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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. 3930

11 **SHAWNA LYNN PHILLIPS**  
12 **4302 St. Paol Circle**  
13 **Pittsburg, CA 94565**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 **Pharmacy Technician License No. TCH 56911**

15 Respondent.

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.

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21 PARTIES

22 1. Virginia Herold (Complainant), Executive Officer of the Board of Pharmacy, brought  
23 this action solely in her official capacity and is represented in this matter by Kamala D. Harris,  
24 Attorney General of the State of California, by Joshua A. Room, Deputy Attorney General.

25 2. Respondent Shawna Lynn Phillips (Respondent) is representing herself in this  
26 proceeding and has chosen not to exercise her right to be represented by counsel.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 3930. Respondent agrees that her License is subject to discipline and agrees to be bound by  
4 the Board's probationary terms as set forth in the Disciplinary Order below.

5  
6 CONTINGENCY

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

16 10. The parties understand and agree that facsimile copies of this stipulation, including  
17 facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 56911, issued to  
3 Respondent Shawna Lynn Phillips (Respondent), is revoked. However, the revocation is stayed  
4 and Respondent is placed on probation for four (4) years on the following terms and conditions.

5 **1. Certification Prior to Resuming Work**

6 Respondent shall be automatically suspended from working as a pharmacy technician until  
7 she is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
8 satisfactory proof of certification to the board. Respondent shall not resume working as a  
9 pharmacy technician until notified by the board. Failure to achieve certification within one (1)  
10 year shall be considered a violation of probation. Respondent shall not resume working as a  
11 pharmacy technician until notified by the board.

12 During any such suspension, respondent shall not enter any pharmacy area or any portion of  
13 any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
14 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
15 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
16 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
17 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
18 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
19 substances. Respondent shall not resume work until notified by the board.

20 Failure to comply with any such suspension shall be considered a violation of probation.

21 **2. Obey All Laws**

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

23 Respondent shall report any of the following occurrences to the board, in writing, within  
24 seventy-two (72) hours of such occurrence:

- 25  an arrest or issuance of a criminal complaint for violation of any provision of the  
26 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
27 substances laws  
28  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
criminal complaint, information or indictment

- 1            a conviction of any crime
- 2            discipline, citation, or other administrative action filed by any state or federal agency
- 3           which involves respondent's pharmacy technician license or which is related to the
- 4           practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
- 5           or charging for any drug, device or controlled substance.

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

7           **3. Report to the Board**

8           Respondent shall report to the board quarterly, on a schedule as directed by the board or its

9           designee. The report shall be made either in person or in writing, as directed. Among other

10          requirements, respondent shall state in each report under penalty of perjury whether there has

11          been compliance with all the terms and conditions of probation. Failure to submit timely reports

12          in a form as directed shall be considered a violation of probation. Any period(s) of delinquency

13          in submission of reports as directed may be added to the total period of probation. Moreover, if

14          the final probation report is not made as directed, probation shall be automatically extended until

15          such time as the final report is made and accepted by the board.

16          **4. Interview with the Board**

17          Upon receipt of reasonable prior notice, respondent shall appear in person for interviews

18          with the board or its designee, at such intervals and locations as are determined by the board or its

19          designee. Failure to appear for any scheduled interview without prior notification to board staff,

20          or failure to appear at two (2) or more scheduled interviews with the board or its designee during

21          the period of probation, shall be considered a violation of probation.

22          **5. Cooperate with Board Staff**

23          Respondent shall cooperate with the board's inspection program and with the board's

24          monitoring and investigation of respondent's compliance with the terms and conditions of her

25          probation. Failure to cooperate shall be considered a violation of probation.

26          **6. Notice to Employers**

27          During the period of probation, respondent shall notify all present and prospective

28          employers of the decision in case number 3930 and the terms, conditions and restrictions imposed

            on respondent by the decision, as follows:

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1           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
2 respondent undertaking any new employment, respondent shall cause her direct supervisor,  
3 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
4 tenure of employment), and owner to report to the board in writing acknowledging that the listed  
5 individual(s) has/have read the decision in case number 3930 and the terms and conditions  
6 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or  
7 supervisor(s) submit timely acknowledgement(s) to the board.

8           If respondent works for or is employed by or through a pharmacy employment service,  
9 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every pharmacy  
10 of the terms and conditions of the decision in case number 3930 in advance of commencing work  
11 at each pharmacy. A record of this notification must be provided to the board upon request.

12           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
13 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
14 service, respondent shall cause her direct supervisor with the pharmacy employment service to  
15 report to the board in writing acknowledging that she has read the decision in case number 3930  
16 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
17 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

18           Failure to timely notify present or prospective employer(s) or to cause employer(s) to  
19 submit timely acknowledgements to the board shall be considered a violation of probation.

20           "Employment" within the meaning of this provision shall include any full-time,  
21 part-time, temporary or relief service or pharmacy management service as a pharmacy  
22 technician or in any position for which a pharmacy technician license is a requirement  
or criterion for employment, whether the respondent is considered an employee,  
independent contractor or volunteer.

#### 23           7.     **Notification of Departure**

24           Prior to leaving the probationary geographic area designated by the board or its designee for  
25 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
26 writing of the dates of departure and return. Failure to comply with this provision shall be  
27 considered a violation of probation.

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1           **8. Notification of Change in Employment, Name, Address(es), or Phone(s)**

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

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

9           **9. Abstain from Drugs and Alcohol Use**

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

21          **10. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

22          Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
23 attendance at a recognized substance abuse recovery support group in California, (e.g., Alcoholics  
24 Anonymous, Narcotics Anonymous, etc.) that has been approved by the board or its designee.  
25 Respondent must attend at least one group meeting per week unless otherwise directed by the  
26 board or its designee. Respondent shall continue regular attendance and submit signed and dated  
27 documentation confirming attendance with each quarterly report for the duration of probation.  
28 Failure to attend or submit documentation thereof shall be considered a violation of probation.

1           **11. Random Drug Screening**

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

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

18           During any such suspension, respondent shall not enter any pharmacy area or any portion of  
19 any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
20 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
21 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
22 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
23 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
24 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
25 substances. Respondent shall not resume work until notified by the board.

26           Failure to comply with any such suspension shall be considered a violation of probation.

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1           **12. Work Site Monitor**

2           Within ten (10) days of the effective date of this decision, respondent shall identify a work  
3 site monitor, for prior approval by the board, who shall be responsible for supervising respondent  
4 during working hours. Respondent shall be responsible for ensuring that the work site monitor  
5 reports in writing to the board quarterly. Should the designated work site monitor determine at  
6 any time during the probationary period that respondent has not maintained sobriety, he/she shall  
7 notify the board immediately, either orally or in writing as directed. Should respondent change  
8 employment, a new work site monitor must be designated, for prior approval by the board, within  
9 ten (10) days of commencing new employment. Failure to identify an acceptable initial or  
10 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be  
11 considered a violation of probation.

12           **13. Community Services Program**

13           Within sixty (60) days of the effective date of this decision, respondent shall submit to the  
14 board or its designee, for prior approval, a community service program in which respondent shall  
15 provide free health-care related services on a regular basis to a community or charitable facility or  
16 agency for at least fifty (50) hours per year for the first two years of probation. Within thirty (30)  
17 days of board approval thereof, respondent shall submit documentation to the board showing the  
18 commencement of community service. Respondent shall report on progress with the community  
19 service program in the quarterly reports. Failure to timely submit, commence, comply with or  
20 document performance of the program shall be considered a violation of probation.

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

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

1           **15. Reimbursement of Board Costs**

2           As a condition precedent to successful completion of probation, respondent shall pay to the  
3 board its costs of investigation and prosecution in the amount of \$4,182.50. Respondent shall be  
4 permitted to pay these costs in a payment plan approved by the board or its designee, so long as  
5 payment is completed no later than three (3) years after the effective date of this decision. There  
6 shall be no deviation from this schedule absent prior written approval by the board or its designee.  
7 Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

8           The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to  
9 reimburse the board its costs of investigation and prosecution.

10           **16. Probation Monitoring Costs**

11           Respondent shall pay any costs associated with probation monitoring as determined by the  
12 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
13 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
14 be considered a violation of probation.

15           **17. Tolling of Probation**

16           Except during periods of suspension, respondent shall, at all times while on probation, be  
17 employed as a pharmacy technician in California for a minimum of ten (10) hours per calendar  
18 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,  
19 the period of probation shall be extended by one month for each month during which this  
20 minimum is not met. During any such period of tolling of probation, respondent must  
21 nonetheless comply with all terms and conditions of probation.

22           Should respondent, regardless of residency, for any reason (including vacation) cease  
23 working as a pharmacy technician for a minimum of ten (10) hours per calendar month in  
24 California, respondent must notify the board in writing within ten (10) days of cessation of work  
25 and must further notify the board in writing within ten (10) days of the resumption of the work.  
26 Any failure to provide such notification(s) shall be considered a violation of probation.

27           It is a violation of probation for respondent's probation to remain tolled pursuant to this  
28 condition for a total period, consecutive or non-consecutive, exceeding thirty-six (36) months.

1 "Cessation of work" means calendar month during which respondent is not  
2 working for at least ten (10) hours as a pharmacy technician, as defined in Business  
3 and Professions Code section 4115. "Resumption of work" means any calendar  
4 month during which respondent is working for at least ten (10) hours as a pharmacy  
5 technician as defined by Business and Professions Code section 4115.

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8 **18. Status of License**

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

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

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

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

25 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician  
26 license to the board within ten (10) days of notification by the board the surrender is accepted.  
27 Respondent may not reapply for any license, permit, or registration from the board for three (3)  
28 years from the effective date of the surrender. Respondent shall meet all requirements applicable  
to the license sought as of the date the application for that license is submitted to the board.

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**20. Violation of Probation**

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

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

**21. Completion of Probation**


Upon written notice by the board indicating successful completion of probation, respondent's pharmacy technician license will be fully restored.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Pharmacy Technician 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:

7-20-2011

  
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SHAWNA LYNN PHILLIPS  
Respondent

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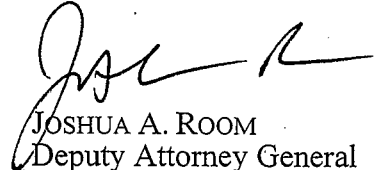
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 8/2/2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General

  
JOSHUA A. ROOM  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 3930**

1 KAMALA D. HARRIS  
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2 FRANK H. PACOE  
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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. 3930

11 **SHAWNA LYNN PHILLIPS**  
12 **4302 St. Paul Circle**  
13 **Pittsburg, CA 94565**

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

14 **Pharmacy Technician License No. TCH 56911**

15 Respondent.

16 Complainant alleges:

17  
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 June 21, 2004, the Board issued Pharmacy Technician License No. TCH  
22 56911 to Shawna Lynn Phillips (Respondent). The License was in full force and effect at all  
23 times relevant to the charges brought herein and will expire on April 30, 2012, unless renewed.

24  
25 JURISDICTION

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

1 4. Section 4011 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be  
5 suspended or revoked.

6 6. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,  
7 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
8 disciplinary action during the period within which the license may be renewed, restored, reissued  
9 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not  
10 renewed within three years following its expiration may not be renewed, restored, or reinstated  
11 and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of  
12 the Code provides that any other license issued by the Board may be canceled by the Board if not  
13 renewed within 60 days after its expiration, and will require a new application.

#### 14 15 STATUTORY AND REGULATORY PROVISIONS

16 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
17 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but  
18 not be limited to, any of the following:

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

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

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



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

5 8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous  
6 drug or dangerous device except upon the prescription of an authorized prescriber.

7 9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any  
8 controlled substance, except that furnished upon a valid prescription/drug order.

9 10. Section 4327 of the Code makes it unlawful for any person, while on duty, to sell,  
10 dispense or compound any drug while under the influence of a dangerous drug or alcohol.

11 11. Health and Safety Code section 11170 provides that no person shall prescribe,  
12 administer, or furnish a controlled substance for himself or herself.

13 12. Health and Safety Code section 11173, subdivision (a), provides that no person shall  
14 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
15 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
16 or subterfuge; or (2) by the concealment of a material fact.

17 13. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
18 any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
19 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

20 14. Health and Safety Code section 11550, in pertinent part, makes it unlawful for any  
21 person to use or be under the influence of any controlled substance in Schedule II (Health and  
22 Safety Code section 11055), subdivision (c), or any narcotic drug in Schedules III-V, except when  
23 administered by or under the direction of an authorized licensee.

#### 24 COST RECOVERY

25  
26 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation of the licensing  
28 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.







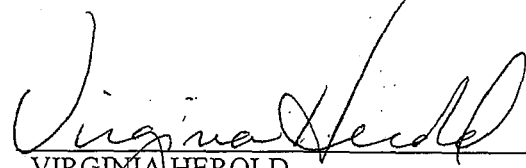


1           2.     Ordering Respondent to pay the Board the reasonable costs of the investigation and  
2 enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

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DATED: 4/27/11



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

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