

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

In the Matter of the Accusation Against:

Case No. 4967

**PATRICK BYRON RENFRO**

10702 Pinebrook Falls Dr.

Bakersfield, CA 93312

Pharmacist License No. RPH 36594

Respondent.

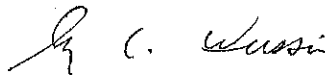
**DECISION AND ORDER**

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 August 12, 2014.

It is so ORDERED on August 5, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STAN C. WEISSER  
Board President

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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
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11 **PATRICK BYRON RENFRO**  
12 **10702 Pinebrook Falls Dr.**  
**Bakersfield, CA 93312**  
13  
14 **Pharmacist License No. RPH 36594**  
15 Respondent.

Case No. 4967  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

- 20 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
21 She brought this action solely in her official capacity and is represented in this matter by Kamala  
22 D. Harris, Attorney General of the State of California, by Sydney M. Mehringer, Deputy Attorney  
23 General.  
24 2. Respondent Patrick Byron Renfro ("Respondent") is representing himself in this  
25 proceeding and has chosen not to exercise his right to be represented by counsel.  
26 3. On or about August 20, 1981, the Board of Pharmacy issued Pharmacist License No.  
27 RPH 36594 to Respondent. The Pharmacist License was in full force and effect at all times  
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1 relevant to the charges brought in Accusation No. 4967 and will expire on July 31, 2015, unless  
2 renewed.

3 **JURISDICTION**

4 4. Accusation No. 4967 was filed before the Board of Pharmacy ("Board"), Department  
5 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on April 3, 2014.

7 Respondent timely filed his Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 4967 is attached as exhibit A and incorporated herein by  
9 reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, and understands the charges and allegations in  
12 Accusation No. 4967. Respondent has also carefully read, and understands the effects of this  
13 Stipulated Settlement and Disciplinary Order.

14 7. 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 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 **CULPABILITY**

24 9. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 4967.

26 10. Respondent agrees that his Pharmacist License is subject to discipline and he agrees  
27 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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**1. Suspension**

As part of probation, Respondent is suspended from the practice of pharmacy for 60 days beginning the effective date of this decision. Respondent shall be given credit for suspension time already served while in the Pharmacists Recovery Program.

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

Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a designated representative for any entity licensed by the Board.

Subject to the above restrictions, Respondent may continue to own or hold an interest in any licensed premises in which he holds an interest at the time this decision becomes effective unless otherwise specified in this order:

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

**2. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

- 1 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 2 criminal complaint, information or indictment
- 3 • a conviction of any crime
- 4 • discipline, citation, or other administrative action filed by any state or federal agency
- 5 which involves Respondent's pharmacist license or which is related to the practice of
- 6 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
- 7 for any drug, device or controlled substance.

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

9 **3. Report to the Board**

10 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its  
11 designee. The report shall be made either in person or in writing, as directed. Among other  
12 requirements, Respondent shall state in each report under penalty of perjury whether there has  
13 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
14 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
15 in submission of reports as directed may be added to the total period of probation. Moreover, if  
16 the final probation report is not made as directed, probation shall be automatically extended until  
17 such time as the final report is made and accepted by the Board.

18 **4. Interview with the Board**

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

24 **5. Cooperate with Board Staff**

25 Respondent shall cooperate with the Board's inspection program and with the Board's  
26 monitoring and investigation of Respondent's compliance with the terms and conditions of his  
27 probation. Failure to cooperate shall be considered a violation of probation.

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1           **6. Continuing Education**

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

4           **7. Notice to Employers**

5           During the period of probation, Respondent shall notify all present and prospective  
6 employers of the decision in case number 4967 and the terms, conditions and restrictions imposed  
7 on Respondent by the decision, as follows:

8           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
9 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,  
10 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
11 tenure of employment) and owner to report to the Board in writing acknowledging that the listed  
12 individual(s) has/have read the decision in case number 4967, and terms and conditions imposed  
13 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or  
14 supervisor(s) submit timely acknowledgment(s) to the Board.

15           If Respondent works for or is employed by or through a pharmacy employment service,  
16 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
17 licensed by the Board of the terms and conditions of the decision in case number 4967 in advance  
18 of the Respondent commencing work at each licensed entity. A record of this notification must  
19 be provided to the Board upon request.

20           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
21 (15) days of Respondent undertaking any new employment by or through a pharmacy  
22 employment service, Respondent shall cause his direct supervisor with the pharmacy employment  
23 service to report to the Board in writing acknowledging that he has read the decision in case  
24 number 4967 and the terms and conditions imposed thereby. It shall be Respondent's  
25 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely  
26 acknowledgment(s) to the Board.

1 Failure to timely notify present or prospective employer(s) or to cause that/those  
2 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of  
3 probation.

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

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

10 During the period of probation, Respondent shall not supervise any intern pharmacist, be  
11 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the  
12 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such  
13 unauthorized supervision responsibilities shall be considered a violation of probation.

14 **9. Reimbursement of Board Costs**

15 As a condition precedent to successful completion of probation, Respondent shall pay to the  
16 Board its costs of investigation and prosecution in the amount of \$3,336.00. Respondent shall  
17 make said payments in a payment plan approved by the Board or its designee.

18 Failure to pay costs pursuant to the payment plan as directed shall be considered a violation  
19 of probation.

20 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to  
21 reimburse the Board its costs of investigation and prosecution.

22 **10. Probation Monitoring Costs**

23 Respondent shall pay any costs associated with probation monitoring as determined by the  
24 Board each and every year of probation. Such costs shall be payable to the Board on a schedule  
25 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
26 shall be considered a violation of probation.

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**11. Status of License**

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

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

**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 license to the Board for surrender. The Board or its designee 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. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board.

Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license to the Board within ten (10) days of notification by the Board that the surrender is accepted. Respondent may not reapply for any license from the Board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

**13. Notification of a Change in Name, Residence Address, Mailing Address or Employment**

Respondent shall notify the Board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving, the address of the new employer, the name of the supervisor and owner, and the work schedule if known. Respondent

1 shall further notify the Board in writing within ten (10) days of a change in name, residence  
2 address, mailing address, or phone number.

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

#### 5 14. Tolling of Probation

6 Except during periods of suspension, Respondent shall, at all times while on probation, be  
7 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any  
8 month during which this minimum is not met shall toll the period of probation, i.e., the period of  
9 probation shall be extended by one month for each month during which this minimum is not met.  
10 During any such period of tolling of probation, Respondent must nonetheless comply with all  
11 terms and conditions of probation.

12 Should Respondent, regardless of residency, for any reason (including vacation) cease  
13 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,  
14 Respondent must notify the Board in writing within ten (10) days of the cessation of practice, and  
15 must further notify the Board in writing within ten (10) days of the resumption of practice. Any  
16 failure to provide such notification(s) shall be considered a violation of probation.

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

20 "Cessation of practice" means any calendar month during which Respondent is  
21 not practicing as a pharmacist for at least 40 hours, as defined by Business and  
22 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
23 month during which Respondent is practicing as a pharmacist for at least 40 hours as  
24 a pharmacist as defined by Business and Professions Code section 4000 et seq.

#### 25 15. Violation of Probation

26 If Respondent has not complied with any term or condition of probation, the Board shall  
27 have continuing jurisdiction over Respondent, and probation shall automatically be extended,  
28 until all terms and conditions have been satisfied or the Board has taken other action as deemed

1 appropriate to treat the failure to comply as a violation of probation; to terminate probation, and  
2 to impose the penalty that was stayed.

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

10 **16. Completion of Probation**

11 Upon written notice by the Board or its designee indicating successful completion of  
12 probation, Respondent's license will be fully restored.

13 **17. Pharmacists Recovery Program (PRP)**

14 Within thirty (30) days of the effective date of this decision, Respondent shall contact the  
15 Pharmacists Recovery Program ("PRP") for evaluation, and shall immediately thereafter enroll,  
16 successfully participate in, and complete the treatment contract and any subsequent addendums as  
17 recommended and provided by the PRP and as approved by the Board or its designee. The costs  
18 for PRP participation shall be borne by the Respondent.

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

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

25 Probation shall be automatically extended until Respondent successfully completes the  
26 PRP. Any person terminated from the PRP program shall be automatically suspended by the  
27 Board. Respondent may not resume the practice of pharmacy until notified by the Board in  
28 writing.

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

4 Respondent may not resume the practice of pharmacy until notified by the Board in writing.

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

13 During suspension, Respondent shall not engage in any activity that requires the  
14 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
15 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
16 designated representative for any entity licensed by the Board.

17 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
18 any licensed premises in which he holds an interest at the time this decision becomes effective  
19 unless otherwise specified in this order.

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

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

#### 24 **18. Random Drug Screening**

25 Respondent, at his own expense, shall participate in random testing, including but not  
26 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
27 screening program as directed by the Board or its designee. Respondent may be required to  
28 participate in testing for the entire probation period and the frequency of testing will be

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

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

21 During suspension, Respondent shall not engage in any activity that requires the  
22 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
23 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
24 designated representative for any entity licensed by the Board.

25 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
26 any licensed premises in which he holds an interest at the time this decision becomes effective  
27 unless otherwise specified in this order.

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

1           **19. Abstain from Drugs and Alcohol Use**

2           Respondent shall completely abstain from the possession or use of alcohol, controlled  
3 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
4 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
5 request of the Board or its designee, Respondent shall provide documentation from the licensed  
6 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
7 treatment of the Respondent. Failure to timely provide such documentation shall be considered a  
8 violation of probation. Respondent shall ensure that he is not in the same physical location as  
9 individuals who are using illicit substances even if Respondent is not personally ingesting the  
10 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
11 not supported by the documentation timely provided, and/or any physical proximity to persons  
12 using illicit substances, shall be considered a violation of probation.

13           **20. Prescription Coordination and Monitoring of Prescription Use**

14           Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
15 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
16 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the  
17 Respondent's history with the use controlled substances, and/or dangerous drugs and who will  
18 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
19 substances or mood-altering drugs. The approved practitioner shall be provided with a copy of  
20 the Board's Accusation and decision. A record of this notification must be provided to the Board  
21 upon request. Respondent shall sign a release authorizing the practitioner to communicate with  
22 the Board about Respondent's treatment(s). The coordinating physician, nurse practitioner,  
23 physician assistant, or psychiatrist shall report to the Board on a quarterly basis for the duration of  
24 probation regarding Respondent's compliance with this condition. If any substances considered  
25 addictive have been prescribed, the report shall identify a program for the time limited use of any  
26 such substances. The Board may require that the single coordinating physician, nurse  
27 practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or consult a  
28 specialist in addictive medicine. Should Respondent, for any reason, cease supervision by the

1 approved practitioner, Respondent shall notify the Board immediately and, within thirty (30) days  
2 of ceasing treatment, submit the name of a replacement physician, nurse practitioner, physician  
3 assistant, or psychiatrist of Respondent's choice to the Board or its designee for its prior approval.  
4 Failure to timely submit the selected practitioner or replacement practitioner to the Board for  
5 approval, or to ensure the required reporting thereby on the quarterly reports, shall be considered  
6 a violation of probation.

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

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

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

24 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
25 any licensed premises in which he holds an interest at the time this decision becomes effective  
26 unless otherwise specified in this order.

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

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1           **21. Community Services Program**

2           Within sixty (60) days of the effective date of this decision, Respondent shall submit to the  
3 Board or its designee, for prior approval, a community service program in which Respondent  
4 shall provide free health-care related services on a regular basis to a community or charitable  
5 facility or agency for at least 64 hours per year for each year of probation. Within thirty (30) days  
6 of Board approval thereof, Respondent shall submit documentation to the Board demonstrating  
7 commencement of the community service program. A record of this notification must be  
8 provided to the Board upon request. Respondent shall report on progress with the community  
9 service program in the quarterly reports. Failure to timely submit, commence, or comply with the  
10 program shall be considered a violation of probation.

11           **22. 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 his license shall be automatically  
15 suspended until a supervisor is approved by the Board or its designee. The supervision shall be,  
16 as required 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 his  
22 supervisor submit notification to the Board in writing stating that the supervisor has read the  
23 decision in case number 4967 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 his  
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



1 that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely  
2 acknowledgement(s) to the Board. Respondent shall have his new supervisor, within fifteen (15)  
3 days after employment commences, submit notification to the Board in writing stating the direct  
4 supervisor and pharmacist-in-charge have read the decision in case number 4967 and is familiar  
5 with the level of supervision as determined by the Board. Respondent shall not practice  
6 pharmacy and his license shall be automatically suspended until the Board or its designee  
7 approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to  
8 submit timely 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  
23 any licensed premises in which he holds an interest at the time this decision becomes effective  
24 unless otherwise specified in this order.

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

26 **23. 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 **24. Ethics Course**

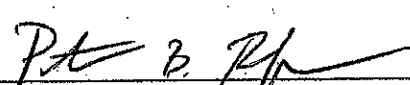
7 Within sixty (60) calendar days of the effective date of this decision, Respondent shall  
8 enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its  
9 designee. Failure to initiate the course during the first year of probation, and complete it within  
10 the second 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 Stipulated Settlement and Disciplinary Order. I understand the  
15 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated  
16 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
17 bound by the Decision and Order of the Board of Pharmacy.

18  
19 DATED: 6-14-14

  
\_\_\_\_\_  
PATRICK BYRON RENFRO  
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: July 8, 2014

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
LINDA L. SUN  
Deputy Attorney General

  
SYDNEY M. MEHRINGER  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 4967**

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2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 SYDNEY M. MEHRINGER  
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E-mail: Sydney.Mehringer@doj.ca.gov  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4967

12 **PATRICK BYRON RENFRO**  
13 **4905 Rushmore Dr.**  
**Bakersfield, CA 93312**

**ACCUSATION**

14 **Pharmacist License No. RPH 36594**

15 Respondent.

16  
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 August 20, 1981, the Board of Pharmacy issued Pharmacist License  
22 Number RPH 36594 to Patrick Byron Renfro ("Respondent"). The Pharmacist License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
24 2015, 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 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
2 labeled with the name and address of the supplier or producer.

3 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
4 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and  
5 devices."

6 7. Section 4301 of the Code states:

7 "The board shall take action against any holder of a license who is guilty of unprofessional  
8 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

9 Unprofessional conduct shall include, but is not limited to, any of the following:

10 . . . .

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

14 . . . .

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

20 . . . .

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

23 . . . .

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

28 8. Code section 4342 states:





1 14. Morphine is a Schedule II controlled substance pursuant to Health and Safety Code  
2 section 11055, subdivision (b)(1)(L) and is a dangerous drug pursuant to Business and Professions  
3 Code section 4022.

4 **COST RECOVERY**

5 15. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
6 administrative law judge to direct a licentiate found to have committed a violation or violations of  
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Unlawful Possession of Controlled Substances)**

11 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),  
12 in conjunction with Code section 4060, on the grounds of unprofessional conduct in that between  
13 approximately January 2012 and September 2012, Respondent, who was a pharmacist at a Target  
14 store in Bakersfield, CA, violated the Pharmacy Law by unlawfully possessing 810 Norco pills,  
15 540 Carisoprodol pills, and 270 Gabapentin pills. Respondent obtained the pills by dispensing  
16 them while working as a pharmacist at Target, putting the pills in containers, concealing the  
17 containers in his clothes, and then leaving the Target store without paying for the medications and  
18 without having prescriptions for them. The total loss to Target was approximately \$1,459.99.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Dangerous Use of Controlled Substances and Dangerous Drugs)**

21 17. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)  
22 on the grounds of unprofessional conduct in that between approximately January 2012 and  
23 September 2012, Respondent, who was a pharmacist at a Target store in Bakersfield, self-  
24 administered and used controlled substances and dangerous drugs to wit, 810 fraudulently  
25 obtained Norco pills, 540 fraudulently obtained Carisoprodol pills, and 270 fraudulently obtained  
26 Gabapentin pills; in a manner dangerous or injurious to himself or the public, or to the extent that  
27 his use impaired his ability to conduct with safety to the public the practice authorized by his  
28 license.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Violating Drug Statutes)**

3 18. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),  
4 in conjunction with Health and Safety Code sections 11350, subdivision (a) and 11170, on the  
5 grounds of unprofessional conduct in that between approximately January 2012 and September  
6 2012, Respondent, who was a pharmacist at a Target store in Bakersfield, violated California  
7 rules regulating controlled substances when he unlawfully possessed and unlawfully administered  
8 to himself a controlled substance, to wit, 810 Norco pills.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Dishonest Acts)**

11 19. Respondent is subject to disciplinary action under Code section 4301, subdivision (f)  
12 on the grounds of unprofessional conduct in that Respondent committed dishonest acts.  
13 Complainant incorporates by reference Paragraph 16, as though fully set forth herein.

14 **DISCIPLINE CONSIDERATIONS**

15 20. To determine the degree of discipline, if any, to be imposed on Respondent,  
16 Complainant alleges that on or about April 20, 2010, in a prior action, the Board of Pharmacy  
17 issued Citation Number CI 2009 44188 against Respondent in the amount of \$2,000 for violating  
18 Business and Professions Code section 4342, subdivision (b) [pharmaceutical preparations not in  
19 conformity with standards and tests as to quality and strength]. The facts and circumstances  
20 underlying the Citation were that on June 16, 2009 and June 20, 2009, while working as a staff  
21 pharmacist at Bakersfield Memorial Hospital, Respondent compounded 20 bags of Morphine  
22 50mg/ml IV drip which were substandard and lacking strength. That Citation is now final and is  
23 incorporated by reference as if fully set forth.

24 **PRAYER**

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

27 1. Revoking or suspending Pharmacist License Number RPH 36594, issued to Patrick  
28 Byron Renfro;

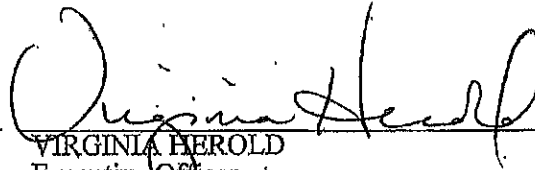
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2. Ordering Patrick Byron Renfro to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED:

3/24/14



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

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