

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

In the Matter of the Accusation Against:

Case No. 3596

WARREN CHRISTOPHER LLOYD

103 Ravenna Dr., #4
Long Beach, CA 90803

Pharmacist License No. RPH 41161

Respondent.

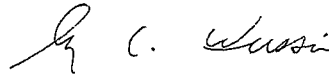
DECISION AND ORDER

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 October 27, 2010.

It is so ORDERED on September 27, 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 GLORIA A. BARRIOS
Supervising Deputy Attorney General
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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. 3596

11 **WARREN CHRISTOPHER LLOYD**
12 **103 Ravenna Dr., #4**
Long Beach, CA 90803
13 **Pharmacist License No. RPH 41161**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 Respondent.

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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 PARTIES

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

25 2. Respondent Warren Christopher Lloyd (Respondent) is represented in this proceeding
26 by attorney Theodore A. Cohen, whose address is 2141 Rosecrans Avenue, Suite 1130, El
27 Segundo, California 90245.

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1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 41161 issued to Respondent
3 Warren Christopher Lloyd is revoked. However, the revocation is stayed and Respondent is
4 placed on probation for five (5) 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 3596 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 3596, 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 3596 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 3596 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 \$3,214.50. Respondent shall
26 make said payments pursuant to a payment plan approved by the 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 a 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.

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

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

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

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

13 **17. Random Drug Screening**

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

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1 automatic suspension of practice of pharmacy by Respondent. Respondent may not resume the
2 practice of pharmacy until notified by the Board in writing.

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

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

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

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

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

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

1 not supported by the documentation timely provided, and/or any physical proximity to persons
2 using illicit substances, shall be considered a violation of probation.

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

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

25 If at any time an approved practitioner determines that Respondent is unable to practice
26 safely or independently as a pharmacist, the practitioner shall notify the Board immediately by
27 telephone and follow up by written letter within three (3) working days. Upon notification from

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1 the Board or its designee of this determination, Respondent shall be automatically suspended and
2 shall not resume practice until notified by the Board that practice may be resumed.

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

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

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

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

19 **20. Community Services Program**

20 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
21 Board or its designee, for prior approval, a community service program in which Respondent
22 shall provide free health-care related services on a regular basis to a community or charitable
23 facility or agency for at least 150 hours during the course of probation. Within thirty (30) days of
24 Board approval thereof, Respondent shall submit documentation to the Board demonstrating
25 commencement of the community service program. A record of this notification must be
26 provided to the Board upon request. Respondent shall report on progress with the community
27 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
28 program shall be considered a violation of probation.

1 **21. Supervised Practice**

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

7 Continuous – At least 75% of a work week

8 Substantial - At least 50% of a work week

9 Partial - At least 25% of a work week

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

11 Within thirty (30) days of the effective date of this decision, Respondent shall have his
12 supervisor submit notification to the Board in writing stating that the supervisor has read the
13 decision in case number 3596 and is familiar with the required level of supervision as determined
14 by the Board or its designee. It shall be the Respondent's responsibility to ensure that his
15 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
16 Board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
17 acknowledgements to the Board shall be considered a violation of probation.

18 If Respondent changes employment, it shall be the Respondent's responsibility to ensure
19 that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely
20 acknowledgement(s) to the Board. Respondent shall have his new supervisor, within fifteen (15)
21 days after employment commences, submit notification to the Board in writing stating the direct
22 supervisor and pharmacist-in-charge have read the decision in case number 3596 and is familiar
23 with the level of supervision as determined by the Board. Respondent shall not practice
24 pharmacy and his license shall be automatically suspended until the Board or its designee
25 approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to
26 submit timely acknowledgements to the Board shall be considered a violation of probation.

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

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

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

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

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

17 **22. No Ownership of Licensed Premises**

18 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
19 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
20 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
21 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
22 days following the effective date of this decision and shall immediately thereafter provide written
23 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
24 documentation thereof shall be considered a violation of probation.

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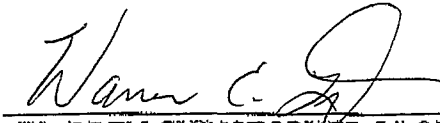
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Theodore A. Cohen. 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: 7/28/2010 
WARREN CHRISTOPHER LLOYD
Respondent

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

DATED: 7/28/10 
THEODORE A. COHEN
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: 8/5/10

Respectfully Submitted,
EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General

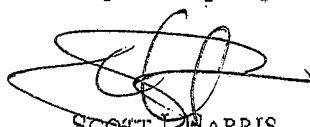

SCOTT J. HARRIS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 3596

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11 **WARREN CHRISTOPHER LLOYD**
12 103 Ravenna Dr., #4
13 Long Beach, CA 90803
Pharmacist License No. RPH 41161

A C C U S A T I O N

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about September 26, 1987, the Board issued Pharmacist License Number RPH
21 41161 to Warren Christopher Lloyd (Respondent). The Pharmacist License was in full force and
22 effect at all times relevant to the charges brought herein and will expire on October 31, 2010,
23 unless renewed.

24 **JURISDICTION**

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

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28 \\\

1 4. Section 4300 of the Code states:

2 "(a) Every license issued may be suspended or revoked.

3 "(b) The board shall discipline the holder of any license issued by the board, whose default
4 has been entered or whose case has been heard by the board and found guilty, by any of the
5 following methods:

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

8 "(3) Suspending his or her right to practice for a period not exceeding one year.

9 "(4) Revoking his or her license.

10 "(5) Taking any other action in relation to disciplining him or her as the board in its
11 discretion may deem proper.

12

13 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5
14 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
15 shall have all the powers granted therein. The action shall be final, except that the propriety of
16 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of
17 Civil Procedure."

18 5. Section 4301 of the Code 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 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
27 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
28 oneself, to a person holding a license under this chapter, or to any other person or to the public, or

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the
2 practice authorized by the license.

3

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

6

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

11 6. Section 4060 of the Code states:

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

23 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
24 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
25 devices."

26 7. Health and Safety Code section 11350, subdivision (a), states:

27 "Except as otherwise provided in this division, every person who possesses (1) any
28 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of

1 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
2 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
3 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
4 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
5 licensed to practice in this state, shall be punished by imprisonment in the state prison.”

6 8. Health and Safety Code section 11170 states:

7 “No person shall prescribe, administer, or furnish a controlled substance for himself.”

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

9 “No person shall obtain or attempt to obtain controlled substances, or procure or attempt to
10 procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
11 misrepresentation, or subterfuge.”

12 COST RECOVERY

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

17 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

18 11. Norco is the brand name for Hydrocodone w/ Acetaminophen 10/325mg, and is a
19 controlled substance pursuant to Health and Safety Code section 11056, and a dangerous drug
20 pursuant to Business and Professions Code section 4022.

21 12. Lortab is the brand name for Hydrocodone w/ Acetaminophen 10/5000mg, and is a
22 controlled substance pursuant to Health and Safety Code section 11056, and a dangerous drug
23 pursuant to Business and Professions Code section 4022.

24 13. Vicodin ES is the brand name for Hydrocodone w/ Acetaminophen, and is a
25 controlled substance pursuant to Health and Safety Code section 11056, and a dangerous drug
26 pursuant to Business and Professions Code section 4022.

27

28

1 14. Hycodan Syrup is the brand name for Hydrocodone w/ Homatropine, and is a
2 controlled substance pursuant to Health and Safety Code section 11056, and a dangerous drug
3 pursuant to Business and Professions Code section 4022.

4 15. Vicodin is the brand name for Hydrocodone w/ Acetaminophen 5/500mg, and is a
5 controlled substance pursuant to Health and Safety Code section 11056, and a dangerous drug
6 pursuant to Business and Professions Code section 4022.

7 FIRST CAUSE FOR DISCIPLINE

8 (Use of Controlled Substances)

9 16. Respondent is subject to disciplinary action under Code sections 4300 and 4301,
10 subdivision (j), on the grounds of unprofessional conduct, in conjunction with Health and Safety
11 Code section 11170, in that on or about July 28, 2008, while working at Ralphs Store #250
12 (located at 20137 Pioneer Blvd., Lakewood, California), Respondent was discovered stealing and
13 ingesting Vicodin ES. Respondent was witnessed taking two (2) tablets of Vicodin ES, which he
14 stole from the pharmacy. Further, Respondent admitted to taking "Vicodin" from Ralphs Store
15 #250 for approximately one year in or between August 2007 and July 2008 for his personal use.
16 Respondent estimated that he took and used approximately 300 tablets over the course of the
17 year, and/or, fifteen (15) tablets of "Vicodin" per week between August 2007 and July 2008.

18 SECOND CAUSE FOR DISCIPLINE

19 (Possession of Controlled Substance without Prescription)

20 17. Respondent is subject to disciplinary action under Code sections 4300 and 4301,
21 subdivisions (j) and (o), on the grounds of unprofessional conduct, in that Respondent possessed a
22 controlled substance without a prescription in violation of Code section 4060 and Health and
23 Safety Code section 11350, subdivision (a).

24 a. Specifically, on or about July 28, 2008, Respondent stole Vicodin ES from Ralphs
25 Store #250, and was found to have eleven (11) tablets of Vicodin ES on his person. Respondent
26 was also witnessed ingesting two tablets of Vicodin ES.

27 b. Respondent possessed Vicodin, including Vicodin, Vicodin ES, Norco and Lortab,
28 which he stole from Ralphs Store #250 for his personal use in or between August 2007 and July

1 2008, as more fully discussed in paragraph 16 above, which is herein incorporated by reference as
2 set forth in whole.

3 c. Respondent did not have prescriptions for the controlled substances and dangerous
4 drugs.

5 THIRD CAUSE FOR DISCIPLINE

6 (Dishonesty, Fraud or Deceit)

7 18. Respondent is subject to disciplinary action under Code sections 4300 and 4301,
8 subdivision (f), in conjunction with Health and Safety Code section 11173, subdivision (a), on the
9 grounds of unprofessional conduct, in that Respondent committed dishonesty, fraud or deceit, by
10 stealing controlled substances and dangerous drugs from his place of employment, as more fully
11 discussed in paragraphs 16 and 17, above, which are herein incorporated by reference as set forth
12 in whole.

13 FOURTH CAUSE FOR DISCIPLINE

14 (Impaired Ability to Practice Safely)

15 19. Respondent is subject to disciplinary action under Code sections 4300 and 4301,
16 subdivision (h), on the grounds of unprofessional conduct, in that Respondent used a controlled
17 substance and dangerous drug while on duty as a pharmacist. Specifically, on or about July 28,
18 2008, Respondent was witnessed ingesting Vicodin ES while on duty as a pharmacist at Ralphs
19 Store #250. Respondent did not have a prescription for the Vicodin ES. Paragraphs 16 through
20 18 are incorporated by reference as set forth in whole.

21 PRAYER

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

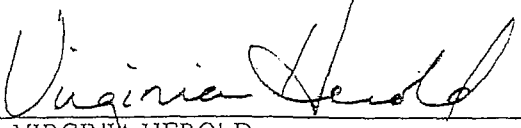
24 1. Revoking or suspending Pharmacist License Number RPH 41161, issued to Warren
25 Christopher Lloyd;

26 2. Ordering Warren Christopher Lloyd to pay the Board of Pharmacy the reasonable
27 costs of the investigation and enforcement of this case, pursuant to Business and Professions
28 Code section 125.3;

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

DATED: 4/14/10



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

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