

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

In the Matter of the Statement of Issues Against:

Case No. 5570

**KAREN KLOVANISH POWERS  
AKA KAREN KLOVANISH FISHER**

902 Hydra Court  
San Marcos, CA 92069

Pharmacist License 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 January 22, 2016.

It is so ORDERED on December 23, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues  
12 Against:

13 **KAREN KLOVANISH POWERS,**  
14 **AKA KAREN KLOVANISH FISHER**  
15 **902 Hydra Court**  
**San Marcos, CA 92069**

16 **Pharmacist License Applicant**

17 Respondent.

Case No. 5570

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

21 **PARTIES**

22 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
23 She brought this action solely in her official capacity and is represented in this matter by Kamala  
24 D. Harris, Attorney General of the State of California, by Nicole R. Trama, Deputy Attorney  
25 General.

26 2. Respondent Karen Klovanih Powers, aka Karen Klovanih Fisher ("Respondent") is  
27 represented in this proceeding by attorney Zachary T. Schultz, Esq., whose address is:  
28 765 University Avenue, Sacramento, CA 95825, (Tel: 916.444.9845)(Fax: 916.640.0027).

1           3.    On or about October 31, 2014, Respondent filed an application dated October 27,  
2 2014, with the Board of Pharmacy to obtain a Pharmacist License.

3   **JURISDICTION**

4           4.    Statement of Issues No. 5570 was filed before the Board of Pharmacy (Board) ,  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Statement of  
6 Issues and all other statutorily required documents were properly served on Respondent on  
7 September 24, 2015.

8           5.    A copy of Statement of Issues No. 5570 is attached as exhibit A and incorporated  
9 herein by reference.

10                                       **ADVISEMENT AND WAIVERS**

11          6.    Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Statement of Issues No. 5570. Respondent has also carefully read,  
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
14 Disciplinary Order.

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

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

23                                       **CULPABILITY**

24          9.    Respondent admits the truth of each and every charge and allegation in Statement of  
25 Issues No. 5570.

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

1 CONTINGENCY

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

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

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

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

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that the application of Respondent Karen Klovanih Powers,  
25 aka Karen Klovanih Fisher for a Pharmacist License is hereby granted. Upon successful  
26 completion of the licensure examination and all other licensing requirements, a Pharmacist  
27 License shall be issued to Respondent, said license shall be immediately revoked, the order of  
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1 revocation stayed and Respondent shall be placed on probation for a period of three (3) years on  
2 the following conditions:

3 **1. Obey All Laws**

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

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

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

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

18 **2. Report to the Board**

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

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1           **3. Interview with the Board**

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

7           **4. Cooperate with Board Staff**

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

11           **5. Continuing Education**

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

14           **6. Notice to Employers**

15           During the period of probation, Respondent shall notify all present and prospective  
16 employers of the Decision in case number 5570 and the terms, conditions and restrictions  
17 imposed on Respondent by the Decision, as follows:

18           Within thirty (30) days of the license being issued, and within fifteen (15) days of  
19 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,  
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
21 tenure of employment) and owner to report to the Board in writing acknowledging that the listed  
22 individual(s) has/have read the Decision in case number 5570, and terms and conditions imposed  
23 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or  
24 supervisor(s) submit timely acknowledgment(s) to the Board.

25           If Respondent works for or is employed by or through a pharmacy employment service,  
26 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity  
27 licensed by the Board of the terms and conditions of the Decision in case number 5570 in advance  
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1 of the Respondent commencing work at each licensed entity. A record of this notification must  
2 be provided to the Board upon request.

3 Furthermore, within thirty (30) days of the license being issued, and within fifteen (15) days  
4 of Respondent undertaking any new employment by or through a pharmacy employment service,  
5 Respondent shall cause her direct supervisor with the pharmacy employment service to report to  
6 the Board in writing acknowledging that she has read the Decision in case number 5570 and the  
7 terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that her  
8 employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

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

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

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

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

22 **8. Probation Monitoring Costs**

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

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1           **9. Status of License**

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

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

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

10          Following the license being issued, should Respondent cease practice due to retirement or  
11 health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may  
12 tender her license to the Board for surrender. The Board or its designee shall have the discretion  
13 whether to grant the request for surrender or take any other action it deems appropriate and  
14 reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be  
15 subject to the terms and conditions of probation. This surrender constitutes a record of discipline  
16 and shall become a part of the Respondent's license history with the Board.

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

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

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

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

5 **12. Tolling of Probation**

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

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

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

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

26 **13. Violation of Probation**

27 If a Respondent has not complied with any term or condition of probation, the Board shall  
28 have continuing jurisdiction over Respondent, and probation shall automatically be extended,

1 until all terms and conditions have been satisfied or the Board has taken other action as deemed  
2 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
3 to impose the penalty that was stayed.

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

#### 11 14. **Completion of Probation**

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

#### 14 15. **Pharmacists Recovery Program (PRP)**

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

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

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

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

1 writing.

2 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a  
3 licensed practitioner as part of a documented medical treatment shall result in the automatic  
4 suspension of practice by Respondent and shall be considered a violation of probation.  
5 Respondent may not resume the practice of pharmacy until 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  
19 any licensed premises in which she holds an interest at the time this Decision becomes effective  
20 unless otherwise specified in this order.

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

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

25 **16. Random Drug Screening**

26 Respondent, at her own expense, shall participate in random testing, including but not  
27 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
28 screening program as directed by the Board or its designee. Respondent may be required to

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Failure to comply with this suspension shall be considered a violation of probation.  
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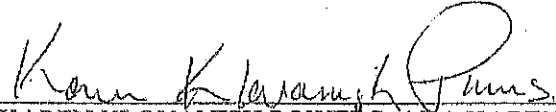
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**19. No Ownership of Licensed Premises**

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

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Zachary T. Schultz, Esq. 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: 10/28/15   
KAREN KLOVANISH POWERS, AKA KAREN  
KLOVANISH FISHER  
Respondent

I have read and fully discussed with Respondent Karen Klovanih Powers, aka Karen Klovanih Fisher the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/30/15   
ZACHARY T. SCHULTZ,  
Attorney for Respondent

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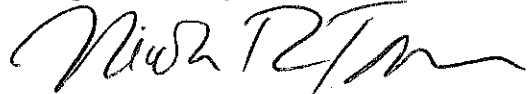
ENDORSEMENT

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

Dated: 10/30/2015

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General



NICOLE R. TRAMA  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 5570**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Statement of Issues Against:

Case No. 5570

13 **KAREN KLOVANISH POWERS,**  
14 **AKA KAREN KLOVANISH FISHER**

**STATEMENT OF ISSUES**

15 **Pharmacist License Applicant**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On October 31, 2014, the Board of Pharmacy, Department of Consumer Affairs  
24 received an application for a Pharmacist License from Karen Klovanish Powers, also known as  
25 Karen Klovanish Fisher (Respondent). On October 27, 2014, Karen Klovanish Powers certified  
26 under penalty of perjury to the truthfulness of all statements, answers, and representations in the  
27 application. The Board denied the application on July 9, 2015.

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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 (Code) unless otherwise indicated.

5 4. Section 4300, subdivision (c) of the Code states:

6 The board may refuse a license to any applicant guilty of unprofessional conduct.

7 **STATUTORY PROVISIONS**

8 5. Section 475 of the Code, in pertinent part states:

9 (a) Notwithstanding any other provisions of this code, the provisions  
10 of this division shall govern the denial of licenses on the grounds of:

11 . . . .

12 (2) Conviction of a crime.

13 . . . .

14 (4) Commission of any act which, if done by a licentiate of the  
15 business or profession in question, would be grounds for suspension or revocation  
16 of license.

17 . . . .

18 6. Section 480 of the Code, in pertinent part states:

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

21 (1) Been convicted of a crime. A conviction within the meaning of  
22 this section means a plea or verdict of guilty or a conviction following a plea of  
23 nolo contendere. Any action that a board is permitted to take following the  
24 establishment of a conviction may be taken when the time for appeal has elapsed,  
25 or the judgment of conviction has been affirmed on appeal, or when an order  
26 granting probation is made suspending the imposition of sentence, irrespective of  
27 a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of  
28 the Penal Code.

29 . . . .

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

32 . . . .

33 7. Section 482 of the Code states:

34 Each board under the provisions of this code shall develop criteria to  
35 evaluate the rehabilitation of a person when:

1 (a) Considering the denial of a license by the board under section 480; or

2 (b) Considering suspension or revocation of a license under section 490.

3 Each board shall take into account all competent evidence of rehabilitation  
4 furnished by the applicant or licensee.

5 8. Section 493 of the Code states:

6 Notwithstanding any other provision of law, in a proceeding conducted by  
7 a board within the department pursuant to law to deny an application for a license  
8 or to suspend or revoke a license or otherwise take disciplinary action against a  
9 person who holds a license, upon the ground that the applicant or the licensee has  
10 been convicted of a crime substantially related to the qualifications, functions, and  
11 duties of the licensee in question, the record of conviction of the crime shall be  
12 conclusive evidence of the fact that the conviction occurred, but only of that fact,  
13 and the board may inquire into the circumstances surrounding the commission of  
14 the crime in order to fix the degree of discipline or to determine if the conviction  
15 is substantially related to the qualifications, functions, and duties of the licensee in  
16 question.

17 As used in this section, "license" includes "certificate," "permit,"  
18 "authority," and "registration."

19 9. Section 4301 of the Code, in pertinent part states:

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

24 . . . .

25 (h) The administering to oneself, of any controlled substance, or the use of  
26 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
27 dangerous or injurious to oneself, to a person holding a license under this chapter,  
28 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.

29 . . . .

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

32 (k) The conviction of more than one misdemeanor or any felony involving  
33 the use, consumption, or self-administration of any dangerous drug or alcoholic  
34 beverage, or any combination of those substances.

35 (l) The conviction of a crime substantially related to the qualifications,  
36 functions, and duties of a licensee under this chapter. The record of conviction of  
37 a violation of Chapter 13 (commencing with section 801) of Title 21 of the United  
38 States Code regulating controlled substances or of a violation of the statutes of  
this state regulating controlled substances or dangerous drugs shall be conclusive

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

15 . . . .

16 (n) The revocation, suspension, or other discipline by another state of a  
17 license to practice pharmacy, operate a pharmacy, or do any other act for which a  
18 license is required by this chapter.

19 . . . .

### 20 REGULATORY PROVISIONS

21 10. California Code of Regulations, title 16, section 1769, in pertinent part states:

22 (a) When considering the denial of a facility or personal license under  
23 section 480 of the Business and Professions Code, the board, in evaluating the  
24 rehabilitation of the applicant and his present eligibility for licensing or  
25 registration, will consider the following criteria:

26 (1) The nature and severity of the act(s) or offense(s) under  
27 consideration as grounds for denial.

28 (2) Evidence of any act(s) committed subsequent to the act(s) or  
crime(s) under consideration as grounds for denial under section 480 of the  
Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or  
crime(s) referred to in subdivision (1) or (2).

(4) Whether the applicant has complied with any terms of parole,  
probation, restitution or any other sanctions lawfully imposed against the  
applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

30 . . . .

31 11. California Code of Regulations, title 16, section 1770 states:

32 For the purpose of denial, suspension, or revocation of a personal or  
33 facility license pursuant to Division 1.5 (commencing with section 475) of the

1 Business and Professions Code, a crime or act shall be considered substantially  
2 related to the qualifications, functions or duties of a licensee or registrant if to a  
3 substantial degree it evidences present or potential unfitness of a licensee or  
4 registrant to perform the functions authorized by his license or registration in a  
5 manner consistent with the public health, safety, or welfare.

#### 6 DRUGS AT ISSUE

7 12. Carisoprodol has been reclassified on December 12, 2011, when the Drug  
8 Enforcement Agency ruled under the Controlled Substances Act that it is a Schedule IV  
9 controlled substance effective January 12, 2012, and has since been defined as a dangerous drug  
10 under Code section 4022.

11 13. Clozapine is an antipsychotic and is a dangerous drug under Code section 4022.

12 14. Codeine, also known as Codeine, is a Schedule II controlled substance as  
13 designated by Health and Safety Code, section 11055, subdivision (b)(1)(G), and a dangerous  
14 drug under Code section 4022.

15 15. Diazepam is a Schedule IV controlled substance as designated by Health and  
16 Safety Code, section 11057, subdivision (d)(9), and is a dangerous drug under Code section  
17 4022.

18 16. Ephedrine, also known as Ephedrine, is a precursor of Methamphetamine, a  
19 Schedule II controlled substance as designated by Health and Safety Code section 11055,  
20 subdivision (d)(2), and is a dangerous drug under Code section 4022.

21 17. Hydrocodone is a Schedule II controlled substance as designated by Health and  
22 Safety Code section 11055, subdivision (b)(1)(I), and is a dangerous drug under Code section  
23 4022.

24 18. Methocarbamol is a muscle relaxant and is a dangerous drug under Code section  
25 4022.

#### 26 FIRST CAUSE FOR DENIAL OF APPLICATION

27 (May 19, 2003 Conviction for Driving Under the Influence of Drugs on October 9, 2001)

28 19. Respondent's application for Pharmacist License is subject to denial under Code  
sections 475, subdivision (a)(2) and 480, subdivisions (a)(1) and (a)(3)(A) in that she was

1 convicted of a crime that is substantially related to the qualifications, duties, and functions of a  
2 licensed pharmacist, which would also be a ground for discipline for a licensed pharmacist under  
3 Code section 4301, subdivision (l). The circumstances are as follows:

4 a. On May 19, 2003, in a criminal proceeding entitled *The People of the*  
5 *State of Indiana v. Karen K. Fisher*, in Boone County Superior Court, Division II Case Number  
6 06D02-0110-DF-0928, Respondent was convicted on a jury verdict of violating Indiana Code  
7 (IC) section 35-48-4-7, subdivision (a), possession of a controlled substance, a Class D felony,  
8 and IC section 9-30-5-1, subdivision (a), operating a motor vehicle with a Schedule I or II  
9 controlled substance or its metabolite in the body, a Class C misdemeanor.

10 b. As a result of the convictions, on May 19, 2003, Respondent was  
11 sentenced to the Indiana Department of Correction for 60 days for violating IC section 9-30-5-1,  
12 subdivision (a), and three years for violating IC section 35-48-4-7, subdivision (a), to be served  
13 concurrently, which was suspended. Respondent was sentenced an additional 16 days, with  
14 credit for one day served and granted three years supervised probation under certain terms and  
15 condition. Respondent was ordered to pay court costs, fines, and fees, and contribute to the  
16 alcohol and drug program. Respondent was also ordered to successfully complete a court  
17 recommended drug and alcohol program. Respondent's privilege to operate a motor vehicle was  
18 suspended for 90 days. On September 18, 2006, Respondent's conviction of possession of a  
19 controlled substance, a Class D felony, was ordered reduced to a Class A misdemeanor.

20 c. The facts that led to the convictions are that on October 9, 2001, while  
21 driving southbound on interstate I-65 in Zionsville, Indiana, Respondent weaved in both lanes of  
22 travel almost striking several vehicles, drove into the median, and swerved into a ditch.  
23 Responding officers from the Indiana State Police found Respondent standing by the driver's  
24 side of the vehicle, which eventually came to a stop after striking a drainage ditch. On initial  
25 contact, an officer noticed Respondent's slurred speech, eyes that appeared tired or sleepy, and  
26 poor balance. Respondent was transported to Witham Hospital Toxicology Lab where she  
27 provided samples for a chemical test. Respondent was then taken to the Boone County Jail where  
28 she took three field sobriety tests, which she failed to perform as explained and demonstrated.

1 During an inventory of Respondent's purse, Respondent was found in possession of prescription  
2 bottles separately containing hydrocodone and carisoprodol and a box prescribed to her  
3 containing ephedrine. Respondent also had in her purse a prescription bottle for diazepam, which  
4 also contained 18 pills of clozapine, and an unmarked bottle containing 79 pills of  
5 methocarbamol and 27 pills of Tylenol with codeine.

6 **SECOND CAUSE FOR DENIAL OF APPLICATION**

7 **(Act If Done By Licentiate – Dangerous Use of Drugs)**

8 20. Respondent's application for Pharmacist License is subject to denial under Code  
9 sections 475, subdivision (a)(4) and 480, subdivision (a)(3)(A) in that she used narcotic drugs to  
10 the extent and in a manner that was dangerous and injurious to herself and to the public, which  
11 would also be a ground for discipline for a licensed pharmacist under Code section 4301,  
12 subdivision (h) in that the extent of the use impaired the ability of the licensed person to conduct  
13 with safety to the public the practice authorized by the license. The circumstances are that on  
14 October 9, 2001, while under the combined influence of diazepam and Tylenol with codeine,  
15 Respondent operated a motor vehicle in wanton disregard for the safety of persons and property.  
16 Respondent had medication in her system when she blacked out and struck a drainage ditch, as  
17 detailed in paragraph 19, above.

18 **THIRD CAUSE FOR DENIAL OF APPLICATION**

19 **(Unprofessional Conduct – 2007 Discipline by an Out of State Government Agency)**

20 21. Respondent's application for Pharmacist License is subject to denial under Code  
21 section 4301, subdivision (n)(4), in that her license to practice pharmacy in Indiana was  
22 disciplined by the State of Indiana Board of Pharmacy (Indiana Board). The circumstances are as  
23 follows:

24 a. On January 17, 2007, in an administrative matter entitled *State of Indiana,*  
25 *Petitioner, v. Karen Klovanishi Fisher, R.Ph., License Number: 26016658A, Respondent,* Cause  
26 Number: 2001 IBP 0010, pursuant to Indiana Code (IC), title 25, Professions and Occupations,  
27 article 1, General Provisions, chapter 9, Health Professions Standards of Practice, section 11,  
28 Reinstatement of Suspended Licenses (IC section 25-1-9-11), the Indiana Board issued an Order



1 granting Respondent's Petition for Reinstatement of her pharmacist license on indefinite  
2 probation, under certain terms and conditions. In the Order, Respondent was required to take and  
3 pass the law examination and the qualifying examination before resuming practice. Respondent  
4 was also precluded from petitioning withdrawal of the order of indefinite suspension for five  
5 years.

6 b. The facts that led to the discipline are that on June 13, 2002, Respondent's  
7 pharmacist license was suspended by the Indiana Board, as detailed in paragraph 26, below. On  
8 January 8, 2007, Respondent personally appeared before the Indiana Board to provide  
9 information and answer questions concerning her request to reinstate her license as a pharmacist.  
10 The Indiana Board found evidence demonstrating that Respondent may practice pharmacy with  
11 reasonable skill and safety to the public, but only under restriction.

#### 12 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

##### 13 **(February 17, 2009 Conviction for Reckless Driving on November 5, 2008)**

14 22. Respondent's application for Pharmacist License is subject to denial under Code  
15 sections 475, subdivision (a)(2) and 480, subdivisions (a)(1) and (a)(3)(A) in that she was  
16 convicted of a crime that is substantially related to the qualifications, duties, and functions of a  
17 licensed pharmacist, which would also be a ground for discipline for a licensed pharmacist under  
18 Code section 4301, subdivision (l). The circumstances are as follows:

19 a. On February 17, 2009, in a criminal proceeding entitled *The People of the*  
20 *State of California v. Karen Klovnish Fisher*, in San Diego County Superior Court, North  
21 County Division, Case Number CN254074, Respondent was convicted on her plea of guilty of  
22 violating Vehicle Code (VC) section 23103, subdivision (a) pursuant to VC section 23103.5,  
23 reckless driving with measurable alcohol in the blood, a lesser included misdemeanor of VC  
24 section 23152, subdivision (b), operating a motor vehicle while having a blood alcohol  
25 concentration (BAC) of .08 percent or more. A misdemeanor charge for violation of VC section  
26 23152, subdivision (a), driving under the influence of alcohol, was dismissed under a plea  
27 bargain.

28 ///

1           b.       As a result of the conviction, on February 17, 2009, Respondent was  
2 sentenced to three years summary probation and ordered to pay fines and fees, with credit for the  
3 equivalent of two days served. Respondent was also ordered to enroll in and complete a first  
4 conviction alcohol program. On January 25, 2013, Respondent's Petition for Dismissal under PC  
5 section 1203.4 was granted. Respondent's conviction was set aside, a plea of not guilty was  
6 entered, and the charge was dismissed based on Respondent's fulfillment of the conditions of her  
7 probation during the entire period of probation.

8           c.       The facts that led to the conviction are that on November 5, 2008,  
9 Respondent drove a motor vehicle in San Diego, California, while having a BAC of .10 percent.

#### 10                   **FIFTH CAUSE FOR DENIAL OF APPLICATION**

##### 11                   **(Act If Done By Licentiate – Dangerous Use of Alcohol)**

12           23.       Respondent's application for Pharmacist License is subject to denial under Code  
13 sections 475, subdivision (a)(4) and 480, subdivision (a)(3)(A) in that she used alcohol to the  
14 extent and in a manner that was dangerous and injurious to herself and to the public, which  
15 would also be a ground for discipline for a licensed pharmacist under Code section 4301,  
16 subdivision (h) in that the extent of the use impaired the ability of the licensed person to conduct  
17 with safety to the public the practice authorized by the license. The circumstances are that on  
18 November 5, 2008, Respondent drove a motor vehicle in San Diego, California, in wanton  
19 disregard for the safety of persons and property. Respondent had a BAC of .10 percent in her  
20 system, as detailed in paragraph 22, above.

#### 21                   **SIXTH CAUSE FOR DENIAL OF APPLICATION**

##### 22                   **(Act If Done By Licentiate – Multiple Convictions of Alcohol and Drug Related Offenses)**

23           24.       Respondent's application for Pharmacist License is subject to denial under Code  
24 sections 475, subdivision (a)(4) and 480, subdivision (a)(3)(A) in that on May 19, 2003, and  
25 February 17, 2009, she was convicted of more than one misdemeanor involving the use or  
26 consumption of alcohol and drugs, which would also be a ground for discipline for a licensed  
27 pharmacist under Code section 4301, subdivision (k), as described in paragraphs 19 to 20 and 22  
28 to 23, above, which are incorporated by reference.

1 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**

2 **(Act If Done By Licentiate – Violation of Drug Laws)**

3 25. Respondent’s application for Pharmacist License is subject to denial under Code  
4 sections 475, subdivision (a)(4) and 480, subdivision (a)(3)(A) in that on October 9, 2001, she  
5 committed a Class D felony in violation of IC section 35-48-4-7, subdivision (a), possession of a  
6 controlled substance, a statute of the State of Indiana regulating controlled substances and  
7 dangerous drugs, as detailed in paragraphs 19 and 20, above, which would also be a ground for  
8 discipline for a licensed pharmacist under Code section 4301, subdivision (j).

9 **MATTERS IN AGGRAVATION**

10 **(Unprofessional Conduct – 2002 Discipline by an Out of State Government Agency)**

11 26. Respondent’s application for Pharmacist License is subject to denial under Code  
12 section 4301, subdivision (n)(4), in that her license to practice pharmacy in Indiana was  
13 disciplined by the Indiana Board. The circumstances are as follows:

14 a. On May 22, 2002, pursuant to the Administrative Orders and Procedures  
15 Act, IC sections 4-21.5-3 and 25-1-9, in Cause Number: 2001 IBP 0010 entitled *State of Indiana,*  
16 *Petitioner, v. Karen Klovaniishi Fisher, R.Ph., License Number: 26016658A, Respondent.,* the  
17 Indiana Board voted to summarily suspend Respondent’s Indiana pharmacist license for a period  
18 of one year and five months. The Indiana Board found that an emergency existed and that  
19 Respondent presented a clear and immediate danger to the public health and safety if allowed to  
20 continue to practice pharmacy in the State of Indiana. On June 13, 2002, under IC sections 25-1-  
21 7-7, 25-1-5-3, and 25-26-13-4, the Indiana Board issued a Final Order affirming the suspension.

22 b. The facts that led to the discipline are that Respondent was arrested by the  
23 Indiana State Police, as detailed in paragraph 19, above.

24 **PRAYER**

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

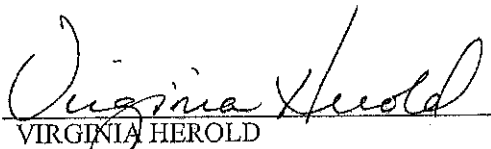
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1. Denying the application of Karen Klovanish Powers, also known as Karen Klovanish Fisher for a Pharmacist License; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 9/20/15



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

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