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

In the Matter of the Accusation Against:

Case No. 4817

BRIAN EARL CHAMBERS

3783 S. Suntree Place Boise, Idaho 83706

Pharmacist License No. RPH 44303

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 July 11, 2014.

It is so ORDERED on July 8, 2014.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STAN C. WEISSER Board President

1 2 3 4 5 6	KAMALA D. HARRIS Attorney General of California KENT D. HARRIS Supervising Deputy Attorney General STEPHANIE ALAMO-LATIF Deputy Attorney General State Bar No. 283580 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 327-6819		
7	Facsimile: (916) 327-8643 E-mail: Stephanie.AlamoLatif@doj.ca.gov Attorneys for Complainant		
9	BEFORE THE		
10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11			
12	In the Matter of the Accusation Against:	Case No. 4817	
13	BRIAN EARL CHAMBERS 3783 S. Suntree Place	OAH No. 2013120246	
14	Boise, Idaho 83706	STIPULATED SURRENDER OF LICENSE AND ORDER	
15			
16	Pharmacist License No. RPH 44303		
17	Respondent.		
18			
19	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
20	entitled proceedings that the following matters are true:		
21	PARTIES		
22	1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy		
23	("Board"), Department of Consumer Affairs. She brought this action solely in her official		
24	capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of		
25	California, by Stephanie Alamo-Latif, Deputy Attorney General.		
26	2. Brian Earl Chambers ("Respondent") is representing himself in this proceeding and		
27	has chosen not to exercise his right to be represented by counsel.		
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1	3. On or about August 2, 1991, the Board issued Pharmacist License No. RPH 44303 to
2	Respondent. The Pharmacist License was in full force and effect at all times relevant to the
3	charges brought in Accusation No. 4817 and will expire on January 31, 2015, unless renewed.
4	JURISDICTION
5	4. Accusation No. 4817 was filed before the Board and is currently pending against
6	Respondent. The Accusation and all other statutorily required documents were properly served
7	on Respondent on November 5, 2013. Respondent timely filed his Notice of Defense contesting
8	the Accusation. A copy of Accusation No. 4817 is attached as Exhibit A and incorporated by
9	reference.
10	ADVISEMENT AND WAIVERS
11	5. Respondent has carefully read, and understands the charges and allegations in
12	Accusation No. 4817. Respondent also has carefully read, and understands the effects of this
13	Stipulated Surrender of License and Order.
14	6. Respondent is fully aware of his legal rights in this matter, including the right to a
15	hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16	his own expense; the right to confront and cross-examine the witnesses against him; the right to
17	present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18	the attendance of witnesses and the production of documents; the right to reconsideration and
19	court review of an adverse decision; and all other rights accorded by the California
20	Administrative Procedure Act and other applicable laws.
21	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22	every right set forth above.
23	<u>CULPABILITY</u>
24	8. Respondent admits the truth of each and every charge and allegation in Accusation
25	No. 4817, agrees that cause exists for discipline and hereby surrenders his Pharmacist License
26	No. RPH 44303 for the Board's formal acceptance.
27	9. Respondent understands that by signing this stipulation he enables the Board to issue
28	an order accepting the surrender of his Pharmacist License without further process.
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CONTINGENCY

This stipulation shall be subject to approval by the Board. Respondent understands 10. 2 and agrees that counsel for Complainant and the staff of the Board may communicate directly 3 with the Board regarding this stipulation and surrender, without notice to or participation by 4 Respondent. By signing the stipulation, Respondent understands and agrees that he may not 5 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers 6 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the 7 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this 8 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not 9 be disqualified from further action by having considered this matter. 10

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

15 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.
17 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:

<u>ORDER</u>

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IT IS HEREBY ORDERED that Pharmacist License No. RPH 44303, issued to Respondent
 Brian Earl Chambers, is surrendered and accepted by the Board of Pharmacy.

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 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.

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

3. Respondent shall relinquish his wall license and pocket renewal license to the Board within ten (10) days of the effective date of the Decision and Order.

4. Respondent understands and agrees that if he ever applies for licensure or petitions 9 for reinstatement in the State of California, the Board shall treat it as a new application for 10 licensure. Respondent may not apply for any license, permit or registration from the Board for 11 three (3) years from the effective date of the Board of Pharmacy's Decision and Order. 12 Respondent stipulates that should he apply for any license from the Board on or after the effective 13 date of this Decision, all of the charges and allegations contained in Accusation, No. 4817 shall 14 be deemed to be true, correct, and admitted by Respondent when the Board determines whether to 15 grant or deny the application. Respondent shall satisfy all requirements applicable to that license 16 as of the date the application is submitted to the board, including, but not limited to taking and 17 passing the California Pharmacist Licensure Examination prior to the issuance of a new license. 18 19 Respondent is required to report this surrender as disciplinary action.

5. Respondent stipulates that should he apply for any license from the Board on or after
the effective date of this Decision, the investigation and prosecution costs in the amount of
\$2,482.50 shall be paid to the Board prior to issuance of a new or reinstated license.

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ACCEPTANCE

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
Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
by the Decision and Order of the Board of Pharmacy.

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5/22/14 Eal DATED: 1 CHAMBERS 2 Respondent 3 **ENDORSEMENT** 4 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted 5 for consideration by the Board of Pharmacy of the Department of Consumer Affairs. 6 Dated: 5/30/14 Respectfully submitted, 7 KAMALA D. HARRIS 8 Attorney General of California KENT D. HARRIS 9 Supervising Deputy Attorney General 10 11 STEPHANIE ALAMO-LATIF 12 Deputy Attorney General Attorneys for Complainant 13 14 15 SA2013111863 11337539.doc 16 17 18 19 20 21 22 23 24 25 26 27 28 5

Exhibit A

Accusation No. 4817

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、	Kamala D. Harris		
2	Attorney General of California		
3	KENT D. HARRIS Supervising Deputy Attorney General		
	STEPHANIE ALAMO-LATIF Deputy Attorney General		
4	State Bar No. 283580 1300 I Street, Suite 125		
5	P.O. Box 944255 Sacramento, CA 94244-2550		
6	Telephone: (916) 327-6819 Facsimile: (916) 327-8643		
7	E-mail: Stephanie.AlamoLatif@doj.ca.gov Attorneys for Complainant		
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9		RE THE	
10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11	STATE OF C		
12	In the Matter of the Accusation Against:	Case No. 4817	
13	BRIAN EARL CHAMBERS		
14	3783 S. Suntree Place Boise, Idaho 83706	ACCUSATION	
15	Pharmacist License No. RPH 44303		
16	Respondent.		
17) •		
18	Virginia Herold ("Complainant") alleges:		
19	PAR	<u>TIES</u>	
20	1. Complainant brings this Accusation solely in her official capacity as the Executive		
21	Officer of the Board of Pharmacy, Department of Consumer Affairs.		
22	2. On or about August 2, 1991, the Board of Pharmacy issued Pharmacist License		
23	Number RPH 44303 to Brian Earl Chambers ("Respondent"). The Pharmacist License was in full		
24	force and effect at all times relevant to the charges brought herein and will expire on January 31,		
25	2015, unless renewed.		
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1	JURISDICTION		
2	3. This Accusation is brought before the Board of Pharmacy ("Board"), Department of		
3	Consumer Affairs, under the authority of the following laws. All section references are to the		
4	Business and Professions Code unless otherwise indicated.		
5	4. Code section 4300 states, in pertinent part, that every license issued may be suspended		
6	or revoked.		
7	5. Code section 4300.1 states:		
8	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation		
9	of law or by order or decision of the board or a court of law, the placement of a license on a		
10	retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of		
11	jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding		
12	against, the licensee or to render a decision suspending or revoking the license."		
13	STATUTORY PROVISIONS		
14	6. Code section 4301 states, in pertinent part:		
15	The board shall take action against any holder of a license who is guilty of unprofessional		
16	conduct. Unprofessional conduct shall include, but is not limited to, any of the following:		
17			
18	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or		
19	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and		
20	whether the act is a felony or misdemeanor or not."		
21			
22	"(j) The violation of any of the statutes of this state, of any other state, or the United States		
23	regulating controlled substances and dangerous drugs."		
24			
25	"(1) The conviction of a crime substantially related to the qualifications, functions, and duties		
26	of a licensee under this chapter."		
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}			
	Accusation		

"(n) The revocation, suspension, or other discipline by another state of a license to practice 1 pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter." 2 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the 3 violation of or conspiring to violate any provision or term of this chapter or of the applicable 4 federal and state laws and regulations governing pharmacy, including regulations established by the 5 board or by any other state or federal regulatory agency." 6 7 ... 8 COST RECOVERY 7. 9 Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of 10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and 11 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being 12 renewed or reinstated. 13 FIRST CAUSE FOR DISCIPLINE 14 (Discipline by State of Idaho) 15 8. Respondent is subject to discipline under Code section 4301, subdivision (n), in that 16 on or about on or about May 31, 2012, by Stipulation and Consent Order (Case No. BOP 12-17 016), the Idaho Board of Pharmacy placed conditions for continued licensure on Respondent's 18 license. The facts and circumstances are as follows: 19 On or about May 31, 2012, by Stipulation and Consent Order (Case No. BOP 20 a. 12-016), the Idaho Board of Pharmacy placed conditions on Respondent's continued Idaho 21 Pharmacist licensure, including terms and conditions for five years or until completion of the PRN 22 monitoring program, after Respondent dispensed controlled substances without a prescription 23 from a practitioner, supplied or diverted drugs, substances, or devices, engaged in unprofessional 24 conduct, and was addicted or habituated to the use of alcohol or controlled substances. A true and 25 correct copy of the Stipulation and Consent Order (Case No. BOP 12-016) is attached as Exhibit 26 A and incorporated herein. 27 /// 28

SECOND CAUSE FOR DISCIPLINE

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(Conviction of Crime)

2 9. Respondent is subject to discipline under Code section 4301, subdivision (*l*), in that on 3 or about on or about November 12, 2012, in the case of the State of Idaho v. Brian Earl 4 5 Chambers (State of Idaho, in and for the County of Ada, District Court Case No. CR-FE-2012-0010447), Respondent plead guilty to violating Idaho Code section 18-2202(1) (Fraud by 6 Computer), a felony. 7 10. On or about January 18, 2013, the Board received a license renewal application for 8 9 Respondent's California Pharmacist License No. RPH 44303. Respondent submitted a typewritten letter to the Board, dated February 14, 2013, wherein Respondent admits that he plead 10 guilty to Fraud by Computer for pill count adjustments that he made. 11 12 THIRD CAUSE FOR DISCIPLINE 13 (Dishonest, Fraudulent and/or Deceitful Acts) 14 11. Respondent is subject to discipline under Code section 4301, subdivision (f), in that on 15 or after June 1, 2011 through December 30, 2011, Respondent committed dishonest, fraudulent 16 and/or deceitful acts when he diverted controlled substances from his employer and adjusted pill 17 inventory counts in the computer. The facts and circumstances are more fully set forth in the 18 Stipulation and Consent Order between Respondent and the Idaho State Board of Pharmacy (Case 19 No. BOP 12-016). A true and correct copy of the Stipulation and Consent Order (Case No. BOP 12-016) is attached as Exhibit A and incorporated herein. 20 21 FOURTH CAUSE FOR DISCIPLINE 22 (Violating Statutes Governing Controlled Substances) 12. Respondent is subject to discipline under Code section 4301, subdivision (j), in that on 23 or after June 1, 2011 through December 30, 2011, Respondent violated Idaho statutes regulating 24 controlled substances, as more fully set forth above in paragraphs 8 through 11 and their subparts. 25 /// 26 /// 27 FIFTH CAUSE FOR DISCIPLINE 28 4

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、 1	(Violating Laws and Regulations Governing Pharmacy)
2	13. Respondent is subject to discipline under Code section 4301, subdivision (o), in that
3 (on or about November 12, 2012, and May 31, 2012, Respondent violated the laws and regulations
4	governing pharmacy, as set forth above in paragraphs 8 through 12 and their subparts.
5	PRAYER
6	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7	and that following the hearing, the Board of Pharmacy issue a decision:
8	1. Revoking or suspending Pharmacist License Number RPH 44303, issued to Brian Earl
9	Chambers
10	2. Ordering Brian Earl Chambers to pay the Board of Pharmacy the reasonable costs of
11	the investigation and enforcement of this case, pursuant to Business and Professions Code section
12	125.3;
13	3. Taking such other and further action as deemed necessary and proper.
14	DATED: 10/21/13 ()inering Derde
15	VIRGINIA HEROLD Executive Officer
16	Board of Pharmacy Department of Consumer Affairs
17	State of California Complainant
18	SA2013111863
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	5Accusation



BEFORE THE BOARD OF PHARMACY

STATE OF IDAHO

In the Matter of the	e License and)	
Registration of:)	Case No. BOP 12-016
)	A second
BRIAN CHAMBE	RS, R.Ph.)	STIPULATION AND
Pharmacist License	No. P5054)	CONSENT ORDER
CS Registration No). CS6130)	
)	
	Respondent.)	

WHEREAS, information has been received by the Idaho State Board of Pharmacy ("Board") that constitutes sufficient grounds for the initiation of an administrative action against Brian Chambers, R.Ph. ("Respondent"); and

WHEREAS, the parties wish to expeditiously settle the matter in lieu of proceeding to an administrative hearing before the Board; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A. JURISDICTION OF THE BOARD

A.1. The Board regulates the practice of pharmacy in the State of Idaho in accordance with title 54, chapter 17, Idaho Code. The Board is further empowered by title 37, chapter 27, Idaho Code, to administer the regulating provisions of the Uniform Controlled Substances Act in the State of Idaho.

A.2. Respondent is a licensee of the Board and holds Pharmacist License No. P5054 and Controlled Substance Registration No. CS6130. Respondent's license and registration are subject to the provisions of title 54, chapter 17, Idaho Code, the provisions of title 37, chapter 27, Idaho Code, and the Board's rules promulgated at IDAPA 27.01.01, *et seq.*

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STIPULATION AND CONSENT ORDER - 1

B. STIPULATED FACTS

B.1. On or about December 20, 2011, Board Staff received information indicating that Respondent may have been abusing controlled substances. At the time, Respondent was employed as a pharmacist at Sav-On Pharmacy located at 909 East ParkCenter Blvd. in Boise, Idaho ("Say-On").

B.2. On or about December 20, 2011, Board Staff reviewed Respondent's Idaho prescription history and found Respondent did not have any valid Idaho prescriptions for controlled substances.

B.3. On or about December 21, 2011, Respondent submitted to a substance abuse evaluation at Pine Grove Behavior Health & Addiction Services located in Hattiesburg, Mississippi ("Pine Grove Facility").

B.4. On or about January 4, 2012, upon request from Board Staff, Sav-On completed an inventory of all its controlled substances. The inventory revealed discrepancies with regard to hydrocodone, amphetamine, and phentermine.

B.5. On or about January 4, 2012, Board Staff was informed that Respondent admitted to having diverted controlled substances from his employer(s).

B.6. On March 26, 2012, Respondent entered the Pharmacist Recovery Network ("PRN"), which is a monitoring program administered by Southworth Associates. Respondent entered PRN by signing a contract with Southworth Associates.

B.7. The allegations above, if proven, violate the laws and rules governing the practice of pharmacy in the State of Idaho and would be grounds for discipline. Specifically, the allegations, if proven, would violate:

a. Idaho Code § 37-2722(a) (except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user. no controlled substance in schedule II may be dispensed without the written prescription of a practitioner):

b. Idaho Code § 37-2722(c) (except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included STIPULATION AND CONSENT ORDER - 2

in schedule III or IV, shall not be dispensed without a written or oral prescription of a practitioner);

c. Idaho Code § 54-1726(a) (a pharmacist shall not engage in unprofessional conduct as defined by the rules of the Board);

d. Board Rule 184.08 (unprofessional conduct includes supplying or diverting drugs, biological, and other medicines. substances. or devices, legally sold in pharmacies, that allows unqualified person to circumvent laws pertaining to the legal sale of such articles);

e. Board Rule 184.07 (unprofessional conduct includes being addicted or habituated to the use of alcohol or controlled substances); and

f. Idaho Code § 54-1726(f) (violation of any of the provisions of this chapter, chapter 27, title 37, Idaho Code, or rules adopted by the Board).

B.8. Respondent, in lieu of proceeding with a formal disciplinary action, hereby agrees that the Board may enter a final order against her pharmacist license and controlled substance registration as set forth in Section C below.

C. STIPULATED PENALTIES

C.1. It is agreed that Respondent's pharmacist license and controlled substance registration shall be conditioned upon Respondent's compliance with the following terms:

a. Respondent shall comply will all the terms and conditions of his PRN contract with Southworth Associates, dated March 26, 2012, specifically to include all recommendations set forth in any reports or evaluations produced by the Pine Grove Facility; and

b. Respondent shall comply with all state, federal and local laws, rules and regulations governing the practice of pharmacy in the State of Idaho.

C.2. Respondent shall inform the Board in writing of any change of place of practice or place of business within ten (10) days of such change.

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STIPULATION AND CONSENT ORDER - 3

C.3. Respondent shall fully cooperate with the Board and its agents, and shall make all relevant files, records, correspondence or other documents available immediately upon the demand of any member of the Board or its agents.

C.4. Provided Respondent has complied with all the terms of this Stipulation. Respondent's license and registration shall be reinstated to a non-conditioned status without further proceedings upon the first occurrence of one of the following:

a. Respondent's successful completion of the PRN Program; or

b. Upon five (5) years from the effective date of this Stipulation and Consent Order, so long as the PRN Program provides a written statement to the Board stating that the Respondent has been compliant, and is in good standing, with his PRN program.

C.5. All costs associated with Respondent's compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.6. If Respondent fails to comply with any of the terms and conditions set forth in this Stipulation. Respondent's pharmacist license and controlled substance registration may be subject to further discipline, up to and including suspension or revocation. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation. Any action taken by the Board to enforce compliance with this Stipulation shall be in accordance with Section E. The Board may also require Respondent to pay any additional costs and/or attorney fees incurred by the Board to enforce this Stipulation.

D. ACKNOWLEDGMENT AND WAIVER OF RIGHT TO A HEARING

I, Brian Chambers, by affixing my signature hereto, acknowledge that:

D.1 I have read and admit to the foregoing as stated above in section B. I understand that these allegations constitute cause for disciplinary terms upon my license to practice pharmacy and my controlled substance registration in the state of Idaho. I agree that the Board has jurisdiction to proceed in this matter with my consent as indicated by my signature hereto.

D.2. I understand that I have the right to a full and complete hearing; the right to STIPULATION AND CONSENT ORDER - 4

confront and cross-examine witnesses: the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration: the right to appeal: and all rights accorded by the Idaho Administrative Procedure Act and the laws and rules governing the practice of pharmacy in the state of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the allegations contained herein.

D.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my pharmacist license and controlled substance registration as set forth in Section C without further process.

D.4. I understand that the Board shall have the right to make full disclosure of this Stipulation and subsequent Order to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, title 9, chapter 3, Idaho Code.

D.5. I understand that this Stipulation and Consent Order is the resolution of a contested case and is a **public record**.

D.6. I understand and agree that this Stipulation contains the entire agreement between the parties, and I am not relying on any other agreement or representation of any kind, verbal or otherwise.

D.7. I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by agreeing to the terms of this Stipulation I am waiving certain rights accorded to me under Idaho law.

E. VIOLATION OF STIPULATION AND CONSENT ORDER

E.1. The Board has authority to enforce compliance with the terms and conditions of this Stipulation. By signing this Stipulation, Respondent waives his ability to challenge the Board's authority to enforce compliance on appeal to a district court. If there is reason to believe Respondent has violated any of the terms or conditions of this Stipulation, the Executive Director of the Board shall file a Motion to Enforce, or other administrative complaint, setting forth the allegations of non-compliance. The Motion to Enforce, or other administrative complaint, will STIPULATION AND CONSENT ORDER - 5

include notice to Respondent, and his attorney, if applicable, that Respondent has the opportunity to request a hearing regarding the allegations of non-compliance. If Respondent fails to request a hearing pursuant to the Motion to Enforce, or other administrative complaint, any allegations of non-compliance will be deemed admitted.

E.2. If Respondent is found to have violated the terms and conditions of this Stipulation and Consent Order, Respondent's pharmacist license and controlled substance registration may be suspended or revoked as set forth in Section C.6 above.

E.3. If Respondent is found to have not violated the terms and conditions of this Stipulation, Respondent's pharmacist license and controlled substance registration shall remain in the same status as they were at the time of the Motion to Enforce, or other administrative complaint, was filed.

E.4. Any additional costs and attorney fees incurred by the Board in any enforcement action shall be the responsibility of Respondent.

F. PRESENTATION OF STIPULATION TO BOARD

F.1. The parties agree that this Stipulation shall be presented to the Board with a recommendation for approval from the Executive Director for the Board and the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.

F.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an Administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the Administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

F.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at STIPULATION AND CONSENT ORDER - 6 , any subsequent disciplinary hearing.

F.4. Except for Paragraph D.2., which becomes effective when Respondent signs this

Stipulation, this Stipulation shall not become effective until it has been approved by a majority of

the Board and a Board member signs the attached Order.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded to me under Idaho law. I understand that the Board may approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 25th day of	May	, 2012.
	J	
		Deral
		Brian Chambers, R.Ph.
		Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 3 day of M_{m} , 2012.

STATE OF IDAHO Office of the Attorney General

Andrew J. Snook (Deputy Attorney General

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 2 day of <u>Mca</u>, 2012.

Mark Johnston, Executive Director Idaho State Board of Pharmacy

STIPULATION AND CONSENT ORDER - 7

ORDER

Pursuant to Idaho Code § 54-1728 and § 37-2718, the foregoing is adopted as the decision of the Idaho State Board of Pharmacy in this matter and shall be effective on the J/ day of <u>May</u>. 2012. It is so ordered.

> IDAHO STATE BOARD OF PHARMACY.

Bγ

Richard de Blaquiere, Pharm D Board Chair

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this <u>1</u> day of <u>Mey</u>, 2012, I caused to be served a true and correct copy of the foregoing STIPULATON AND CONSENT ORDER addressed to:

Brian Chambers, R.Ph. 3783 S. Suntre Boise, ID 837

Brian Chambers, R.Ph. 3783 S. Suntree Pl. Boise. ID 83706	 U.S. Mail Hand Delivery Certified Mail, Return Receipt Requested Overnight Mail Facsimile: Statehouse Mail
Andrew J. Snook Deputy Attorney General P.O. Box 83720 Boise, 1D 83720-0010	 U.S. Mail Hand Delivery Certified Mail, Return Receipt Requested Overnight Mail Facsimile: Statehouse Mail

Mark Johnston

Executive Director