

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

In the Matter of the Accusation Against:

**TERRI RENE CIRVES  
1325 ½ E Ocean Blvd.  
Long Beach, CA 90802**

**Pharmacist License No. RPH 40376**

Respondent.

Case No. 5396

OAH No. 2015110023

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is here by adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on March 17, 2016.

It is so ORDERED on February 16, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

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Attorney General of California  
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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 5396

12 **TERRI RENE CIRVES**  
20207 34<sup>th</sup> Place W.  
13 Lynnwood, CA 98036

OAH No. 2015110023

14 **Pharmacist License No. RPH 40376**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Respondent.

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 Kristina T. Jarvis, Deputy Attorney  
23 General.

24 2. On or about October 20, 1986, the Board of Pharmacy issued Original Pharmacist  
25 License No. RPH 40376 to Terri Rene Cirves (Respondent). The Original Pharmacist License  
26 was in full force and effect at all times relevant to the charges brought in Accusation No. 5396  
27 and will expire on July 31, 2016, unless renewed.

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1 3. Respondent is represented in this proceeding by attorney Ivan Petrzelka, whose  
2 address is: Ivan Petrzelka, California Pharmacy Lawyers, 2855 Michelle Drive, Suite 180, Irvine,  
3 CA 92606

4 **JURISDICTION**

5 4. Accusation No. 5396 was filed before the Board of Pharmacy (Board) , Department  
6 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
7 statutorily required documents were properly served on Respondent on September 23, 2015.  
8 Respondent timely filed her Notice of Defense contesting the Accusation.

9 5. A copy of Accusation No. 5396 is attached as exhibit A and incorporated herein by  
10 reference.

11 **ADVISEMENT AND WAIVERS**

12 6. Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in Accusation No. 5396. Respondent has also carefully read, fully  
14 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
15 Order.

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

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

25 **CULPABILITY**

26 9. Respondent admits the truth of each and every charge and allegation in Accusation  
27 No. 5396.

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1 10. Respondent agrees that her Original Pharmacist License is subject to discipline and  
2 she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order  
3 below.

4 **CONTINGENCY**

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

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

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

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

26 **DISCIPLINARY ORDER**

27 IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 40376 issued to  
28 Respondent Terri Rene Cirves (Respondent) is revoked. However, the revocation is stayed and

1 Respondent is placed on probation for five (5) years on the following terms and conditions.

2 **1. Suspension**

3 As part of probation, respondent is suspended from the practice of pharmacy for forty-five  
4 (45) days beginning the effective date of this decision.

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 devices or controlled substances.

13 Respondent shall not engage in any activity that requires the professional judgment of a  
14 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.

15 Respondent shall not perform the duties of a pharmacy technician or a designated representative  
16 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 she 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 **2. Obey All Laws**

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

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

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

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- 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 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 **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 her  
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 5396 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 her 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 5396, and terms and conditions imposed  
13 thereby. It shall be respondent's responsibility to ensure that her 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 her 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 5396 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 her direct supervisor with the pharmacy employment service to  
23 report to the board in writing acknowledging that she has read the decision in case number 5396  
24 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
25 that her 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 **8. 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 **9. Reimbursement of Board Costs**

12 As a condition precedent to successful completion of probation, respondent shall pay to the  
13 board its costs of investigation and prosecution in the amount of \$1,973.50. Respondent shall be  
14 allowed to make payments on a schedule approved in writing by the Board or its designee.

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

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

20 **10. Probation Monitoring Costs**

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

25 **11. Status of License**

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



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

5 **12. License Surrender While on Probation/Suspension**

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

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

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

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

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

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1           **14. Tolling of Probation**

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

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

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

16           "Cessation of practice" means any calendar month during which respondent is  
17 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and  
18 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
19 month during which respondent is practicing as a pharmacist for at least forty (40)  
20 hours as a pharmacist as defined by Business and Professions Code section 4000 et seq.

19           **15. Violation of Probation**

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

25           If respondent violates probation in any respect, the board, after giving respondent notice  
26 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
27 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
28 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If

1 a petition to revoke probation or an accusation is filed against respondent during probation, the  
2 board shall have continuing jurisdiction and the period of probation shall be automatically  
3 extended until the petition to revoke probation or accusation is heard and decided.

4 **16. Completion of Probation**

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

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

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

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

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

19 Probation shall be automatically extended until respondent successfully completes the PRP.  
20 Any person terminated from the PRP program shall be automatically suspended by the board.

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

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

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

26 During suspension, respondent shall not enter any pharmacy area or any portion of the  
27 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
28 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices

1 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
2 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
3 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
4 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
5 and controlled substances. Respondent shall not resume practice until notified by the board.

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

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

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

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

17 **18. Random Drug Screening**

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

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

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

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

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

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

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

23 Respondent shall completely abstain from the possession or use of alcohol, controlled  
24 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
25 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
26 request of the board or its designee, respondent shall provide documentation from the licensed  
27 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
28 treatment of the respondent. Failure to timely provide such documentation shall be considered a

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

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

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

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

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

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

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

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

22 **21. Community Services Program**

23 Within sixty (60) days of the effective date of this decision, respondent shall submit to the  
24 board or its designee, for prior approval, a community service program in which respondent shall  
25 provide free health-care related services on a regular basis to a community or charitable facility or  
26 agency for at least sixty-four (64) hours prior to the termination of probation. Within thirty (30)  
27 days of board approval thereof, respondent shall submit documentation to the board  
28 demonstrating commencement of the community service program. A record of this notification

1 must be provided to the board upon request. Respondent shall report on progress with the  
2 community service program in the quarterly reports. Failure to timely submit, commence, or  
3 comply with the program shall be considered a violation of probation.

4 **22. No Ownership of Licensed Premises**

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

12 **23. Tolling of Suspension**

13 During the period of suspension, respondent shall not leave California for any period  
14 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess  
15 of the (10) days during suspension shall be considered a violation of probation. Moreover, any  
16 absence from California during the period of suspension exceeding ten (10) days shall toll the  
17 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days  
18 respondent is absent from California. During any such period of tolling of suspension,  
19 respondent must nonetheless comply with all terms and conditions of probation.

20 Respondent must notify the board in writing within ten (10) days of departure, and must  
21 further notify the board in writing within ten (10) days of return. The failure to provide such  
22 notification(s) shall constitute a violation of probation. Upon such departure and return,  
23 respondent shall not resume the practice of pharmacy until notified by the board that the period of  
24 suspension has been satisfactorily completed.

25 **ACCEPTANCE**

26 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
27 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will  
28 have on my Original Pharmacist License. I enter into this Stipulated Settlement and Disciplinary



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

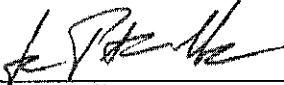
3  
4 DATED: January 19, 2016

  
TERRI RENE CIRVES  
Respondent

6  
7 **APPROVAL AS TO FORM AND CONTENT**

8 I have read and fully discussed with Respondent Terri Rene Cirves the terms and conditions  
9 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
10 its form and content.

11  
12 DATED: January 19, 2016

  
Ivan Petrzelka  
Attorney for Respondent


13  
14  
15 **ENDORSEMENT**

16  
17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
18 submitted for consideration by the Board of Pharmacy.

19 Dated: January 20, 2016

Respectfully submitted,

20 KAMALA D. HARRIS  
Attorney General of California  
21 JANICE K. LACHMAN  
Supervising Deputy Attorney General

22  
23   
24 KRISTINA C. JARVIS  
Deputy Attorney General  
25 Attorneys for Complainant

26  
27 SA2015100581  
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**Exhibit A**

**Accusation No. 5396**

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1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5403  
Facsimile: (916) 327-8643  
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. 5396

12 **TERRI RENE CIRVES**  
13 **20207 34<sup>th</sup> Place W.**  
**Lynnwood, CA 98036**

**ACCUSATION**

14 **Pharmacist License No. RPH 40376**

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 ("Board"), Department of Consumer Affairs.

21 2. On or about October 20, 1986, the Board issued Pharmacist License Number RPH  
22 40376 to Terri Rene Cirves ("Respondent"). The pharmacist license was in full force and effect  
23 at all times relevant to the charges brought herein and will expire on July 31, 2016, unless  
24 renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

28 ///

1 STATUTORY PROVISIONS

2 4. Section 4300 states, in pertinent part:

3 (a) Every license issued may be suspended or revoked.

4 (b) The board shall discipline the holder of any license issued by the  
5 board, whose default has been entered or whose case has been heard by the board and  
6 found guilty, by any of the following methods:

7 (1) Suspending judgment.

8 (2) Placing him or her upon probation.

9 (3) Suspending his or her right to practice for a period not exceeding one  
10 year.

11 (4) Revoking his or her license.

12 (5) Taking any other action in relation to disciplining him or her as the  
13 board in its discretion may deem proper . . .

14 5. Section 4300.1 states:

15 The expiration, cancellation, forfeiture, or suspension of a board-issued  
16 license by operation of law or by order or decision of the board or a court of law, the  
17 placement of a license on a retired status, or the voluntary surrender of a license by a  
18 licensee shall not deprive the board of jurisdiction to commence or proceed with any  
19 investigation of, or action or disciplinary proceeding against, the licensee or to render  
20 a decision suspending or revoking the license.

21 6. Section 4301 states, in pertinent part:

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

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

(i) The conviction of a crime substantially related to the qualifications,  
functions, and duties of a licensee under this chapter. The record of conviction of a  
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
States Code regulating controlled substances or of a violation of the statutes of this  
state regulating controlled substances or dangerous drugs shall be conclusive  
evidence of unprofessional conduct. In all other cases, the record of conviction shall

1 be conclusive evidence only of the fact that the conviction occurred. The board may  
2 inquire into the circumstances surrounding the commission of the crime, in order to  
3 fix the degree of discipline or, in the case of a conviction not involving controlled  
4 substances or dangerous drugs, to determine if the conviction is of an offense  
5 substantially related to the qualifications, functions, and duties of a licensee under this  
6 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
7 contendere is deemed to be a conviction within the meaning of this provision. The  
8 board may take action when the time for appeal has elapsed, or the judgment of  
9 conviction has been affirmed on appeal or when an order granting probation is made  
10 suspending the imposition of sentence, irrespective of a subsequent order under  
11 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
12 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
13 dismissing the accusation, information, or indictment . . .

#### 8 COST RECOVERY

9 7. Section 125.3 provides, in pertinent part, that a Board may request the administrative  
10 law judge to direct a licensee found to have committed a violation or violations of the licensing  
11 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
12 case.

#### 13 FIRST CAUSE FOR DISCIPLINE

##### 14 (Use of Alcoholic Beverages to an Extent or in a Manner

##### 15 Dangerous or Injurious to Oneself, Others and the Public)

16 8. Respondent is subject to disciplinary action pursuant to section 4301, subdivision (h),  
17 for unprofessional conduct, in that Respondent used alcoholic beverages to an extent or in a  
18 manner dangerous or injurious to herself, others, and the public, as follows:

19 9. On or about November 6, 2013, at approximately 12:34 p.m., an Oregon State Police  
20 officer was dispatched to locate an RV that was traveling southbound on Interstate 5. The police  
21 had received two 911 calls from motorists, reporting that the RV was unable to maintain a single  
22 lane of travel and had almost crashed into other vehicles and the concrete barrier separating the  
23 southbound and northbound lanes of Interstate 5.

24 10. The officer located the RV and observed it weaving badly. The officer initiated a  
25 traffic stop on the RV and approached the right front passenger window. The driver, later  
26 identified as Respondent, looked dazed and confused. The officer knocked on the passenger  
27 window 3 times before Respondent realized he was there. When Respondent rolled down the  
28 window, the officer immediately smelled a strong odor of an alcoholic beverage. Respondent's

1 speech was thick and slurred, her eyes were watery and glassy, and she had a disheveled  
2 appearance. The officer had Respondent exit the RV. Respondent was unstable on her feet and  
3 displayed a constant circular sway. Respondent told the officer that she last consumed alcohol  
4 around 6:00 a.m. that morning. The officer attempted to administer field sobriety tests, but  
5 Respondent lost her balance and hit her back against the RV. The officer discontinued the tests  
6 due to safety concerns. Respondent was placed under arrest for driving under the influence and  
7 taken into custody. The officer searched the RV and found two 16 ounce cans of malt liquor.  
8 One of the cans was empty and the other was opened and in the driver's side cup holder. During  
9 her transport to the detox center, Respondent told the officer that she is a recovering alcoholic and  
10 had started drinking again during her trip to Oregon. Respondent submitted two breath samples  
11 while at the detox center and was found to have a blood alcohol level of 0.18 percent.

12 11. On or about February 21, 2014, in the criminal proceeding entitled *State of Oregon*  
13 *vs. Terri R. Cirves* (Jackson County Circuit Ct., Case No. 14CR02281), Respondent was charged  
14 with driving under the influence of intoxicants (DUII) and reckless driving. Respondent  
15 petitioned the Court to be admitted into the diversion program. On or about May 8, 2014,  
16 Respondent pled nolo contendere to the DUII charge. On or about May 13, 2014, the Court  
17 granted Respondent's petition for diversion and withheld entry of judgment of Respondent's  
18 conviction pending completion or termination of diversion. The Court ordered that Respondent  
19 install an ignition interlock device in any vehicle operated by her during the period of the  
20 diversion agreement. Respondent agreed to participate in diversion on and between May 13,  
21 2014 and May 12, 2015, and not to use any alcohol or other intoxicant during the term of the  
22 diversion agreement.

23 12. On or about June 27, 2014, Officer H. of the Truckee Police Department responded to  
24 a report of a van that was observed swerving and dragging an item along the road, causing sparks.  
25 Another officer had initiated a traffic enforcement stop on the vehicle. Officer H. arrived on  
26 scene while the other officer was contacting the driver, later identified as Respondent. Officer H.  
27 looked through the passenger side window and observed an opened bottle of beer sitting between  
28 the front seats. The bottle was about half full of liquid. Officer H. contacted Respondent at the

1 driver's door and asked her to step out of the vehicle. When the door was opened, Officer H.  
2 observed several empty beer bottles in the door pocket. As Respondent exited the vehicle,  
3 Officer H. noticed that she was extremely unsteady on her feet and swayed while standing.  
4 Respondent's eyes were glossy and there was a heavy odor of alcohol emitting from her breath as  
5 she spoke. Officer H. administered field sobriety tests, then placed Respondent under arrest for  
6 driving under the influence of alcohol. Respondent was transported to Tahoe Forest Hospital,  
7 where she submitted to a chemical blood test. Respondent's test results showed that she had a  
8 blood alcohol of 0.24%.

9 13. On or about October 27, 2014, in the criminal proceeding entitled *People vs. Terri*  
10 *Rene Cirves* (Nevada County Super. Ct. , Case No. TM14-000432), Respondent was convicted on  
11 her plea of nolo contendere of violating Vehicle Code section 23152, subdivision (b) (driving  
12 while having a 0.08% or higher blood alcohol), with an enhancement pursuant to Vehicle Code  
13 section 23578 (concentration of blood alcohol of 0.15% or more). The imposition of  
14 Respondent's sentence was suspended and Respondent was placed on probation for 3 years.  
15 Respondent was also ordered to pay a fine in the amount of \$2,258.25, to complete 32 hours of  
16 community service, and to complete a 9 month DUI program.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Criminal Conviction)**

19 14. Respondent is subject to disciplinary action pursuant to section 4301, subdivision (l),  
20 in that on or about October 27, 2014, Respondent was convicted of driving while having a 0.08%  
21 or higher blood alcohol in violation of Vehicle Code section 23152, subdivision (b), as set forth  
22 above, a crime substantially related to the qualifications, functions, and duties of a pharmacist.

23 **PRAYER**

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

26 1. Revoking or suspending Pharmacist License Number RPH 40376, issued to Terri  
27 Rene Cirves;

28 ///

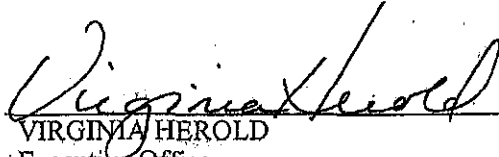
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2. Ordering Terri Rene Cirves to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED:

9/12/15



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

SA2015100581