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

In the Matter of the Petition to Revoke Probation Against: Case No. 4543

ELIZABETH LOVE SMITH 4386 West Point Loma Blvd, Apt. J San Diego, CA 92107

Pharmacist License No. RPH 39152

Respondent.

DECISION AND ORDER

-- The attached Stipulated Surrender of License and 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 25, 2013.

It is so ORDERED on September 25, 2013.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

(. Jusi

By

STAN C. WEISSER Board President

1	Kamala D. Harris	· · · · · · · · · · · · · · · · · · ·		
2	Attorney General of California JAMES M. LEDAKIS	· · ·		
	Supervising Deputy Attorney General MARICHELLE S. TAHIMIC			
3	Deputy Attorney General			
4	State Bar No. 147392 110 West "A" Street, Suite 1100			
5	San Diego, CA 92101			
б	P.O. Box 85266 San Diego, CA 92186-5266			
7	Telephone: (619) 645-3154 Facsimile: (619) 645-2061			
8	Attorneys for Complainant			
8 9	BEFORE THE BOARD OF PHARMACY			
0 ·		CONSUMER AFFAIRS CALIFORNIA		
1	In the Matter of the Petition to Revoke			
2	Probation Against:	Case No. 4543		
3	ELIZABETH B. LOVE SMITH			
4	4386 West Point Loma Blvd, Apt. J San Diego, CA 92107	STIPULATED SURRENDER OF LICENSE AND ORDER		
5	Pharmacist License No. RPH 39152			
6	Respondent.			
7				
8	In the interest of a prompt and speedy reso	lution of this matter, consistent with the public		
	interest and the responsibility of the Board of Ph	armacy of the Department of Consumer Affairs		
9	the parties hereby agree to the following Stipulat	ed Surrender of License and Order which will be		
0	submitted to the Board for approval and adoption as the final disposition of the Petition to Revoke			
1				
2	Probation.			
3	<u>PARTIES</u> 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.			
4	She brought this action solely in her official capacity and is represented in this matter by Kamala			
5	D. Harris, Attorney General of the State of California, by Marichelle S. Tahimic, Deputy			
6				
:7	Attorney General.			
2. Elizabeth B. Love Smith (Respondent) is representing herself in this pr				
28				
28	has chosen not to exercise her right to be represe	nted by counsel.		

Stipulated Surrender of License (Case No. 4543)

3. On or about March 13, 1985, the Board of Pharmacy issued Pharmacist License No. RPH 39152 to Elizabeth B. Love Smith (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought in Petition to Revoke Probation No. 4543 and expired on February 28, 2013 and has not been renewed.

1

2

3

4

5

7

8

9

11

12

13

14

15

23

25

JURISDICTION

• 4. Petition to Revoke Probation No. 4543 was filed before the Board of Pharmacy б (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on June 4, 2013. Respondent timely filed her Notice of Defense contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 4543 is attached as 10 Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. 4543. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

Respondent is fully aware of her legal rights in this matter, including the right to a 16 6. hearing on the charges and allegations in the Petition to Revoke Probation; the right to be 17 represented by counsel, at her own expense; the right to confront and cross-examine the witnesses 18 against her; the right to present evidence and to testify on her own behalf; the right to the issuance 19 of subpoenas to compel the attendance of witnesses and the production of documents; the right to 20 reconsideration and court review of an adverse decision; and all other rights accorded by the 21 California Administrative Procedure Act and other applicable laws. 22

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above. 24

CULPABILITY

Respondent admits the truth of each and every charge and allegation in Petition to 8. 26 27 Revoke Probation No. 4543, agrees that cause exists for discipline and hereby surrenders her 28 Pharmacist License No. RPH 39152 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacist License without further process.

<u>CONTINGENCY</u>

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

12

14

15

1

2

3

4

5

б

7

8

9

10

11

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

24

ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 39152, issued to Respondent
Elizabeth B. Love Smith, is surrendered and accepted by the Board of Pharmacy.

The surrender of Respondent's Pharmacist License and the acceptance of the
 Surrendered license by the Board shall constitute the imposition of discipline against Respondent.

This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.

Respondent shall lose all rights and privileges as a Pharmacist in California as of the 2, effective date of the Board's Decision and Order.

Respondent shall cause to be delivered to the Board her pocket license and, if one was 3. issued, her wall certificate on or before the effective date of the Decision and Order.

If Respondent ever applies for licensure or petitions for reinstatement in the State of 4. 7 California, the Board shall treat it as a new application for licensure. Respondent must comply 8 with all the laws, regulations and procedures for licensure in effect at the time the application or 9 petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation 10 No. 4543 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition. Respondent may not apply for a 12 new license prior to three years from the effective date of the Decision and Order. 13.

If Respondent should ever apply or reapply for a new license or certification, or 5. 14 petition for reinstatement of a license, by any other health care licensing agency in the State of 15 California, all of the charges and allegations contained in Petition to Revoke Probation, No. 4543 16 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement 17 of Issues or any other proceeding seeking to deny or restrict licensure. 18

19

24

25

26

27

28

11

1

2

3

4

5

6

11

ACCEPTANCE

20 I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated 21 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound 22 by the Decision and Order of the Board of Pharmacy. 23

4

august 7, 2013 DATED:

Respondent

1	ENDORSEMENT		
2	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted		
3	for consideration by the Board of Pharmacy of the Department of Consumer Affairs.		
4	Dated: Aug 20, 2013 Respectfully submitted,		
5	KAMALA D. HARRIS		
6	Attorney General of California JAMES M. LEDAKIS		
7	Supervising Deputy Attorney General		
8	Marichelle Jakoic		
و	MARICHELLE S. TAHIMIC		
10	Deputy Attorney General Attorneys for Complainant		
11			
12	SD2013704809		
13	70735529.doc		
-14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25 26			
20			
27			
20			
	5		

I

Exhibit A

Petition to Revoke Probation No. 4543

Į			
1 2 3 4 5 6 7 8 9	KAMALA D. HARRIS Attorney General of California JAMES M. LEDAKIS Supervising Deputy Attorney General MARICHELLE S. TAHIMIC Deputy Attorney General State Bar No. 147392 110 West "A" Street, Suite 1100 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-3154 Facsimile: (619) 645-2061 Attorneys for Complainant BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CONSUMER AFFAIRS		
11	In the Matter of the Petition to Revoke		
12	Probation Against: Case No. 4543		
13	ELIZABETH B. LOVE SMITH 4386 West Point Loma Boulevard, Apt. J PETITION TO REVOKE PROBATION		
14	San Diego, CA 92107		
15	Pharmacist License No. RPH 39152		
16	Respondent.		
17			
18	Complainant alleges:		
19	PARTIES		
20	1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her		
21	official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer		
22	Affairs.		
23	2. On or about March 13, 1985, the Board of Pharmacy issued Pharmacist License		
24	Number RPH 39152 to Elizabeth B. Love Smith (Respondent). The Pharmacist License was in		
25	effect at all times relevant to the charges brought herein and was suspended on April 6, 2012.		
26	The Pharmacist License expired on February 28, 2013 and has not been renewed.		
27			
28			
	1		
	PETITION TO REVOKE PROBATION (Case No. 4543)		

In a disciplinary action entitled "In the Matter of Accusation Against Elizabeth B. 3. 1 Love Smith," Case No. 2436, the Board of Pharmacy, issued a decision, effective July 4, 2002, in 2 which Respondent's Pharmacist License was revoked. However, the revocation was stayed and 3 Respondent's Pharmacist License was placed on probation for a period of five (5) years with 4 certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated 5 by reference. 6 JURISDICTION 7 4. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board). 8 Department of Consumer Affairs, under the authority of the following laws. All section 9 references are to the Business and Professions Code unless otherwise indicated. 10 Section 4300 of the Code states: 5. 11 12 (a) Every license issued may be suspended or revoked. 13 (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 14 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.

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

15

16

17

18

- 19

20

21

22

23

24

.25

26

27

28

6. Section 4300.1 of the Code provides:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding

2

PETITION TO REVOKE PROBATION (Case No. 4543)

against, the licensee or to render a decision suspending or revoking the license. 1 that the suspension, expiration, surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during 2 the period within which the license may be renewed, restored, reissued or reinstated. 3 7. This Petition to revoke Probation is brought pursuant to Condition 15 of the Decision 4 and Order in Case No. 2436, referenced in paragraph 3 above, which states: 5 6 15. Violation of Probation. If Respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may 7 revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against Respondent during 8 probation, the Board shall have continuing jurisdiction, and the period of probation shall be extended, until the petition to revoke probation is heard and 9 decided. If a Respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over Respondent, and 10 probation shall automatically be extended until all terms and conditions have been met or the Board has taken other actions as deemed appropriate to treat the 11 failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed. 12 FIRST CAUSE TO REVOKE PROBATION 13 14 (Failure to Report to the Board) 8. At all times after the effective date of the Decision and Order imposing probation on 15 Respondent's license, Condition 3 of the Order stated: 16 17 Reporting to the Board. Respondent shall report to the Board quarterly. 3. The report shall be made either in person or in writing, as directed. Respondent 18 shall state under penalty of perjury whether there has been compliance with all . the terms and conditions of probation. If the final probation report is not made 19 as directed, probation shall be extended automatically until such time as the final report is made. 20 9. Respondent's probation is subject to revocation because she failed to comply with 21 Probation Condition 3 in that she failed to provide timely Quarterly Reports on: 22 April 10, 2005 for the period January 1, 2005 through March 31, 2005 23 a. April 10, 2007 for the period January 1, 2007 through March 31, 2007; 24 b. October 10, 2007 for the period July 1, 2007 through September 30, 2007; 25 c. January 10, 2011 for the period October 1, 2010 through December 31, 2010; đ. 26 April 10, 2011 for the period January 1, 2011 through March 31, 2011; 27 e. July 10, 2011 for the period April 1, 2011 through June 30, 2011; 28f. PETITION TO REVOKE PROBATION (Case No. 4543)

1	g. October 10, 2011 for the period July 1, 2011 through September 30, 2011; and,	
2	h. January 1, 2012 for the period October 1, 2011 through December 31, 2011.	
3	SECOND CAUSE TO REVOKE PROBATION	
4	(Failure to Submit Acknowledgment from Employer)	
: 5	10. At all times after the effective date of the Decision and Order imposing probation on	
6	Respondent's license, Condition 7 of the Order stated:	
•7	7. Notice to Employers. Respondent shall notify all present and prospective employers of the decision in case No. 2436 and the terms,	
8	conditions and restrictions imposed on Respondent by the decision. Within thirty (30) days of the effective date of this decision, and within fifteen (15)	
9	days of Respondent undertaking new employment, Respondent shall cause [her] employer to report to the Board in writing acknowledging the employer	
10	has read the decision in case No. 2436.	
11		
12	"Employment" within the meaning of this provision shall include any full-time, part-time, temporary or relief service of pharmacy management service as a	
13	pharmacist, whether the Respondent is considered an employee or independent contractor.	
14		
15 ⁻	11. Respondent's probation is subject to revocation because she failed to comply with	
16	Probation Condition 7 in that Respondent failed to timely submit, or cause to be submitted, her	
17	employer's report to the Board acknowledging that her employer has read the decision in Case	
18	No. 2436.	
19	THIRD CAUSE TO REVOKE PROBATION	
20	(Failure to Maintain 40 Hours Monthly Employment as a Pharmacist)	
21	12. At all times after the effective date of the Decision and Order imposing probation on	1
22	Respondent's license, Condition 14 of the Order stated, in pertinent part:	
23	14. Tolling of Probation. Should Respondent, regardless of residency, for any reason, cease practicing pharmacy for a minimum of 80 hours per calendar	
24	month in California, Respondent must notify the board in writing within ten (10) days of cessation of the practice of pharmacy or the resumption of the	
25	practice of pharmacy.	ĺ.
_26 27	"Cessation of practice" means any period of time exceeding 30 days in which Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the Business and Professions Code.	
28	Respondent shall work at least 40 hours per calendar month as a pharmacist and	
	4	
	PETITION TO REVOKE PROBATION (Case No. 4543)	ſ

;

at least an average of 80 hours per month in any six consecutive months. 1 Failure to do so will be a violation of probation. 13. Respondent's probation is subject to revocation because she failed to comply with 2 Probation Condition 14, in that Respondent failed to maintain employment as a pharmacist for a 3 minimum of 40 hours per calendar month for over four years. 4 FOURTH CAUSE TO REVOKE PROBATION 5 (Failure to Participate in the Pharmacists Recovery Program) 6 14. At all times after the effective date of the Decision and Order imposing probation on 7 Respondent's license, Condition 18 of the Order stated, in pertinent part: 8 9 18. Rehabilitation Program. Pharmacists Recovery Program (PRP). Within 30 days of the effective date of this decision, respondent shall contact 10 the Pharmacists Recovery Program from evaluation and shall successfully participate in and complete the treatment contract and any subsequent 11 addendums as recommended and provided by the PRP and as approved by the Board. 12 13 Respondent shall successfully participate in and complete his or her current 14 contract and any subsequent addendums with the PRP. Probation shall be automatically extended until Respondent successfully completes his or her 15 Any person terminated from the program shall be treatment contract. automatically suspended upon notice by the board. Respondent may not 16 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 17 violation of this term. 18 15. Respondent's probation is subject to revocation because she failed to comply with 19 Probation Condition 18 in that on March 27, 2012, Respondent was terminated from the PRP because she failed to comply with the requirements of her PRP contract as follows: 20 Respondent failed to regularly attend daily 12-step meetings; 21 а. b. Respondent had multiple positive random drug tests for alcohol; 22 Respondent failed to maintain complete abstinence from all mind-altering substances, 23 c, as she had self-reported a relapse, having used Ultracet and Vicodin; 24 Respondent failed to report daily, as she missed 70 calls for random drug testing; d. 25 Respondent failed to attend Health Support Group meetings regularly; and, 26 e. f. Clinical assessors indicated that Respondent failed to derive benefit from the program 27 after multiple assessments. 28

PETITION TO REVOKE PROBATION (Case No. 4543)

	FIFTH CAUSE TO REVOKE PROBATION	
	(Failure to Abstain From Drugs and Alcohol Use)	
ĺ		
	16. At all times after the effective date of the Decision and Order imposing probation o	
	Respondent's license, Condition 23 of the Order stated:	
	23. Abstain from Drugs and Alcohol Use. Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board, respondent shall provide documentation from the licensed practitioner that the prescription was legitimately issued and is a necessary part of the treatment of the respondent.	
	17. Respondent's probation is subject to revocation because she failed to comply with	
	Probation Condition 23 in that Respondent failed to abstain from the use of alcohol, controlled	
	substances, or dangerous drugs. Respondent had multiple random drug tests with positive results	
and Respondent self-reported relapse by using Ultracet and Vicodin during her enrollment in the		
	Pharmacists Recovery Program.	
	PRAYER	
	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. 24	
	and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No.	
	RPH 39152 issued to Elizabeth B. Love Smith;	
	2. Taking such other and further action as deemed necessary and proper.	
	DATED: 5/2.8/13 Juginia Acid	
	VIRGINLA HEROLD Executive Officer	
	Board of Pharmacy Department of Consumer Affairs	
	State of California Complainant	
	SD2013704809 11047483.doc	
	6	

Exhibit A

Decision and Order Board of Pharmacy Case No. 2436

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

In the Matter of the Accusation Against:

Case No. 2436

ELIZABETH LOVE SMITH, RPH 1103 Wilbur Avenue San Diego, CA 62109 OAH No. L-2002030204

Pharmacist License No. RPH 39152

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 _____July 4, 2002

It is so ORDERED June 4, 2002

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By: STEVE LITSEY

Board President

STATE OF CALIFORNIA I. VIRGINIA HEROLD. OFFICIAL CUSTODIAN OF THE RECORDS. DO HEREBY CERTIFY THAT. THIS/THESE DOCUMENTS IS/ARE TRUE AND CORRECT COPY/COPIES OF THE ORIGINAL(S) OF THE FILE IN THIS OFFICE.

VIRGINIA HERDLD Executive Officer California State Board of Pharmacy

			ж,	
•	1	BILL LOCKYER, Attorney General		
	2	of the State of California JAMES M. LEDAKIS, State Bar No. 132645		
	3	Deputy Attorney General California Department of Justice		
	4	110 West "A" Street, Suite 1100 San Diego, CA 92101		
	5	P.O. Box 85266		
	6	San Diego, CA 92186-5266 Telephone: (619) 645-2105		
•	7	Facsimile: (619) 645-2061		
	8	Attorneys for Complainant		
	9	BEFORE TH		
	10		BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
	11	STATE OF CALLS	JALVIA.	
	12	In the Matter of the Accusation Against:	Case No. 2436	
•	13	ELIZABETH LOVE SMITH, RPH 1103 Wilbur Avenue	OAH No. L-2002030204	
	14	San Diego, CA 62109	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER	
	15	Pharmacist License No. RPH 39152	DISCH LINARY ONDER	
•	16	Respondent.		
	17			
	18	IT IS HEREBY STIPILLATED AND A	GREED by and between the parties to the	
	19	above-entitled proceedings that the following matters and	*	
	20	PARTIES		
	21		is the Executive Officer of the Board of	
	22	Pharmacy. She brought this action solely in her official		
	23			
	24	Attorney General.		
	25	2. Respondent ELIZABETH LOVE	E SMITH, RPh (Respondent) is	
	26	represented in this proceeding by attorney Wendy A. M		
27		Melrose Drive, Suite 106, Vista, CA 92084, 7000 0520		
	28			
			· · ·	

1

í

3. On or about March 13, 1985, the Board of Pharmacy issued license
 number RPH 39152 to ELIZABETH LOVE SMITH, RPh (Respondent). The license was in full
 force and effect at all times relevant to the charges brought in Accusation No. 2436 and will
 expire on February 28, 2003, unless renewed.

JURISDICTION

5

11

25

26

27

28

4. Accusation No. 2436 was filed before the Board of Pharmacy (Board),
Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
and all other statutorily required documents were properly served on Respondent on January 31,
2002. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
Accusation No. 2436 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and
13 understands the charges and allegations in Accusation No. 2436. Respondent has also carefully
14 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
15 Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the
right to a hearing on the charges and allegations in the Accusation; the right to be represented by
counsel at her own expense; the right to confront and cross-examine the witnesses against her;
the right to present evidence and to testify on her own behalf; the right to the issuance of
subpoenas to compel the attendance of witnesses and the production of documents; the right to
reconsideration and court review of an adverse decision; and all other rights accorded by the
California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2436.

19.Respondent agrees that her license is subject to discipline and she agrees2to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

3

8

25

RESERVATION

10. The admissions made by Respondent herein are only for the purposes of
this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
licensing agency is involved, and shall not be admissible in any other criminal or civil
proceeding.

CONTINGENCY

9 11. This stipulation shall be subject to approval by the Board of Pharmacy. 10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of 11 Pharmacy may communicate directly with the Board regarding this stipulation and settlement, 12 without notice to or participation by Respondent or her counsel. By signing the stipulation, 13 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind 14 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall 15 16 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action 17 between the parties, and the Board shall not be disqualified from further action by having 18 considered this matter.

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that license number RPH 39152 issued to
Respondent ELIZABETH LOVE SMITH, RPh is revoked. However, the revocation is stayed
and Respondent is placed on probation for five (5) years on the following terms and conditions:

Actual Suspension - Pharmacist. As part of probation, Respondent is
 suspended from the practice of pharmacy for 90 days, however, Respondent is given 90 days
 credit for the one year she remained unemployed as a pharmacist. Therefore, Respondent has
 completed her 90 day suspension.

5 2. Obey All Laws. Respondent shall obey all federal and state laws and
6 regulations substantially related or governing the practice of pharmacy.

7 3. Reporting to the Board. Respondent shall report to the Board quarterly.
8 The report shall be made either in person or in writing, as directed. Respondent shall state under
9 penalty of perjury whether there has been compliance with all the terms and conditions of
10 probation. If the final probation report is not made as directed, probation shall be extended
11 automatically until such time as the final report is made.

Interview with the Board. Upon receipt of reasonable notice, respondent
 shall appear in person for interviews with the board upon request at various intervals at a location
 to be determined by the board. Failure to appear for a scheduled interview without prior
 notification to board staff shall be considered a violation of probation.

5. Cooperation with Board Staff. Respondent shall cooperate with the
Board's inspection program and in the Board's monitoring and investigation of the Respondent's
compliance with the terms and conditions of Female probation. Failure to cooperate shall be
considered a violation of probation.

20 6. Continuing Education. Respondent shall provide evidence of efforts to
21 maintain skill and knowledge as a pharmacist as directed by the Board.

Notice to Employers. Respondent shall notify all present and prospective
employers of the decision in case No. 2436 and the terms, conditions and restrictions imposed on
Respondent by the decision. Within thirty (30) days of the effective date of this decision, and
within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause
Female employer to report to the Board in writing acknowledging the employer has read the
decision in case No. 2436.

If Respondent works for or is employed by or through a pharmacy employment

.4

service, Respondent must notify the pharmacist-in-charge and/or owner at every pharmacy at
 which she is to employed or used of the fact and terms of the decision in case number 2436 in
 advance of the Respondent commencing work at the pharmacy.

4 "Employment" within the meaning of this provision shall include any full-time,
5 part-time, temporary or relief service or pharmacy management service as a pharmacist, whether
6 the Respondent is considered an employee or independent contractor.

8. No Preceptorships, Supervision of Interns, Being Pharmacist-inCharge. Respondent shall not supervise any intern pharmacist or perform any of the duties of a
preceptor, nor shall Respondent be the pharmacist-in-charge of any pharmacy licensed by the
Board.

9. Reimbursement of Board Costs. Respondent shall pay to the Board its
 costs of investigation and prosecution in the amount of \$3,085.

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

15 10. Probation Monitoring Costs. Respondent shall pay the costs associated
16 with probation monitoring as determined by the Board each and every year of probation. Such
17 costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs
18 shall be considered a violation of probation.

19 11. Status of License. Respondent shall, at all times while on probation,
 20 maintain an active current license with the Board, including any period during which suspension
 21 or probation is tolled. If Respondent's license expires by operation of law or otherwise, upon
 22 renewal or re-application, Respondent's license shall be subject to all terms of this probation not
 23 previously satisfied.

Respondent shall, at all times while on probation, maintain an current license with
the Board. If Respondent submits an application to the Board, and the application is approved,
for a change of location, change or permit or change of ownership, the Board shall retain
continuing jurisdiction over the license, and the Respondent shall remain on probation as
determined by the Board or its designee.

12. License Surrender while on Probation/Suspension

Following the effective date of this decision, should respondent cease practice due to retirement
or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent
may tender his or her license to the board for surrender. The board shall have the discretion
whether to grant the request for surrender or take any other action it deems appropriate and
reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be
subject to the terms and conditions of probation.

9 Upon acceptance of the surrender, respondent shall relinquish his or her pocket license to
10 the board within 10 days of notification by the board that the surrender is accepted. Respondent
11 may not reapply for any license from the board for three years from the effective date of the
12 surrender. Respondent shall meet all requirements applicable to the license sought as of the date
13 the application for that license is submitted to the board.

14 13. Notification of Employment/Mailing Address Change. Respondent
15 shall notify the board within ten (10) days of a change in employment. Said notification shall
16 include the reasons for leaving and/or the address of the new employer, supervisor or owner and
17 work schedule if known. Respondent shall notify the Board in writing within 10 days of a
18 change in name, mailing address or phone number.

19

24

25

26

.1

8

14. Tolling of Probation.

Should Respondent, regardless of residency, for any reason cease practicing pharmacy for
a minimum of 80 hours per calender month in California, Respondent must notify the board in
writing within ten (10) days of cessation of the practice of pharmacy or the resumption of the
practice of pharmacy.

"Cessation of practice" means any period of time exceeding thirty (30) days in which Respondent is not engaged in the practice of pharmacy as defined in section 4052 of the Business and Professions Code.

27 Respondent shall work at least 40 hours in each calendar month as a pharmacist and at
28 least an average of 80 hours per month in any six consecutive months. Failure to do so will be a

violation of probation. If respondent has not complied with this condition during the
 probationary term, and respondent has presented sufficient documentation of his or her good
 faith efforts to comply with this condition, and if no other conditions have been violated, the
 board, in its discretion, may grant an extension of respondent's probation period up to one year
 without further hearing in order to comply with this condition.

15. Violation of Probation. If Respondent violates probation in any respect, 6 the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation 7 8 and carry out the disciplinary order which was stayed. If a petition to revoke probation or an 9 accusation is filed against Respondent during probation, the Board shall have continuing 10 jurisdiction, and the period of probation shall be extended, until the petition to revoke probation 11 is heard and decided. If a Respondent has not complied with any term or condition of probation, 12 the Board shall have continuing jurisdiction over Respondent, and probation shall automatically 13 be extended until all terms and conditions have been met or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate 14 15 probation, and to impose the penalty which was stayed.

16. Completion of Probation. Upon successful completion of probation,
17 Respondent's license will be fully restored.

18 17. Adoption of Stipulation. It is understood that, in deciding whether to
adopt this stipulation, the Board may receive oral and written presentation from, and make
inquiries of, complainant, her attorneys, the Board's attorneys, consulting experts, and the
Board's enforcement committee.

18. Rehabilitation Program. Pharmacist Recovery Program (PRP)
Within 30 days of the effective date of this decision, respondent shall contact the Pharmacists
Recovery Program for evaluation and shall successfully participate in and complete the treatment
contract and any subsequent addendums as recommended and provided by the PRP and as
approved by the board. The costs for PRP participation shall be borne by the respondent.

If respondent is currently enrolled in the PRP, said participation is now mandatory and is no

1 longer considered a self-referral under Business and Professions Code section 4363, as of the effective date of this decision. Respondent shall successfully participate in and complete his or 2 3 her current contract and any subsequent addendums with the PRP. Probation shall be 4 automatically extended until respondent successfully completes his or her treatment contract. 5 Any person terminated from the program shall be automatically suspended upon notice by the 6 board. Respondent may not resume the practice of pharmacy until notified by the board in 7 writing. The board shall retain jurisdiction to institute action to terminate probation for any 8 violation of this term.

9 19. Random Fluid Testing. Within 30 days of the effective date of this
10 decision, respondent shall contact the Pharmacists Recovery Program for evaluation and shall
11 successfully participate in and complete the treatment contract and any subsequent addendums as
12 recommended and provided by the PRP and as approved by the board. The costs for PRP
13 participation shall be borne by the respondent.

14

28

15 If respondent is currently enrolled in the PRP, said participation is now mandatory and is 16 no longer considered a self-referral under Business and Professions Code section 4363, as of the 17 effective date of this decision. Respondent shall successfully participate in and complete his or 18 her current contract and any subsequent addendums with the PRP. Probation shall be 19 automatically extended until respondent successfully completes his or her treatment contract. 20Any person terminated from the program shall be automatically suspended upon notice by the 21board. Respondent may not resume the practice of pharmacy until notified by the board in 22 writing. The board shall retain jurisdiction to institute action to terminate probation for any violation of this term. 23

24 20. Supervised Practice. Respondent shall practice only under the
25 supervision of a pharmacist not on probation to the Board.

Respondent shall not practice until the supervisor is approved by the board or its
designee. The supervision as required by the Board, may be:

Continuous - 75% to 100% of a work week

Substantial - At least 50% of a work week

Partial - At least 25% of a work week

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

Within thirty (30) days of the effective date of this decision, Respondent shall have his/her supervisor submit a report to the Board in writing stating the supervisor has read the decision in case number 2436. If Respondent changes employment, Respondent shall have her new supervisor, within fifteen (15) days after employment commences, submit a report to the Board in writing stating the supervisor has read the decision in case number 2436. Within ten (10), days of leaving employment, Respondent shall so notify the Board in writing.

11 21. No Ownership of Premises. Respondent shall not own, have any legal
12 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
13 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
14 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
15 entity licensed by the Board within 90 days following the effective date of this decision and shall
16 immediately thereafter provide written proof thereof to the Board.

22. Random Drug Screening (If PRP provision is required, this term is also
to be included to allow for continued fluid monitoring by the Board in cases where a respondent
successfully complete the PRP before completion of the probation period; terms also appropriate
for those cases where the evidence demonstrates that the respondent may have a problem with
chemical dependency (drugs, alcohol) but where the PRP is not required.)

22

1

2

3

4

Within 30 days of the effective date of this decision, respondent shall contact the Pharmacists
Recovery Program for evaluation and shall successfully participate in and complete the treatment
contract and any subsequent addendums as recommended and provided by the PRP and as
approved by the board. The costs for PRP participation shall be borne by the respondent.
If respondent is currently enrolled in the PRP, said participation is now mandatory and is no
longer considered a self-referral under Business and Professions Code section 4363, as of the

Apr. 25 2002 10:37AM P11 04/24/02 6:23; JetFax #547; Page 11/14

effective date of this decision. Respondent shall successfully participate in and complete his or
 her current contract and any subsequent addendums with the PRF. Probation shall be
 automatically extended until respondent successfully completes his or 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.

FAX NO.

619 646 2061;

8 23. Abstain from Drugs and Alcohol Use. Respondent shall completely
9 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
10 associated paraphermalia except when the drugs are lawfully prescribed by a licensed practitioner
11 as part of a documented medical treatment. Upon request of the board, respondent shall provide
12 documentation from the licensed practitioner that the prescription was legitimately issued and is
13 a necessary part of the treatment of the respondent.

ACCEPTANCE

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and 16 have fully discussed it with my atterney, Wandy A. McGhee, Esq., I understand the stipulation 17 and the effect it will have on my license number RPH 39152. I enter into this Stipulated 18 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be 19 bound by the Decision and Order of the Board of Pharmacy.

Haril 24 2008 Elizabeth dove Smith Respondent

I have read and fully discussed with Respondent ELIZABETH LOVE SMITH, RPh the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

26 27

28

14

20

21 22

23

24 25 DATED:

DATED. HAri

おり。日ロロコ A. Meshee

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. 1 24 DATED: " ul BILL LOCKYER, Attorney General of the State of California edakis JAMÉS M. LEDAKIS Deputy Attorney General ttorneys for Complainant DOJ Docket Number: 03583110-SD2001AD0643

۰.			
	1	BILL LOCKYER, Attorney General	м
	· 2	of the State of California JAMES M. LEDAKIS, State Bar No. 132645	
	3	Deputy Aftorney General California Department of Justice	· ·
,	4	110 West "A" Street, Suite 1100 San Diego, California 92101	
	5	P.O. Box 85266	
	6	San Diego, CA 92186-5266 Telephone: (619) 645-2105	
• .	7	Facsimile: (619) 645-2061	· · · · · · · · · · · · · · · · · · ·
	8	Attorneys for Complainant	
	9		
	10	BEFORE T BOARD OF PHA	
	11	DEPARTMENT OF CON STATE OF CAL	
•	12		
	13	In the Matter of the Accusation Against:	Case No. 2436
•	14	ELIZABETH LOVE SMITH, RPH 1103 Wilbur Avenue	ACCUSATION
- ·	15	San Diego, CA 92109	
	16	Pharmacist License No. RPH 39152	
• .	17	Respondent.	
	18		
	19	Complainant alleges:	
	20	PARTIE	<u>S</u>
	21	1. Patricia F. Harris ("Complain:	ant") brings this Accusation solely in her
•	22	official capacity as the Executive Officer of the Boar	rd of Pharmacy, Department of Consumer
	23	Affairs.	
	24		the Board of Pharmacy issued License No.
	25	RPH 39152 to ELIZABETH LOVE SMITH, RPH ("Respondent"). It will expire on February
	- 26	28, 2003.	
	27		
	28		
		1	

).

1 JURISDICTION 2 3. This Accusation is brought before the Board of Pharmacy ("Board"). under the authority of the following sections of the Business and Professions Code ("Code"): 3 4. Section 4022 of the Code states: 4 5 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use, except veterinary drugs that are labeled as such, and includes the following; 6 7 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing" 8 without prescription,' 'Rx only,' or words of similar import..., 9 "(c) Any other drug or device that by federal or state law can be lawfully 10 11 dispensed only on prescription or furnished pursuant to Section 4006." 12 5. Section 4301 of the Code states in pertinent part: "The Board shall take action against any holder of a license who is guilty of 13 14 unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of 15 16 the following: ñ . . . 17 18 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, 19 deceit, or corruption, whether the act is committed in the course of relations as a licensee 20 or otherwise, and whether the act is a felony or misdemeanor or not. "(g) Knowingly making or signing any certificate or other document that falsely 21 22 represents the existence or nonexistence of a state of facts. 23 "(h) The administering to oneself, of any controlled substance, or the use of any 24 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous 25 or injurious to oneself, to a person holding a license under Chapter 9 (commencing with 26 Section 4000) of the Business and Professions Code, or to any other person or to the 27 public, or to the extent that the use impairs the ability of the person to conduct with safety 28 to the public the practice authorized by the license. . .

5

"I) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under Chapter 9 (commencing with Section 4000) of the Business and Professions Code. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under Chapter 9 (commencing with Section 4000) of the Business and Professions Code. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The boardmay take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

23

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

24

25

26

27

28

6. Section 4059 of the Code states in pertinent part:

"(a) That no person shall furnish any dangerous drug or dangerous device except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian.
7. Section 4060 of the Code states in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or

	, i i i i i i i i i i i i i i i i i i i
1	furnished pursuant to a drug order issued by a physician assistant pursuant to Section
2	3502.1 or a nurse practitioner pursuant to Section 2836.1"
3	8. Section 125.3 of the Code states, in pertinent part, that the Board may
4	request the administrative law judge to direct a licentiate found to have committed a violation or
5	violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
6	and enforcement of the case.
7	9. This Accusation refers to the following sections of the Health & Safety
8	Code:
9	10. H & S Code section 11173 (a) states in pertinent part:
10	"No person shall obtain or attempt to obtain controlled substances, or procure or
11	attempt to procure the administration of or prescription for controlled substances, (1) by
12	fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material
13	fact."
14	11. Health & Safety Code (H&S Code) section 11170 states in pertinent part:
1.5	"No person shall prescribe, administer, or-furnish-a controlled substance-for himself."
16	12. California Code of Regulations Section 1770 states in pertinent part:
17	"For purposes of denial, suspension, or revocation of a personal or facility license
18	pursuant to Division 1.5 (commencing with Section 475) of the Business & Professions
19	Code, a crime or act shall be considered substantially related to the qualifications,
20	functions, or duties of a licensee or registrant if to a substantial degree it evidences
21	present or potential unfitness of a licensee or registrant to perform the functions
22	authorized by his license or registration in a manner consistent with the public health.
23	safety, or welfare."
24	DRUGS
25	13. The following drugs are dangerous drugs under Business & Professions
26	Code section 4022 in that they can only be lawfully dispensed by prescription of an authorized
27	prescriber: Ambien, Bactrim DS, Entex LA, Relafen, and Vicodin.
28	/
•	4

τ.)

1	(a) Ambien is classified as a Schedule IV controlled substance under H&S		
2	2 Code section 11057 (d).		
3	(b) Vicodin is classified as a Schedule III controlled Substance under H&S Code		
4	4 section 11056 (e).		
5	(c) Bactrim DS, Entex LA and Relafen are all classified as dangerous drugs		
6	according to Business and Professions Code section 4022		
. 7	CHARGES AND ALLEGATIONS		
8	FIRST CAUSE FOR DISCIPLINE		
9	(Unprofessional Conduct for Fraud and Deceit)		
10	14. Respondent is subject to disciplinary action under section 4301 (f) for the		
11	commission of an act involving moral turpitude, dishonesty, fraud, deceit or corruption in that		
¹ 12	from June 25, 1999 through June 17, 2000, Respondent, admitted that she forged seven		
13	prescriptions for Ambien, Bactrim DS, Entex LA, Relafen and Vicodin for her own use while she		
14	worked as a pharmacist at Scripps Memorial Hospital Pharmacy.		
	SECOND CAUSE FOR DISCIPLINE		
16	(Unprofessional Conduct for Knowingly Making a False Representation of Fact)		
17	15. Respondent is subject to disciplinary action under section 4301 (g) for		
18	knowingly making and signing forged prescriptions in order to obtain controlled substances, as		
. 19	more particularly set forth in paragraphs 13 and 14 and incorporated by reference.		
20	THIRD CAUSE FOR DISCIPLINE		
21	(Unprofessional Conduct for Violation of State Law Regulating Dangerous Drugs)		
22	16. Respondent is subject to disciplinary action under section 4301 (j) in		
23	conjunction with H & S Code sections 11173(a) and 11170 as set forth in paragraphs 13 and 14		
24	above and incorporated herein.		
25			
26			
27	1		
28			
.*	. 5		

÷.

۰ ۰		
1	FOURTH CAUSE FOR DISCIPLINE	ĺ
2	(Unprofessional Conduct for Conviction of a Crime Substantially	
3	Related to a Licensee's Qualifications, Functions and Duties)	
4	17. Respondent is subject to disciplinary action under section 4301(l) in that she	
5	admitted to a violation of H & S Code section 11368 by pleading guilty in the Superior Court of	
6	California, County of San Diego, in Criminal Case No. 814879 to Count Five of said Complaint,	
7	wherein Respondent did obtain a narcotic drug by a forged or altered prescription as set forth in	
8	paragraphs 13 and 14 above which are incorporated by reference.	
• 9	PRAYER	
10	WHEREFORE, Complainant requests that a hearing be held on the matters herein	
11	alleged, and that following the hearing, the Board of Pharmacy issue a decision:	
12	1. Revoking or suspending License Number RPH 39152, issued to	
13	ELIZABETH LOVE SMITH, RPH;	
14	2. Ordering ELIZABETH LOVE SMITH, RPH to pay the Board of	
15	Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to	
16	Business and Professions Code section 125.3;	
17	3. Taking such other and further action as deemed necessary and proper.	
18	DATED: 1/28/02.	
19	PZV/alla	ŀ
20	PATRICIA F. HARRIS	
21	Executive Officer Board of Pharmacy	
22	Department of Consumer Affairs State of California	
23. 24	Complainant	
25	jml.11-7-01	
25		
27		
28		
	6 · · · · · · · · · · · · · · · · · · ·	ł

)