

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

In the Matter of the First Amended Petition to  
Revoke Probation Against:

**LINDA MARIE REYNOLDS**  
3355 French Ave.  
West Sacramento, CA 95691

Pharmacist License No. RPH 37729

Respondent.

Case No. 3617

OAH No.2010071031

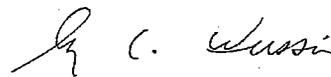
**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted  
by the Board of Pharmacy as its Decision in the above-entitled matter.

This decision shall become effective on December 21, 2011.

It is so ORDERED November 21, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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

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**PROPOSED DECISION**

Administrative Law Judge Stephen J. Smith, Office of Administrative Hearings, State of California, heard this matter in Sacramento, California on July 12, 2011.

Jeffrey M. Phillips, Deputy Attorney General, represented the Board of Pharmacy.

Linda Marie Reynolds appeared in pro per.

The record was closed and the matter was submitted on July 12, 2011.

**FACTUAL FINDINGS**

1. Virginia Herold is the Executive Officer of the Board of Pharmacy (Board). Ms. Herold filed the Petition to Revoke Probation (Petition) in her official capacity on or shortly after May 6, 2010. The Petition was timely served on Linda Marie Reynolds at her address of record and upon her attorney at the time on May 12, 2010. A First Amended Petition to Revoke Probation (The Amended Petition) was filed June 2, 2011, and was timely served upon respondent. At approximately the same time, counsel for respondent withdrew from the representation. The Board has jurisdiction to revoke, suspend, impose probationary terms upon, revoke probation, or otherwise discipline any holder of a Pharmacist license in the State of California.<sup>1</sup>

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<sup>1</sup> Business and Professions Code section 4300.

2. Respondent timely filed a Notice of Defense to the Petition on May 23, 2010. This Notice of Defense was deemed effective as a response to and to controvert the allegations of the Amended Petition, and to confirm and continue respondent's request for a hearing. On the Notice of Defense, respondent disclosed a new address of record in West Sacramento, California. The matter was set for an evidentiary hearing.

3. The Board issued respondent Pharmacist license number RPH 37729 on April 25, 1973. The license has been continuously renewed and, other than that set forth below and this action, the license is due to expire on July 31, 2012.

4. The Board acted, effective June 25, 2009, to revoke respondent's license, pursuant to a Stipulated Settlement and Disciplinary Order (the Stipulation and Order), entered into between respondent and the Board. However, the revocation was stayed, and respondent was placed on probation to the Board for a period of five (5) years, subject to certain terms, conditions and limitations. The five-year probationary period began July 9, 2009.

5. Respondent's license was suspended on December 30, 2009, for repeated failure to comply with certain terms and conditions of probation, including termination from the Board's Pharmacist Recovery Program (PRP) for breaches of her PRP contract, as described more in detail below.

6. The Stipulation and Order, which placed respondent on probation, was the end product of the Board filing an Accusation against respondent on June 13, 2008. In the terms of the Stipulation and Order, respondent agreed that should she ever appear before the Board again, such as in this action, or in any other matter, the Board may deem as true each and every fact, charge and allegation in the 2008 Accusation, without the need for further proof, in order to determine an appropriate level of discipline in that later action. Respondent also agreed in the Stipulation and Order that legal cause for the imposition of disciplinary action against her pharmacist license existed.

7. Pursuant to the terms of the Stipulation and Order, respondent agreed that the allegations in the 2008 Accusation were true and accurate for the purposes of this action. This agreement included respondents acknowledgment of the truth and accuracy of the core allegations in the 2008 Accusation that between 2004 and 2006, respondent violated the provisions of a number of Business and Professions Code sections governing the conduct of professional licensed pharmacists in California, as well as several regulations of the Board, when serving in a capacity as the Pharmacist-in- Charge at the Holiday Pharmacy # 43, Redding, California. In particular, respondent admitted that the Board may deem true and correct in this action the allegation in the 2008 Accusation that on November 3, 2005, she was unable to complete her duties as the Pharmacist-in-Charge at the Holiday Pharmacy#43 due to obvious intoxication. Additionally, respondent acknowledged by virtue of the Stipulation and Order that she failed to produce a doctor's note attesting to the doctor's opinion that respondent was able to safely able to perform her duties as a licensed professional pharmacist at Holiday Pharmacy # 43, when this doctor's opinion was

demanded by her employer. At the time the doctor's note attesting to her ability to practice her profession safely was demanded, respondent was under the treatment of two different doctors, both of whom had prescribed considerable quantities of dangerous drugs and/or controlled substances to respondent near in time to the incident of November 3, 2005. In addition, respondent also acknowledged certain allegations regarding failure to keep a proper controlled substances inventory within the parameters required by the Drug Enforcement Administration (DEA), failure to keep records regarding pharmacist technicians and training, failure to properly account for drugs, and failure to keep accurate records.

8. Respondent's probation to the Board included several terms and conditions directly related to respondent's evident problem with uncontrolled substance abuse that led to the 2008 Accusation and the disciplinary action, resulting in the probation being imposed. Respondent agreed in Condition No. 14 of her probation that if she violated probation in any respect, after receiving notice and an opportunity to be heard, the Board may revoke respondent's probation and lift the stayed revocation of her license.

9. Respondent violated her probation Condition No. 14, in that she violated several other terms and conditions of her probation, as follows:

A. Condition number 16 requires respondent to obtain, at her own expense, a psychiatric evaluation by a Board appointed or Board approved psychiatrist or psychologist within 30 days of the effective date of the Decision imposing the probation (the effective date of the decision was June 25, 2009). Respondent was also required to submit herself on a periodic basis after the psychiatric examination for additional examinations, as well as psychotherapy, if warranted and recommended by the evaluator. Respondent was required to sign a release authorizing the release of a report from the psychiatrist or psychologist so approved following the evaluation, and to take steps to ensure that, the psychiatrist or psychologist selected performed the required evaluation and provided the Board with a written report. The report is required to contain a current diagnosis and the evaluator's professional opinion regarding respondent's judgment and ability to function independently as a pharmacist with safety to the public.

A.1. To the date of the evidentiary hearing, respondent had not begun to comply with Condition number 16, in that she failed to provide the Board with the name of a proposed psychiatrist or psychologist to perform the required psychiatric evaluation for the Board's prior approval.

B. Condition number 17 requires respondent to obtain, at her own expense a medical evaluation by a Board appointed or Board approved physician within 30 days of the effective date of the Decision, and to undergo periodic additional medical evaluation and treatment, if called for by the physician performing the evaluation. Respondent was required to provide the name and professional qualifications of the proposed medical evaluator/treater to the Board for approval, to undergo the evaluation and to continue any medical treatment the evaluator physician recommended, at her own expense. Respondent was required to

arrange for the submission of quarterly reports regarding her medical condition to the Board from the Board approved physician.

B.1. To the date of the evidentiary hearing, respondent made only a single effort to comply with Condition number 16. As set forth below, after several months delay in beginning any compliance whatsoever with the terms and conditions of her probation following the July 9, 2009, introductory meeting, respondent suggested to the Board that it approve her treating physician "up north" as the physician evaluator in satisfaction of Condition number 16. The Board rejected the selection, noting that the physician respondent nominated is one of the two physicians who were prescribing respondent copious quantities of controlled substance pain medications, as referenced above and below. The Board advised respondent that she needed to suggest a completely independent physician for the medical evaluation, in order to have a fully unbiased look at her current medical status and prognosis in order to be in compliance with the requirements of Condition 16. To the date of the evidentiary hearing, respondent has failed to present the Board with any selection of a physician to evaluate her medical condition in satisfaction of Condition 16.

C. Condition number 18 requires that within 30 days of the effective date of the decision, respondent must contact the Pharmacist Recovery Program (PRP) for evaluation, and shall successfully participate in and complete any treatment contract entered into with PRP and any subsequent addenda to that treatment contract, as recommended by the PRP following evaluation, and approved by the Board. PRP participation was made mandatory and would no longer be considered self referral. Condition number 18 also requires that respondent successfully participate in and continue any existing PRP contract and any subsequent addenda with the PRP, and that her probation would be automatically extended until she successfully completed her treatment contract with PRP. The condition also provides that if she was terminated from the PRP program, her license to practice as a pharmacist would be automatically suspended, upon notice to respondent of the suspension by the Board.

C.1. Respondent failed to comply with Probation Condition number 18. Respondent did enter into a contract with PRP, administered by Maximus, in November 2009, several months after the July 25, 2009 deadline respondent was given by which she was required to make initial contact with Maximus. The PRP contract called for respondent, among other requirements, to attend daily 12 Step meetings, attend Health Support Group meetings twice per week, to provide Maximus with a monthly self-report, and to review and sign her preliminary program contract and return it to Maximus. Respondent violated condition number 18 thrice; first by failing to timely contact Maximus and enroll in a PRP contract; second by failing to comply with the terms and conditions of the PRP contract, resulting in her termination from the Maximus program and being found in breach of her PRP contract in early December 2009; and, third, for failing repeatedly to comply with her drug and alcohol random drug screening requirements (below), and testing positive for the presence of alcohol on April 4, 2011. On April 18, 2011, respondent again violated this Condition when she was terminated a second time from the Maximus program for repeated violations of the terms and conditions of her PRP contract.

D. Condition number 19 requires that respondent, at her own expense, participate in random bodily fluids testing; including, but not limited to urine, blood, urinalysis, hair follicle, or drug screening, as directed and required by Maximus and/or her PRP contract. Respondent was to submit herself to random testing as directed by Maximus through the Maximus call in and be directed program, in which the participant in the random drug screening program calls in each day to a designated number maintained by Maximus to receive instructions whether to report for testing. Condition number 19 mandates that failure to submit to testing as directed by Maximus constitutes a violation of probation. In addition, Condition 19 requires that any confirmed positive test for any prohibited substance, including alcohol, will result in the immediate suspension of respondent's license to practice as a pharmacist.

D.1. Respondent violated Condition 19 in several respects. Respondent failed to call as directed by Maximus to FirstLab, Maximus' third-party drug testing contractor, for required drug screenings on eight separate days during February, 2011, and an additional day on March 8, 2011. Respondent also failed to report to be tested as directed by the call-in program on three days in February and two days in March, 2011. On April 4, 2011, respondent did report for screening as required by the program. Her test sample obtained on that date tested positive for the presence of alcohol.

E. Condition number 20: requires that respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia. The only exception to this absolute prohibition was if respondent could produce a lawful prescription from a licensed medical practitioner as part of a documented bona fide medical treatment.

E.1. Respondent violated Condition number 20 in that, as set forth just above, she tested positive for the presence of alcohol on April 4, 2011.

10. The Board's Supervising Inspector testified that before a probationer such as respondent begins her probationary period and obligations, a conference takes place between Board representatives and the probationer. During this conference, which took place for respondent on July 9, 2009, the Board's representatives reviewed with respondent each and every term and condition of probation, answered any questions, and insured that respondent understood all of her probationary obligations. In advance of the meeting, respondent was sent a copy of all the terms and conditions of probation, and asked to prepare herself for the meeting by reviewing all of the conditions, and noting any questions that she might have about compliance. At the conclusion of the meeting, respondent signed a declaration confirming that she understood all of the probationary terms and conditions, and what would be required of her in order to comply with those terms.

11. At the initial probation review meeting July 9, 2009, respondent expressed concerns about the bodily fluids testing and absolute abstinence from drugs and/or alcohol requirements. She advised the Board representatives that she needed to take pain medications because she had "a lot of pain." Respondent was advised to explain the

circumstances and situation to Maximus and have the physician experts under contract to Maximus assess respondent's need for continuing use of pain medications. The Board's Supervising Inspector explained that there are some probationer pharmacists who come into the PRP/Maximus program addicted to pain medication, or have some continuing need for pain medication. The Board refers these probationers to physicians specializing in addiction and pain management to help these probationers wean off the pain medications, if possible, or to determine whether the pharmacist can function on alternative medications, and if so which ones and what amount is required. It was pointed out to respondent that it was her responsibility to bring this issue to Maximus and permit Maximus to determine whether and how much pain medication respondent might be permitted and still be deemed in compliance with the requirements of her probation and her PRP contract. Respondent was advised she was required to contact Maximus no later than July 25, 2009, in order to process through Maximus into the PRP program and be admitted.

12. Respondent made no evident effort to comply with any of the above probationary terms through November 2009 other than the brief failed nomination of her personal physician "up north." Respondent did not contact Maximus until November 2009, did not submit the name of a psychiatrist/psychologist, the name of a physician evaluator/treater (other than as noted above), or make any arrangement to enter into random drug and alcohol testing.

13. The Board's probation supervision representatives met with respondent again on October 27, 2009. The purpose of the meeting was to hold a second initial probationary conference. During this "do over" conference, the Board representatives started over, as if respondent was being first admitted to probation. The Board representatives and respondent discussed respondent's failure to contact Maximus and make some reasonable effort to commence compliance with her other probationary obligations. The representatives pointed out that respondent had evidently ignored these probationary obligations since the first initial probation conference on July 9, 2009. The Board representatives advised respondent that she was presently in violation of several of the terms and conditions of her probation, and asked her to explain what might be preventing her, if anything, from meeting the obligations that she confirmed she understood in the July 9, 2009 meeting.

14. Respondent complained of financial concerns in a nonspecific fashion, but did mention that she could not afford the evaluations that are required by the probation. Respondent was advised that the Board would not permit financial hardship to be a barrier to obtaining the evaluations that were required and to participate in the PRP program. The Board representatives advised that the Board had developed a variety of options for pharmacists who were experiencing financial hardship in complying with the terms and conditions of probation, including scholarships, community resources, support group members and other individuals who have volunteered to provide financial assistance. She advised that board representatives would put respondent in touch with some of these resources upon request. In addition, respondent was advised that Maximus provides one free clinical infield assessment for potential probationers who are experiencing financial hardships, but that the probationer must contact Maximus and arrange to meet with the

Maximus clinical assessor. When questioned about her failure to obtain the medical evaluation, respondent then advised that she had a physician treater "up north." (It appears that by the time of this meeting, respondent had moved from Weed to West Sacramento) as noted above, the Board rejected the selection and advised respondent that the Board sought a fresh evaluation from a completely independent physician. Respondent also advised the representatives that she "still needed" her pain medications. She acknowledged that she had not contacted Maximus to determine whether the pain medications that she had been taking would be permitted. Respondent implied that the Board representatives should assume that she is fit to practice. Respondent signed a declaration confirming that she again understood her probationary terms and obligations and what was required of her to comply with them at the conclusion of this meeting.

15. Respondent first contacted Maximus on November 23, 2009. Once enrolled, respondent was advised that she was required to call her Maximus representative once per week. Respondent made her first call to her Maximus representative on December 22, 2009, despite the fact that her representative made numerous phone calls to respondent and left messages on respondent's answering machine requesting a call back.

16. Respondent was terminated from Maximus the first time in early December 2009, for failure to comply with her PRP contract program requirements. Based on advice from Maximus that respondent had been terminated on the Maximus program and had failed to fulfill her PRP contract obligations, the Board acted to suspend respondent's license, as was noted above. Respondent's license has remained suspended since the suspension was imposed on December 30, 2009.

17. A third conference was called and conducted between Board probation representatives and respondent on December 15, 2009. The Board probation representatives during this third conference addressed themselves in a more focused fashion to respondent's now profound and wide ranging failures to comply with her probationary obligations. Respondent's history of undergoing several surgeries was discussed, as was respondent's request to "give me some more time to get started." Respondent offered no explanation when the Board's representatives asked her in this third meeting why she had made no effort to contact Maximus between the commencement of her probation July 9, 2009 until November 23, 2009. At the end of the meeting, and for a third time, respondent signed a declaration that she fully and completely understood all of her probationary terms, conditions and obligations.

18. Respondent actually had two separate enrollments with Maximus. Respondent was terminated by Maximus from the first enrollment for noncompliance in early December, 2009, resulting in suspension of her license December 31, 2009, as noted above. Evidently the Board's representatives and her Maximus representative decided to "give her more time to get started" and permitted her to apply for reinstatement to the Maximus program and to be reinstated to her PRP contract. Respondent succeeded in persuading Maximus to readmit her to the program in early 2010. She was allowed to be reinstated to and continue with her PRP contract, despite numerous previous breaches.

19. At least with respect to her PRP obligations and compliance with Maximus requirements, respondent appeared to comply successfully through early 2011. For reasons not evident in the record, but may well be related to a relapse, respondent ran into serious noncompliance with her PRP bodily fluids testing requirements in February and March 2011, as noted above, finally resulting in the positive test for alcohol in early April 2011. Respondent was terminated a second time by Maximus for violating the terms and conditions of her PRP due to noncompliance with bodily fluids testing protocols in February and March, 2011, as set forth above, and for the positive alcohol test in April 2011.

20. Respondent did not testify. What little information she added to the inquiry at the evidentiary hearing were modest inferences drawn from the statements she made prefatory to the few questions she asked of the Board's witnesses. From these few rather brief statements and questions, it may be fairly inferred that respondent is still in denial about an evident problem with substance abuse, and that she has a rather compartmentalized view of her progress in Maximus before she was terminated on both occasions than is documented in the Maximus records and through the testimony of the Maximus representative who testified. One question respondent asked of the Maximus representative who testified inferred that she believed that "all was going well" with her progress and participation in the Maximus program. Between the time of her readmission and reinstatement to her PRP contract in the Maximus program in early 2010 through February 2011, that statement is accurate. However, between the time probation began as early as July 9, 2009 through November 23, 2009, and from mid February 2011 through the time of her ultimate termination from Maximus for breach of her PRP contract in April 2011, the statement is manifestly inaccurate. The statement also disregards respondent's utterly deficient performance with numerous other probationary requirements not related to her PRP contract and Maximus, such as her repeated failure to make any significant effort to obtain the psychiatric /psychological evaluation and report regarding her fitness to practice, as well as the medical evaluation for the same purpose, among other things.

21. On this record, the Deputy Attorney General's comment in closing that there is no evidence that respondent has taken her substance abuse seriously and made any realistic effort toward rehabilitation are both fair comments on the evidence. To her credit, respondent did not claim to be abstinent from alcohol and drug use, did not deny that the positive test for alcohol in April 2011 was not as the laboratory reported it to be, nor did she claimed to be rehabilitated or currently safe to practice. But that is about the extent of what can be said in support of respondent's current state. Respondent is not rehabilitated nor has she made any significant effort since early 2011 to participate in any sort of rehabilitation or treatment program. Respondent has demonstrated that she is a rather unsuitable candidate for probation, in that she is both passively and actively resistant to compliance with the terms and conditions of the probationary order. Respondent appears dependent upon, if not addicted to, controlled substance pain killers, and there is uncontroverted evidence that at least on one occasion she was using alcohol as well. There is no evidence respondent has completed a drug and alcohol rehabilitation or treatment program, or begun a 12 Step program. There was no evidence that she has seen or been treated by a specialist in addiction medicine. There was no evidence she has sought counseling or therapy for her addiction.

There was no acknowledgment from respondent that she is addicted to either drugs and/or alcohol, or even that she has a dependency problem with controlled substances, other than repeatedly asserting that she needs to continue to take pain medication following her surgeries. In sum, there is no evidence of any sustained effort on respondent's part toward rehabilitation. It thus cannot be concluded on this record that respondent is fit or safe to practice as a licensed pharmacist.

## LEGAL CONCLUSIONS

1. The burden of proof for all of the allegations made in the First Amended Petition to Revoke Probation rests upon the Board and requires the Board to prove the allegations in the Amended Petition by a preponderance of the evidence. A preponderance of the evidence is that state of the evidence in which any required fact required to be proved is more likely than not.<sup>2</sup> This standard of proof was applied to each and every allegation in the Amended Petition in making the conclusions below.

2. Business and Professions Code section 4300 provides:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

[¶]...[¶]

3. The Board has the jurisdiction and authority revoke probation that has been granted as a condition to a stayed revocation resolving a disciplinary action, both pursuant to Business and Professions Code section 4300, quoted above, and by the specific terms of respondent's probation, particularly Condition 14, cited above in the Factual Findings and agreed to by respondent at the commencement of her probation on July 9, 2009. Respondent

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<sup>2</sup> Evidence Code section 115.

violated her probationary obligations repeatedly and in serial fashion, despite the admirable patience of the Board's probation compliance representatives, and their provision to respondent of numerous opportunities to correct and redeem herself and get back on track. Respondent, despite many opportunities, simply made no meaningful effort to comply with her probationary obligations, as detailed in the Factual Findings.

4. There is no evidence that respondent is presently fit to practice as a licensed pharmacist in the State of California; in fact the evidence is entirely to the contrary, that respondent is presently unfit to practice due to what appears to be an unaddressed and uncontrolled polysubstance abuse problem. Therefore, legal cause exists to lift the stay of the revocation of respondent's license imposed in the 2009 disciplinary action, to reimpose the revocation of respondent's license stayed in that action, and to revoke her license outright. The current suspension of respondent's license merges into the outright revocation Order set forth below.

#### ORDER

Pharmacist license number RPH 37729, issued by the Board of Pharmacy to Linda Marie Reynolds, is REVOKED.

DATED: September 13, 2011

  
STEPHEN J. SMITH  
Administrative Law Judge  
Office of Administrative Hearings

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Attorney General of California  
2 ARTHUR D. TAGGART  
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9 **BEFORE THE**  
10 **BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Petition to Revoke  
14 Probation Against:

Case No. 3617

15 **LINDA MARIE REYNOLDS**  
16 **17539 Bobcat Court**  
**Weed, CA 96094**

**PETITION TO REVOKE PROBATION**

17 **Pharmacist License No. RPH 37729**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold ("Complainant") brings this Petition to Revoke Probation solely in  
22 her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
23 Affairs.

24 **License History**

25 2. On or about April 25, 1983, the Board of Pharmacy issued Pharmacist License  
26 Number RPH 37729 to Linda Marie Reynolds ("Respondent"). The license was in effect at all  
27 times relevant to the charges brought herein and will expire on July 31, 2010, unless renewed.

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1 FIRST CAUSE TO REVOKE PROBATION

2 (Mental Health Examination)

3 8. At all times after the effective date of Respondent's probation, Condition 16 states, in  
4 pertinent part:

5 Mental Health Examination Within 30 days of the effective date of this  
6 decision, and on a periodic basis as may be required by the Board, Respondent  
7 shall undergo, at her own expense, psychiatric evaluation(s) by a Board-  
8 appointed or Board-approved psychiatrist or psychologist. Respondent shall  
9 sign a release authorizing the evaluator to furnish the Board with a current  
10 diagnosis and a written report regarding the Respondent's judgment and ability  
11 to function independently as a pharmacist with safety to the public. Respondent  
12 shall comply with all the recommendations of the evaluator if directed by the  
13 Board.

14 If the psychiatrist or psychotherapist recommends, and the Board directs,  
15 Respondent shall undergo psychotherapy. Respondent shall, within 30 days of  
16 written notice of the need for psychotherapy, submit to the Board for its prior  
17 approval, the recommended program for ongoing psychotherapeutic care.  
18 Respondent shall undergo and continue psychotherapy, at Respondent's own  
19 expense, until further notice from the Board. Respondent shall have the  
20 treating psychotherapist or psychiatrist submit written quarterly reports to the  
21 Board as directed. If Respondent is determined to be unable to practice safely,  
22 upon notification, Respondent shall immediately cease practice and shall not  
23 resume practice until notified by the Board.

24 9. Respondent's probation is subject to revocation because she failed to comply with  
25 Probation Condition 16, referenced above. The facts and circumstances regarding this violation  
26 are that Respondent has failed to submit a proposed psychiatrist or psychologist for  
27 review/approval by the Board.

28 SECOND CAUSE TO REVOKE PROBATION

(Medical Evaluation)

10. At all times after the effective date of Respondent's probation, Condition 17 states, in  
pertinent part:

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

If Respondent is required by the Board to undergo medical treatment,  
Respondent shall, within 30 days of written notice from the Board, submit to  
the Board for its prior approval, the name and qualifications of a physician of

1 Respondent's choice. Upon Board approval of the treating physician,  
2 Respondent shall undergo and continue medical treatment, with that physician  
3 and at Respondent's own expense, until further notice from the Board.  
4 Respondent shall have the treating physician submit written quarterly reports to  
5 the Board. Should Respondent, for any reason, cease treatment with the  
6 approved physician, Respondent shall notify the Board immediately and, within  
7 30 days of ceasing treatment, submit the name of a replacement physician of  
8 Respondent's choice to the Board for its prior approval.

9 11. Respondent's probation is subject to revocation because he failed to comply with  
10 Probation Condition 17, referenced above. The facts and circumstances regarding this violation  
11 are that Respondent has failed to submit the name of a physician for review/approval by the  
12 Board to conduct the evaluation.

### 13 THIRD CAUSE TO REVOKE PROBATION

#### 14 (Rehabilitation Program – Pharmacists Recovery Program (PRP))

15 12. At all times after the effective date of Respondent's probation, Condition 18 states, in  
16 pertinent part:

#### 17 Rehabilitation Program - Pharmacists Recovery Program (PRP)

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

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

13 13. Respondent's probation is subject to revocation because she failed to comply with  
14 Probation Condition 18, referenced above. The facts and circumstances regarding this violation  
15 are that Respondent has failed to comply with the terms and conditions of the PRP contract, as  
16 follows: Failed to attend daily 12-Step meetings, failed to attend Health Support Group two times  
17 per week, failed to provide Maximus with a monthly self-report, and failed to review and sign her  
18 preliminary program contract to Maximus.

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1 FOURTH CAUSE TO REVOKE PROBATION

2 (Randon Drug Screening)

3 14. At all times after the effective date of Respondent's probation, Condition 19 states:

4 Random Drug Screening Respondent, at her own expense, shall  
5 participate in random testing, including but not limited to biological fluid  
6 testing (urine, blood), breathalyzer, hair follicle testing, or a drug screening  
7 program approved by the Board. The length of time shall be for the entire  
8 probation period and the frequency of testing will be determined by the Board.  
9 At all times Respondent shall fully cooperate with the Board, and shall, when  
10 directed, submit to such tests and samples for the detection of alcohol,  
11 narcotics, hypnotics, dangerous drugs or other controlled substances. Failure to  
12 submit to testing as directed shall constitute a violation of probation. Any  
13 confirmed positive drug test shall result in the immediate suspension of practice  
14 by Respondent. Respondent may not resume the practice of pharmacy until  
15 notified by the Board in writing.

16 15. Respondent's probation is subject to revocation because she failed to comply with  
17 Probation Condition 19, referenced above. The facts and circumstances regarding this violation  
18 are that Respondent failed to register with FirstLab and contact the vendor daily to submit to  
19 randomly scheduled body fluid testing.

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PRAYER

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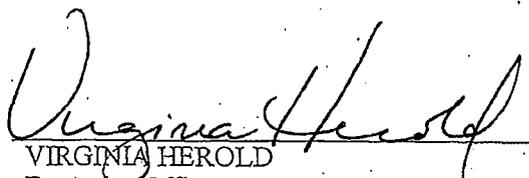
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3039 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No. RPH 37729 issued to Linda Marie Reynolds;

2. Revoking or suspending Pharmacist License No. RPH 37729 issued to Linda Marie Reynolds; and,

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

DATED: 5/6/10



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

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