).

23 **COST RECOVERY**

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

28 **FIRST CAUSE FOR DISCIPLINE**

1 **(Possession of Controlled Substances)**

2 19. Respondent is subject to disciplinary action under section 4301, subdivisions (j)  
3 and/or (o), in that on or about February 8, 2009, Respondent was found to be in possession of  
4 controlled substances and dangerous drugs in violation of code section 4060 without valid  
5 prescriptions as follows:

6 a. On or about February 8, 2009, while at the Peace Arch Port of Entry (U.S./Canada  
7 border), The Customs Border Protection Officer found Respondent in possession of a large  
8 suitcase containing controlled substances, 1 Adderalol, a derivative of Amphetamine, 6  
9 Suboxone, a derivative of Buprenorphine, 1 Vicoprofen, 6 Lunesta, 13 Ambien, 1 Valium, 2 1/2  
10 Halcion, a derivative of Benzodiazepine, 1 1/2 Adipex-D, a derivative of Phentermine, Ultram,  
11 and 4 Valtrex, 1 Inderal, 1 Celecoxib, 1 Clariten, and 2 Azithromycin, classified as dangerous  
12 drugs.

13 b. On or about November 19, 2009, after Respondent filed a "*Statement on Plea of*  
14 *Guilty*" with the Court, Respondent was convicted of one misdemeanor count of violating Revised  
15 Code of Washington section 69.50.412 [use of drug paraphernalia], in the criminal proceeding  
16 entitled *The People of the State of Washington v. Megan Brigid Harwood* (Super. Ct. Whatcom  
17 County, 2009, No. 09-1-00176-9). The Court placed Respondent on Deferred Entry of Judgment  
18 for 24 months.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

21 20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), in  
22 that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or  
23 corruption. Complainant refers to, and by this reference incorporates, the allegations set forth  
24 above in paragraph 12, subparagraphs (a) and (b), as though set forth fully.

25 **PRAYER**

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

28 1. Revoking or suspending Pharmacist License No. RPH 60791, issued to Megan Brigid

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

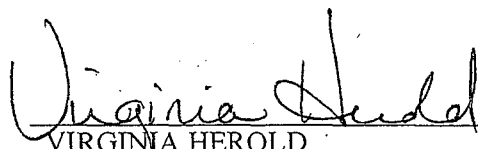
Harwood;

2. Ordering Megan Brigid Harwood to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED:

11/3/10



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

LA2009604721  
60560940.doc