

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

In the Matter of the Accusation Against:

CLINT AUTTAPIBARN, Respondent

Pharmacist License No. RPH 80209

Agency Case No. 6684

OAH No. 2019091047

DECISION AND ORDER

The attached Stipulated Surrender of License Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on June 18, 2020.

It is so ORDERED on May 19, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name and title.

By

Greg Lippe
Board President

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2 LINDA L. SUN
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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6684

13 **CLINT AUTTAIBARN**
14 **6631 Julliard Avenue**
Moorpark, CA 93021

OAH No. 2019091047

15 **Original Pharmacist License No. RPH 80209**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Respondent.

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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. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Xavier Becerra, Attorney General of the State of California, by Michael Yi, Deputy Attorney
25 General.

26 2. Clint Auttapibarn (Respondent) is representing himself in this proceeding and has
27 chosen not to exercise his right to be represented by counsel.
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3. On or about January 18, 2019, the Board issued Original Pharmacist License Number RPH 80209 to Clint Auttapibarn. The Original Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 6684 and will expire on February 29, 2020, unless renewed.

JURISDICTION

4. Accusation No. 6684 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 5, 2019. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 6684 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 6684. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 6684, agrees that cause exists for discipline and hereby surrenders his Original Pharmacist License Number RPH 80209 for the Board's formal acceptance.

1 9. Respondent understands that by signing this stipulation he enables the Board to issue
2 an order accepting the surrender of his Original Pharmacist License without further process.

3 **RESERVATION**

4 10. The admissions made by Respondent herein are only for the purposes of this
5 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
6 licensing agency is involved, and shall not be admissible in any other criminal or civil
7 proceeding.

8 **CONTINGENCY**

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

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
20 thereto, shall have the same force and effect as the originals.

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

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

ORDER

IT IS HEREBY ORDERED that Original Pharmacist License Number RPH 80209 issued to Respondent Clint Auttapibarn is surrendered and accepted by the Board.

1. The surrender of Respondent's Original Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a pharmacist in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6684 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$3,721.25 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 6684 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board's Decision and Order.

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ACCEPTANCE

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

DATED: _____
CLINT AUTTAIBARN
In Pro Per
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.


DATED: _____
Respectfully submitted,
XAVIER BECERRA
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General

MICHAEL YI
Deputy Attorney General
Attorneys for Complainant

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DATED: 3/6/20


CLINT AUTTAPIARN
In Pro Per
Respondent

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DATED: 3/6/20

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General

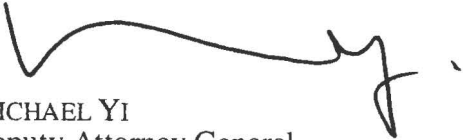

MICHAEL YI
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 6684

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

12 In the Matter of the Accusation Against:

Case No. 6684

13 **CLINT AUTTAIBARN**
14 **6631 Julliard Avenue**
15 **Moorpark, CA 93021**

A C C U S A T I O N

16 **Original Pharmacist License No. RPH 80209**

17 Respondent.

18 **PARTIES**

19 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
20 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer
21 Affairs.

22 2. On or about January 19, 2019, the Board issued Original Pharmacist License Number
23 RPH 80209 to Clint Auttapibarn (Respondent). The Original Pharmacist License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on February 29,
25 2020, unless renewed.

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1 **JURISDICTION**

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

4 4. Section 118, subdivision (b) provides that the suspension, expiration, or forfeiture by
5 operation of law of a license does not deprive the Board of authority or jurisdiction to institute or
6 continue with disciplinary action against the license or to order suspension or revocation of the
7 license, during the period within which the certificate may be renewed, restored, reissued, or
8 reinstated.

9 5. Section 4300 provides, in pertinent part, that every license issued by the Board is
10 subject to discipline, including suspension or revocation.

11 5. Section 4300.1 states:

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

17 **STATUTORY PROVISIONS**

18 6. Section 4301 states:

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

22

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

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1 **REGULATORY PROVISIONS**

2 7. California Code of Regulations, title 16, section 1770, states, in pertinent part:
3 “For the purposes of denial, suspension, or revocation of a personal or facility license
4 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
5 crime or act shall be considered substantially related to the qualifications, functions, or duties of a
6 licensee or registrant to perform the functions authorized by his license or registration in a manner
7 consistent with the public health, safety, or welfare.”

8 **COST RECOVERY**

9 8. Section 125.3 states, in pertinent part, that the 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 **CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct – Impairment Due to Self-Use of Alcoholic Beverages)**

15 9. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
16 conjunction with California Code of Regulations, title 16, section 1770, on the grounds of
17 unprofessional conduct in that on or about February 4, 2019, the Board recommended Respondent
18 enroll in the Pharmacist Recovery Program as a public safety risk due to his self-admission of
19 alcohol abuse. On or about February 12, 2019, Respondent contacted MAXIMUS Program for an
20 evaluation and shared with the clinical case manager (CCM) that in the past he had self-reported
21 to the Washington Recovery Program for Pharmacists (WRAPP) because of his drinking
22 problem. During the intake with the MAXIMUS CCM, Respondent stated he continued to drink
23 alcohol and described himself as a social drinker. The CCM asked if Respondent had any issues
24 with his compliance in WRAPP and he stated he sporadically attended a couple of 12-Step
25 meetings but during the last 30 days, he had not attended any meetings and never had a sponsor.
26 On or about February 19, 2019, Respondent withdrew his request for enrollment in MAXIMUS.
27 Respondent admitted to not being abstinent from all mind-altering substances and self-reported
28 that he continues to drink alcohol while participating in a recovery program.

PRAYER

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

1. Revoking or suspending Original Pharmacist License Number RPH 80209, issued to Clint Auttapibarn;
2. Ordering Clint Auttapibarn to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: August 26, 2019



ANNE SODERGREN
Interim Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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CM (08/20/2019)