

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

In the Matter of the Statement of Issues Against:

Case No. 4945

RICHARD ALVIN COLLIE

6813 Sahalee Circle
Radford, VA 24141

Pharmacist Applicant

Respondent.

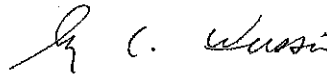
DECISION AND ORDER

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 October 8, 2014.

It is so ORDERED on October 1, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
Against:

12 **RICHARD ALVIN COLLIE**

13 Respondent.
14

Case No. 4945

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

17 PARTIES

18 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
19 She brought this action solely in her official capacity and is represented in this matter by Kamala
20 D. Harris, Attorney General of the State of California, by Elena L. Almanzo, Deputy Attorney
21 General.

22 2. Respondent Richard Alvin Collie ("Respondent") is representing himself in this
23 proceeding and has chosen not to exercise his right to be represented by counsel.

24 3. On or about February 6, 2013, Respondent filed an application dated July 1, 2013,
25 with the Board of Pharmacy to obtain a pharmacist license.

26 JURISDICTION

27 4. Statement of Issues No. 4945 was filed before the Board of Pharmacy (Board),
28 Department of Consumer Affairs, and is currently pending against Respondent. The Statement of

1 Issues and all other statutorily required documents were properly served on Respondent on May
2 5, 2014.

3 5. A copy of Statement of Issues No. 4945 is attached as exhibit A and incorporated
4 herein by reference.

5 ADVISEMENT AND WAIVERS

6 6. Respondent has carefully read, and understands the charges and allegations in
7 Statement of Issues No. 4945. Respondent has also carefully read, and understands the effects of
8 this Stipulated Settlement and Disciplinary Order.

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

16 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
17 every right set forth above.

18 CULPABILITY

19 9. Respondent admits the truth of each and every charge and allegation in Statement of
20 Issues No. 4945.

21 10. Respondent agrees that his application for a pharmacist license is subject to denial
22 and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
23 below.

24 CONTINGENCY

25 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
26 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
27 communicate directly with the Board regarding this stipulation and settlement, without notice to
28 or participation by Respondent. By signing the stipulation, Respondent understands and agrees

1 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the
2 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
3 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
4 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
5 not be disqualified from further action by having considered this matter.

6 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
7 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
8 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

18 **DISCIPLINARY ORDER**

19 IT IS HEREBY ORDERED that Respondent Richard Alvin Collie that a pharmacist license
20 will be issued and immediately revoked. The revocation will be stayed and the Respondent
21 placed on four (4) years probation on the following terms and conditions.

22 1. **Obey All Laws**

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

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

- 26 • an arrest or issuance of a criminal complaint for violation of any provision of the
27 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
28 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 **2. 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 **3. 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 its
21 designee. Failure to appear for any scheduled interview without prior notification to board staff,
22 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
23 the period of probation, shall be considered a violation of probation.

24 **4. 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 **5. 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 **6. Notice to Employers**

5 During the period of probation, respondent shall notify all present and prospective
6 employers of the decision in case number 4945 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 4945, and terms and conditions imposed
13 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
14 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 4945 in advance
18 of the respondent commencing work at each licensed entity. A record of this notification must be
19 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 employment
22 service, respondent shall cause his direct supervisor with the pharmacy employment service to
23 report to the board in writing acknowledging that he has read the decision in case number 4945
24 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
25 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

11 **8. Probation Monitoring Costs**

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

16 **9. Status of License**

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

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

24 **10. License Surrender While on Probation/Suspension**

25 Following the effective date of this decision, should respondent cease practice due to
26 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
27 respondent may tender his license to the board for surrender. The board or its designee shall have
28 the discretion whether to grant the request for surrender or take any other action it deems

1 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent
2 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
3 record of discipline and shall become a part of the respondent's license history with the board.

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

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

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

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

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

19 **12. Tolling of Probation**

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

26 Should respondent, regardless of residency, for any reason (including vacation) cease
27 practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California,
28 respondent must notify the board in writing within ten (10) days of the cessation of practice, and

1 must further notify the board in writing within ten (10) days of the resumption of practice. Any
2 failure to provide such notification(s) shall be considered a violation of probation.

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

6 "Cessation of practice" means any calendar month during which respondent is
7 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and
8 Professions Code section 4000 et seq . "Resumption of practice" means any calendar
9 month during which respondent is practicing as a pharmacist for at least forty (40)
10 hours as a pharmacist as defined by Business and Professions Code section 4000 et
11 seq.

12 **13. Violation of Probation**

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

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

25 **14. Completion of Probation**

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

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1 **15. Pharmacists Recovery Program (PRP)**

2 Within thirty (30) days of the effective date of this decision, respondent shall contact the
3 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,
4 successfully participate in, and complete the treatment contract and any subsequent addendums as
5 recommended and provided by the PRP and as approved by the board or its designee. The costs
6 for PRP participation shall be borne by the respondent.

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

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

13 Probation shall be automatically extended until respondent successfully completes the PRP.
14 Any person terminated from the PRP program shall be automatically suspended by the board.
15 Respondent may not resume the practice of pharmacy until notified by the board in writing.

16 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
17 licensed practitioner as part of a documented medical treatment shall result in the automatic
18 suspension of practice by respondent and shall be considered a violation of probation.
19 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

28 During suspension, respondent shall not engage in any activity that requires the

1 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
2 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
3 designated representative for any entity licensed by the board.

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

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

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

11 Respondent shall work in a pharmacy setting with access to controlled substances for six
12 (6) consecutive months before successfully completing probation. If respondent fails to do so,
13 probation shall be automatically extended until this condition has been met. Failure to satisfy this
14 condition within six (6) months beyond the original date of expiration of the term of probation
15 shall be considered a violation of probation.

16 **16. Random Drug Screening**

17 Respondent, at his own expense, shall participate in random testing, including but not
18 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
19 screening program as directed by the board or its designee. Respondent may be required to
20 participate in testing for the entire probation period and the frequency of testing will be
21 determined by the board or its designee. At all times, respondent shall fully cooperate with the
22 board or its designee, and shall, when directed, submit to such tests and samples for the detection
23 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
24 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
25 of probation. Upon request of the board or its designee, respondent shall provide documentation
26 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
27 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
28 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any

1 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
2 shall be considered a violation of probation and shall result in the automatic suspension of
3 practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until
4 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 any
18 licensed premises in which he holds an interest at the time this decision becomes effective unless
19 otherwise specified in this order.

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

21 **17. Abstain from Drugs and Alcohol Use**

22 Respondent shall completely abstain from the possession or use of alcohol, controlled
23 substances, dangerous drugs and their associated paraphernalia except when the drugs are
24 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
25 request of the board or its designee, respondent shall provide documentation from the licensed
26 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
27 treatment of the respondent. Failure to timely provide such documentation shall be considered a
28 violation of probation. Respondent shall ensure that he is not in the same physical location as

1 individuals who are using illicit substances even if respondent is not personally ingesting the
2 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
3 not supported by the documentation timely provided, and/or any physical proximity to persons
4 using illicit substances, shall be considered a violation of probation.

5 **18. Prescription Coordination and Monitoring of Prescription Use**

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

26 If at any time an approved practitioner determines that respondent is unable to practice
27 safely or independently as a pharmacist, the practitioner shall notify the board immediately by
28 telephone and follow up by written letter within three (3) working days. Upon notification from

1 the board or its designee of this determination, respondent shall be automatically suspended and
2 shall not resume practice until notified by the board that practice may be resumed.

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

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

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

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

19 **19. Supervised Practice**

20 During the period of probation, respondent shall practice only under the supervision of a
21 licensed pharmacist not on probation with the board. Upon and after the effective date of this
22 decision, respondent shall not practice pharmacy and his license shall be automatically suspended
23 until a supervisor is approved by the board or its designee. The supervision shall be, as required
24 by the board or its designee, either:

25 Continuous – At least 75% of a work week

26 Substantial - At least 50% of a work week

27 Partial - At least 25% of a work week

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

1 Within thirty (30) days of the effective date of this decision, respondent shall have his
2 supervisor submit notification to the board in writing stating that the supervisor has read the
3 decision in case number 4945 and is familiar with the required level of supervision as determined
4 by the board or its designee. It shall be the respondent's responsibility to ensure that his
5 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
6 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
7 acknowledgements to the board shall be considered a violation of probation.

8 If respondent changes employment, it shall be the respondent's responsibility to ensure that
9 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
10 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment
11 commences, submit notification to the board in writing stating the direct supervisor and
12 pharmacist-in-charge have read the decision in case number 4945 and is familiar with the level of
13 supervision as determined by the board. Respondent shall not practice pharmacy and his license
14 shall be automatically suspended until the board or its designee approves a new supervisor.
15 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
16 acknowledgements to the board shall be considered a violation of probation.

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

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

26 During suspension, respondent shall not engage in any activity that requires the
27 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
28 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a

1 designated representative for any entity licensed by the board.

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

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

6 **20. No Ownership of Licensed Premises**

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

14 **21. Criminal Probation/Parole Reports**

15 Respondent shall provide a copy of the conditions of any criminal probation/parole to the
16 board, in writing, within ten (10) days of the issuance or modification of those conditions.
17 Respondent shall provide the name of his probation/parole officer to the board, in writing, within
18 ten (10) days after that officer is designated or a replacement for that officer is designated.
19 Respondent shall provide a copy of all criminal probation/parole reports to the board within ten
20 (10) days after respondent receives a copy of such a report. Failure to timely make any of the
21 submissions required hereby shall be considered a violation of probation.

22 **22. Ethics Course**

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

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

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my pharmacist license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

8-7-14



RICHARD ALVIN COLLIE
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: 8/12/14

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General


ELENA L. ALMANZO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 4945

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
Against:

Case No. 4945

12 **RICHARD COLLIE**
13 6813 Sahalee Circle
14 Radford, VA 24141

STATEMENT OF ISSUES

15 Applicant/Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about February 25, 2013, the Board of Pharmacy, Department of Consumer
22 Affairs received an application for a Pharmacist License from Richard Alvin Collie (Respondent).

23 On or about February 6, 2013, Richard Alvin Collie certified under penalty of perjury to the
24 truthfulness of all statements, answers, and representations in the application. The Board denied
25 the application on July 1, 2013.

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1 **JURISDICTION**

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

5 4. Section 4300 of the Code states in pertinent part:

6 "(c) The board may refuse a license to any applicant guilty of
7 unprofessional conduct. The board may, in its sole discretion, issue a probationary
8 license to any applicant for a license who is guilty of unprofessional conduct and who
9 has met all other requirements for licensure. The board may issue the license subject
10 to any terms or conditions not contrary to public policy, including, but not limited to,
11 the following:

12 "(1) Medical or psychiatric evaluation.

13 "(2) Continuing medical or psychiatric treatment.

14 "(3) Restriction of type or circumstances of practice.

15 "(4) Continuing participation in a board-approved rehabilitation program.

16 "(5) Abstention from the use of alcohol or drugs.

17 "(6) Random fluid testing for alcohol or drugs.

18 "(7) Compliance with laws and regulations governing the practice of
19 pharmacy.

20 5. Section 480 of the Code states:

21 "(a) A board may deny a license regulated by this code on the grounds
22 that the applicant has one of the following:

23 "(1) Been convicted of a crime. A conviction within the meaning of this
24 section means a plea or verdict of guilty or a conviction following a plea of nolo
25 contendere. Any action that a board is permitted to take following the establishment
26 of a conviction may be taken when the time for appeal has elapsed, or the judgment of
27 conviction has been affirmed on appeal, or when an order granting probation is made
28 suspending the imposition of sentence, irrespective of a subsequent order under the
provisions of Section 1203.4 of the Penal Code.

"(2) Done any act involving dishonesty, fraud, or deceit with the intent to
substantially benefit himself or herself or another, or substantially injure another.

"(3) (A) Done any act that if done by a licentiate of the business or
profession in question, would be grounds for suspension or revocation of license.

"(B) The board may deny a license pursuant to this subdivision only if the
crime or act is substantially related to the qualifications, functions, or duties of the
business or profession for which application is made.

1 "(b) Notwithstanding any other provision of this code, no person shall be
2 denied a license solely on the basis that he or she has been convicted of a felony if he
3 or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with
4 Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been
5 convicted of a misdemeanor if he or she has met all applicable requirements of the
6 criteria of rehabilitation developed by the board to evaluate the rehabilitation of a
7 person when considering the denial of a license under subdivision (a) of Section 482.

8 "(c) A board may deny a license regulated by this code on the ground that
9 the applicant knowingly made a false statement of fact required to be revealed in the
10 application for the license."

11 **FIRST CAUSE FOR DENIAL OF APPLICATION**

12 **(Conviction of a crimes)**

13 6. Respondent's application is subject to denial under section 4300 (c) and 480 (a) (1) in
14 that he has been convicted of crimes substantially related to the functions and duties of a
15 pharmacist as more specifically set forth below.

16 a. On or about July 7, 2009, Respondent was fined in *People v. Richard Alvin*
17 *Collie*; General District Court of Virginia, Radford County Case No. GC-09002492-00, for a
18 violation of Code 6-2B (open container of alcohol), a misdemeanor.

19 b. On or about November 30, 2011, in *People v. Richard Alvin Collie*,
20 Montgomery County General District Court of Virginia, Case No. GT11006000-00, Respondent
21 was found guilty of violating Virginia Code section A.18.2-266 (reckless driving), a
22 misdemeanor. Respondent was placed on probation for 12 months and his terms included a
23 license restriction to use to and from work and for Medically Necessary Travel.

24 b. On or about April 25, 2013, in *People v. Richard Alvin Collie*, General District
25 Court of Virginia, Radford County Case No. GC13000959-00, Respondent was found guilty of
26 violating Virginia Code section A.18.2-266 (DWI, 1st), a misdemeanor. Respondent was placed
27 on probation for a period of 12 months and his terms included a license restriction to use to and
28 from work and for Medically Necessary Travel, Ignition Interlock Restriction.

SECOND CAUSE FOR DENIAL OF APPLICATION

(False or Misleading Statements)

 7. On or about February 25, 2013 Respondent submitted an application for licensure as a
Pharmacist, as set forth in paragraph 2 above. Respondent indicated in his response to Item 18 on

1 the application that he had been convicted of a felony or misdemeanor. Question 18 on the
2 application stated, "Check the box next to "YES" if, you have been convicted or plead guilty to
3 any crime... You do not need to report a conviction for an infraction with a fine of less than \$300
4 unless the infraction involved alcohol or controlled substances."

5 8. Respondent's application is subject to denial pursuant to Code sections 480,
6 subdivision (a)(3)(A), in that Respondent made statements which he knew, or in the exercise of
7 reasonable care should have known, to be untrue or misleading, as follows: Respondent certified
8 under penalty of perjury on his application that he had been convicted of reckless driving in
9 November of 2011 but failed to disclose his July 7, 2009, conviction for open container of
10 alcohol, set forth in subparagraph 6 (a) above.

11 **THIRD CAUSE FOR DENIAL OF APPLICATION**

12 **(Dishonest Acts)**

13 9. Respondent's application is subject to denial pursuant to Code section 480,
14 subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud or deceit with
15 the intent to substantially benefit himself or another, or substantially injure another, as set forth in
16 paragraph 8 above.

17 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

18 **(False Statement in Respondent's Application for Registration)**

19 10. Respondent's application is subject to denial pursuant to Code section 480,
20 subdivision (c), in that Respondent knowingly made false statements of fact required to be
21 revealed in his application for registration as an electronic service dealer, as set forth in paragraph
22 8 above.

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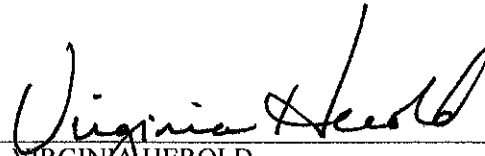
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PRAYER

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

1. Denying the application of Richard Alvin Collie for a pharmacist; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 4/8/14


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

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