

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

In the Matter of the Accusation Against:

Case No. 4818

**AMY K. BROWN**  
2720 17<sup>th</sup> Street  
Huntington Beach, CA 92648

Pharmacist License No. RPH 43131

Respondent.

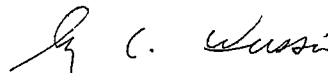
**DECISION AND ORDER**

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 23, 2014.

It is so ORDERED on July 16, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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STAN C. WEISSER  
Board President

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JAMES M. LEDAKIS  
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Received  
JUN 23 2014  
California State  
Board of Pharmacy

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

In the Matter of the Accusation Against:  
**AMY K. BROWN**  
2720 17<sup>th</sup> Street  
Huntington Beach, CA 92648  
  
**Pharmacist License No. RPH 43131**  
  
Respondent.

Case No. 4818  
OAH No. 2013090538  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy. She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Nicole R. Trama, Deputy Attorney General.
2. Respondent Amy K. Brown ("Respondent") is represented in this proceeding by attorney Ernest F. Ching Jr., Esq., whose address is: 8141 E. Kaiser Blvd., #108 Anaheim Hills, CA 92808.





1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 43131 issued to Respondent  
3 Amy K. Brown (Respondent) is revoked. However, the revocation is stayed and Respondent is  
4 placed on probation for five (5) years on the following terms and conditions.

5 **1. Obey All Laws**

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

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

- 9 • an arrest or issuance of a criminal complaint for violation of any provision of the  
10 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
11 substances laws
- 12 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
13 criminal complaint, information or indictment
- 14 • a conviction of any crime
- 15 • discipline, citation, or other administrative action filed by any state or federal agency  
16 which involves respondent's pharmacist license or which is related to the practice of  
17 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging  
18 for any drug, device or controlled substance.

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

20 **2. Report to the Board**

21 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
22 designee. The report shall be made either in person or in writing, as directed. Among other  
23 requirements, respondent shall state in each report under penalty of perjury whether there has  
24 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
25 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
26 in submission of reports as directed may be added to the total period of probation. Moreover, if  
27 the final probation report is not made as directed, probation shall be automatically extended until  
28 such time as the final report is made and accepted by the board.

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**3. Interview with the Board**

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

**4. Cooperate with Board Staff**

Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of her probation. Failure to cooperate shall be considered a violation of probation.

**5. Continuing Education**

Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board or its designee.

**6. Notice to Employers**

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 4818 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 4818, and terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity licensed by the board of the terms and conditions of the decision in case number 4818 in advance

1 of the respondent commencing work at each licensed entity. A record of this notification must be  
2 provided to the board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
4 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
5 service, respondent shall cause her direct supervisor with the pharmacy employment service to  
6 report to the board in writing acknowledging that she has read the decision in case number 4818  
7 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
8 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

9 Failure to timely notify present or prospective employer(s) or to cause that/those  
10 employer(s) to submit timely acknowledgments to the board shall be considered a violation of  
11 probation.

12 "Employment" within the meaning of this provision shall include any full-time,  
13 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
14 position for which a pharmacist license is a requirement or criterion for employment,  
15 whether the respondent is an employee, independent contractor or volunteer.

16 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**  
17 **Designated Representative-in-Charge, or Serving as a Consultant**

18 During the period of probation, respondent shall not supervise any intern pharmacist, be the  
19 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board  
20 nor serve as a consultant unless otherwise specified in this order. Assumption of any such  
21 unauthorized supervision responsibilities shall be considered a violation of probation.

22 **8. Reimbursement of Board Costs**

23 As a condition precedent to successful completion of probation, respondent shall pay to the  
24 board its costs of investigation and prosecution in the amount of \$6,300.00. Respondent shall  
25 make said payments as follows: Respondent shall pay \$120.00 per month commencing on the  
26 effective date of this decision, and on the first of each month thereafter, until paid in full.

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1           There shall be no deviation from this schedule absent prior written approval by the board or  
2 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
3 probation.

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

6           **9. Probation Monitoring Costs**

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

11           **10. Status of License**

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

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

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

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

27           Upon acceptance of the surrender, respondent shall relinquish her pocket and wall license to  
28 the board within ten (10) days of notification by the board that the surrender is accepted.



1 Respondent may not reapply for any license from the board for three (3) years from the effective  
2 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
3 of the date the application for that license is submitted to the board, including any outstanding  
4 costs.

5 **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
6 **Employment**

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

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

14 **13. Tolling of Probation**

15 Except during periods of suspension, respondent shall, at all times while on probation, be  
16 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.  
17 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
18 period of probation shall be extended by one month for each month during which this minimum is  
19 not met. During any such period of tolling of probation, respondent must nonetheless comply  
20 with all terms and conditions of probation.

21 Should respondent, regardless of residency, for any reason (including vacation) cease  
22 practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California,  
23 respondent must notify the board in writing within ten (10) days of the cessation of practice, and  
24 must further notify the board in writing within ten (10) days of the resumption of practice. Any  
25 failure to provide such notification(s) shall be considered a violation of probation.

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

1 "Cessation of practice" means any calendar month during which respondent is  
2 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and  
3 Professions Code section 4000 et seq . "Resumption of practice" means any calendar  
4 month during which respondent is practicing as a pharmacist for at least forty (40)  
5 hours as a pharmacist as defined by Business and Professions Code section 4000 et  
6 seq.

7 **14. Violation of Probation**

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

13 If respondent violates probation in any respect, the board, after giving respondent notice  
14 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
15 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
16 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
17 a petition to revoke probation or an accusation is filed against respondent during probation, the  
18 board shall have continuing jurisdiction and the period of probation shall be automatically  
19 extended until the petition to revoke probation or accusation is heard and decided. For the  
20 purposes of such proceedings, all facts and allegations in Accusation Case No. 4818 are deemed  
21 true and admitted by Respondent.

22 **15. Completion of Probation**

23 Upon written notice by the board or its designee indicating successful completion of  
24 probation, respondent's license will be fully restored.

25 **16. Pharmacists Recovery Program (PRP)**

26 Within thirty (30) days of the effective date of this decision, respondent shall contact the  
27 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,  
28 successfully participate in, and complete the treatment contract and any subsequent addendums as

1 recommended and provided by the PRP and as approved by the board or its designee. The costs  
2 for PRP participation shall be borne by the respondent.

3 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of  
4 the effective date of this decision is no longer considered a self-referral under Business and  
5 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete  
6 her current contract and any subsequent addendums with the PRP.

7 Failure to timely contact or enroll in the PRP, or successfully participate in and complete  
8 the treatment contract and/or any addendums, shall be considered a violation of probation.

9 Probation shall be automatically extended until respondent successfully completes the PRP.

10 Any person terminated from the PRP program shall be automatically suspended by the board.

11 Respondent may not resume the practice of pharmacy until notified by the board in writing.

12 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a  
13 licensed practitioner as part of a documented medical treatment shall result in the automatic  
14 suspension of practice by respondent and shall be considered a violation of probation.

15 Respondent may not resume the practice of pharmacy until notified by the board in writing.

16 During suspension, respondent shall not enter any pharmacy area or any portion of the  
17 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
18 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
19 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
20 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
21 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
22 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
23 and controlled substances. Respondent shall not resume practice until notified by the board.

24 During suspension, respondent shall not engage in any activity that requires the  
25 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
26 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
27 designated representative for any entity licensed by the board.

28 Subject to the above restrictions, respondent may continue to own or hold an interest in any

1 licensed premises in which she holds an interest at the time this decision becomes effective unless  
2 otherwise specified in this order.

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

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

7 **17. Random Drug Screening**

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

24 During suspension, respondent shall not enter any pharmacy area or any portion of the  
25 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
26 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
27 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
28 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient

1 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
2 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
3 and controlled substances. Respondent shall not resume practice until notified by the board.

4 During suspension, respondent shall not engage in any activity that requires the  
5 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
6 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
7 designated representative for any entity licensed by the board.

8 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
9 licensed premises in which she holds an interest at the time this decision becomes effective unless  
10 otherwise specified in this order.

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

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

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

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

25 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
26 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
27 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
28 history with the use of controlled substances and/or dangerous drugs, and/or of mental illness and

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

18 If at any time an approved practitioner determines that respondent is unable to practice  
19 safely or independently as a pharmacist, the practitioner shall notify the board immediately by  
20 telephone and follow up by written letter within three (3) working days. Upon notification from  
21 the board or its designee of this determination, respondent shall be automatically suspended and  
22 shall not resume practice until notified by the board that practice may be resumed.

23 During suspension, respondent shall not enter any pharmacy area or any portion of the  
24 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
25 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
26 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
27 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
28 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the

1 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
2 and controlled substances. Respondent shall not resume practice until notified by the board.

3 During suspension, respondent shall not engage in any activity that requires the  
4 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
5 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
6 designated representative for any entity licensed by the board.

7 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
8 licensed premises in which she holds an interest at the time this decision becomes effective unless  
9 otherwise specified in this order.

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

11 **20. Supervised Practice**

12 During the period of probation, respondent shall practice only under the supervision of a  
13 licensed pharmacist not on probation with the board. Upon and after the effective date of this  
14 decision, respondent shall not practice pharmacy and her license shall be automatically suspended  
15 until a supervisor is approved by the board or its designee. The supervision shall be, as required  
16 by the board or its designee, either:

17 Continuous – At least 75% of a work week

18 Substantial - At least 50% of a work week

19 Partial - At least 25% of a work week

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

21 Within thirty (30) days of the effective date of this decision, respondent shall have her  
22 supervisor submit notification to the board in writing stating that the supervisor has read the  
23 decision in case number 4818 and is familiar with the required level of supervision as determined  
24 by the board or its designee. It shall be the respondent's responsibility to ensure that her  
25 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
26 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
27 acknowledgements to the board shall be considered a violation of probation.

28 If respondent changes employment, it shall be the respondent's responsibility to ensure that

1 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to  
2 the board. Respondent shall have her new supervisor, within fifteen (15) days after employment  
3 commences, submit notification to the board in writing stating the direct supervisor and  
4 pharmacist-in-charge have read the decision in case number 4818 and is familiar with the level of  
5 supervision as determined by the board. Respondent shall not practice pharmacy and her license  
6 shall be automatically suspended until the board or its designee approves a new supervisor.

7 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
8 acknowledgements to the board shall be considered a violation of probation.

9 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

10 During suspension, respondent shall not enter any pharmacy area or any portion of the  
11 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
12 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
13 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
14 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
15 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
16 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
17 and controlled substances. Respondent shall not resume practice until notified by the board.

18 During suspension, respondent shall not engage in any activity that requires the  
19 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
20 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
21 designated representative for any entity licensed by the board.

22 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
23 licensed premises in which she holds an interest at the time this decision becomes effective unless  
24 otherwise specified in this order.

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

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

27 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
28 administrator, member, officer, director, trustee, associate, or partner of any business, firm,



1 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
2 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
3 days following the effective date of this decision and shall immediately thereafter provide written  
4 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
5 documentation thereof shall be considered a violation of probation.

6 **22. Ethics Course**

7 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll  
8 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.  
9 Failure to initiate the course during the first year of probation, and complete it within the second  
10 year of probation, is a violation of probation.

11 Respondent shall submit a certificate of completion to the board or its designee within five  
12 days after completing the course.

13 ACCEPTANCE

14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
15 discussed it with my attorney, Ernest F. Ching Jr., Esq.. I understand the stipulation and the  
16 effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and  
17 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
18 Decision and Order of the Board of Pharmacy.

19  
20 DATED: 6/9/14

Amy K. Brown  
AMY K. BROWN  
Respondent

22 I have read and fully discussed with Respondent Amy K. Brown the terms and conditions  
23 and other matters contained in this Stipulated Settlement and Disciplinary Order. I approve its  
24 form and content.

25  
26 DATED: 6/11/2014

Ernest F. Ching, Jr.  
ERNEST F. CHING, JR., ESQ.  
Attorney for Respondent

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ENDORSEMENT

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

Dated: <sup>2014 (NRT)</sup> ~~6/17/2018~~

Respectfully submitted.  
KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
*Nicole R. Trama*  
NICOLE R. TRAMA  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 4818**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
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8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:	Case No. 4818
12 <b>AMY K. BROWN</b>	
13 <b>33750 SE Terra Circle</b>	
14 <b>Corvallis, OR 97333</b>	<b>A C C U S A T I O N</b>
15 <b>Pharmacist License No. RPH 43131</b>	
16 Respondent.	

17 Complainant alleges:

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 March 7, 1990, the Board of Pharmacy issued Pharmacist License  
22 Number RPH 43131 to Amy K. Brown (Respondent). The Pharmacist License was in full force  
23 and effect at all times relevant to the charges brought herein and will expire on December 31,  
24 2013, unless renewed.

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 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 4300.1 of the Code states:

7                   The expiration, cancellation, forfeiture, or suspension of a board-issued  
8 license by operation of law or by order or decision of the board or a court of law,  
9 the placement of a license on a retired status, or the voluntary surrender of a  
10 license by a licensee shall not deprive the board of jurisdiction to commence or  
11 proceed with any investigation of, or action or disciplinary proceeding against, the  
12 licensee or to render a decision suspending or revoking the license.

11                                   **STATUTORY PROVISIONS & REGULATORY PROVISIONS**

12           7.    Section 4022 of the Code states:

13                   "Dangerous drug" or "dangerous device" means any drug or device unsafe  
14 for self-use in humans or animals, and includes the following:

15                   (a) Any drug that bears the legend: "Caution: federal law prohibits  
16 dispensing without prescription," "Rx only," or words of similar import.

17                   (b) Any device that bears the statement: "Caution: federal law restricts this  
18 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import,  
19 the blank to be filled in with the designation of the practitioner licensed to use or  
20 order use of the device.

21                   (c) Any other drug or device that by federal or state law can be lawfully  
22 dispensed only on prescription or furnished pursuant to Section 4006.

23           8.    Section 4060 of the Code provides that no person shall possess a controlled substance  
24 except that furnished to a person upon a valid prescription.

25           9.    Section 4301 of the Code states:

26                   The board shall take action against any holder of a license who is guilty of  
27 unprofessional conduct or whose license has been procured by fraud or  
28 misrepresentation or issued by mistake. Unprofessional conduct shall include, but  
is not limited to, any of the following:

.....

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

7 .....  
8 (j) The violation of any of the statutes of this state, or any other state, or of  
9 the United States regulating controlled substances and dangerous drugs.

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

16 .....  
17 (p) Actions or conduct that would have warranted denial of a license.

18 .....  
19 10. Section 4327 of the Code states:

20 Any person who, while on duty, sells, dispenses or compounds any drug  
21 while under the influence of any dangerous drug or alcoholic beverages shall be  
22 guilty of a misdemeanor.

23 11. Health and Safety Code section 11170 states:

24 No person shall prescribe, administer, or furnish a controlled substance for  
25 himself.

### 26 COST RECOVERY

27 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
28 administrative law judge to direct a licentiate found to have committed a violation or violations of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
included in a stipulated settlement.

1 **DRUGS**

2 13. Marijuana is a Schedule I controlled substance pursuant to Health and Safety Code  
3 section 11054, subdivision (d).

4 **FACTUAL ALLEGATIONS**

5 14. Respondent was employed as a pharmacist at Kaiser Permanente Pharmacy located in  
6 Huntington Beach, California, from approximately 1989 to May 2012. On or about February 12  
7 or 13, 2012, while at work, Respondent gave her pharmacy technician money to purchase a  
8 cannabis brownie for her. Respondent's pharmacy technician had a medical marijuana card and  
9 agreed to use her card to purchase the brownie for Respondent.

10 15. On February 17, 2012, Respondent was scheduled to close the pharmacy. On  
11 February 17, 2012, the pharmacy technician gave Respondent the cannabis brownie in the parking  
12 lot at Kaiser Permanente Pharmacy. Respondent then ingested a portion of the brownie during  
13 her lunch break. Respondent returned to work as a pharmacist at Kaiser Permanente Pharmacy.  
14 Approximately 30 minutes after returning from her lunch break, Respondent complained that she  
15 was not feeling well. The pharmacy technician observed that Respondent appeared physically  
16 unstable and delirious. The pharmacy technician also observed that Respondent held onto the  
17 prescription counter with both hands in order to keep upright. Respondent felt light headed and  
18 went into the break room, where she reported to the pharmacy technician that she felt terrible  
19 because of the brownie. Respondent then determined that she could not continue working, found  
20 work coverage, left Kaiser Permanente Pharmacy, and drove home.

21 16. On or about May 15, 2012, Respondent resigned from her position at Kaiser  
22 Permanente Pharmacy in lieu of termination because of the incident.

23 **FIRST CAUSE FOR DISCIPLINE**

24 (Unlawful Possession of a Controlled Substance)

25 17. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and  
26 (o) for violation of Business and Professions Code section 4060 for possessing a controlled  
27 substance without a prescription, in that Respondent possessed a cannabis brownie on February  
28

1 17, 2012 without a medical doctor's order/recommendation, as set forth in paragraphs 14-16,  
2 which are incorporated herein by reference.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Functioning as a Pharmacist While Under the Influence of a Controlled Substance)

5 18. Respondent is subject to disciplinary action under section 4301, subdivision (h) and  
6 section 4301, subdivisions (o) and (j), for violation of Business Professions Code section 4327, in  
7 that on February 17, 2012, Respondent worked as a pharmacist at Kaiser Permanente Pharmacy  
8 while she was under the influence of controlled substances to the extent that it impaired her  
9 ability to practice safely, as set forth in paragraphs 14-16, which are incorporated herein by  
10 reference.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Unlawful Administration of a Controlled Substance)

13 19. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and  
14 (o) for violation of Health and Safety Code section 11170 for unlawful administration of a  
15 controlled substance, in that Respondent administered to herself a cannabis brownie on February  
16 17, 2012 without a medical doctor's order/recommendation, as set forth in paragraphs 14-16,  
17 which are incorporated herein by reference.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 (Acts or Conduct that Warrant Denial of a License)

20 20. Respondent is subject to disciplinary action under section 4301, subdivisions (h) for  
21 actions or conduct that would have warranted denial of a license, in that Respondent purchased  
22 and administered to herself a cannabis brownie on February 17, 2012 without a medical doctor's  
23 order/recommendation, while at work as a pharmacist, as set forth in paragraphs 14-16, which are  
24 incorporated herein by reference.

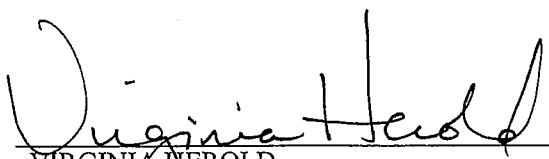
25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Pharmacy issue a decision:  
28



- 1           1.    Revoking or suspending Pharmacist License Number RPH 43131, issued to Amy K.  
2 Brown;  
3           2.    Ordering Amy K. Brown to pay the Board of Pharmacy the reasonable costs of the  
4 investigation and enforcement of this case, pursuant to Business and Professions Code section  
5 125.3;  
6           3.    Taking such other and further action as deemed necessary and proper.

9           DATED: 8/14/13



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

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