

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

**In the Matter of the Accusation Against:**

**AARON GREGORY SMITH,**

**Registered Pharmacist License No. RPH 61622;**

**Respondent**

**Agency Case No. 6824**

**OAH No. 2020010497**

**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 at 5:00 p.m. on September 2, 2020.

It is so ORDERED on August 3, 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

1 XAVIER BECERRA  
Attorney General of California  
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Supervising Deputy Attorney General  
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9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:  
14 **AARON GREGORY SMITH**  
15 **1920 North Street**  
**Corning, CA 96021**  
16 **Registered Pharmacist License No. 61622**  
17 Respondent.

Case No. 6824  
OAH No. 2020010497  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

22 **PARTIES**

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

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2. Respondent Aaron Gregory Smith (Respondent) is represented in this proceeding by attorney Ivan Petrzelka, whose address is: P.O. Box 552, Red Bluff, CA 96080

3. On or about October 7, 2008, the Board issued Registered Pharmacist License No. 61622 to Respondent. The Registered Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 6824, and will expire on January 31, 2022, unless renewed.

### **JURISDICTION**

4. Accusation No. 6824 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 December 4, 2019. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 6824 is attached as exhibit A and incorporated herein by reference.

### **ADVISEMENT AND WAIVERS**

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6824. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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 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.

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

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 6824.

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

7 **CONTINGENCY**

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

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

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

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

## **DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Registered Pharmacist License No. 61622 issued to Respondent Aaron Gregory Smith is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions

### **1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

### **2. Report to the Board**

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted  
2 by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the board's inspection program and with the board's  
11 monitoring and investigation of respondent's compliance with the terms and conditions of  
12 his probation, including but not limited to: timely responses to requests for information by board  
13 staff; timely compliance with directives from board staff regarding requirements of any term or  
14 condition of probation; and timely completion of documentation pertaining to a term or condition  
15 of probation. Failure to timely cooperate shall be considered a violation of probation.

16 **5. Continuing Education**

17 Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
18 pharmacist as directed by the board or its designee.

19 **6. Reporting of Employment and Notice to Employers**

20 During the period of probation, respondent shall notify all present and prospective  
21 employers of the decision in case number 6824 and the terms, conditions and restrictions imposed  
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
24 undertaking any new employment, respondent shall report to the board in writing the name,  
25 physical address, and mailing address of each of his employer(s), and the name(s) and telephone  
26 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated  
27 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
28 schedule, if known. Respondent shall also include the reason(s) for leaving the prior

1 employment. Respondent shall sign and return to the board a written consent authorizing the  
2 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and  
3 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,  
4 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
5 requirements or deadlines of this condition shall be considered a violation of probation.

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
7 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)  
8 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
9 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
10 board in writing acknowledging that the listed individual(s) has/have read the decision in case  
11 number 6824, and terms and conditions imposed thereby. If one person serves in more than one  
12 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's  
13 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
14 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
15 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in  
16 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
17 in case number 6824, and the terms and conditions imposed thereby.

18 If respondent works for or is employed by or through an employment service, respondent  
19 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
20 of the decision in case number 6824, and the terms and conditions imposed thereby in advance of  
21 respondent commencing work at such licensed entity. A record of this notification must be  
22 provided to the board upon request.

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
24 (15) days of respondent undertaking any new employment by or through an employment service,  
25 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service  
26 to report to the board in writing acknowledging that he or she has read the decision in case  
27 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
28 ensure that these acknowledgment(s) are timely submitted to the board.

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

4 "Employment" within the meaning of this provision includes any full-time, part-time,  
5 temporary, relief, or employment/management service position as a Registered Pharmacist, or any  
6 position for which a Registered Pharmacist is a requirement or criterion for employment, whether  
7 the respondent is an employee, independent contractor or volunteer.

8 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

9 Respondent shall further notify the board in writing within ten (10) days of any change in  
10 name, residence address, mailing address, e-mail address or phone number.

11 Failure to timely notify the board of any change in employer, name, address, or phone  
12 number shall be considered a violation of probation.

13 **8. Restrictions on Supervision and Oversight of Licensed Facilities –**

14 During the period of probation, respondent shall not supervise any intern pharmacist, be the  
15 pharmacist-in-charge, designated representative-in-charge, responsible manager or other  
16 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption  
17 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

18 **9. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, respondent shall pay to the  
20 board its costs of investigation and prosecution in the amount of \$3,000.

21 Respondent shall be permitted to pay these costs in a payment plan approved by the board  
22 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
23 date of probation.

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

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10. **Probation Monitoring Costs**

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

11. **Status of License**

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

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

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

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may relinquish his license, including any indicia of licensure issued by the board, along with a request to surrender the license. The board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall license, including any indicia of licensure not previously provided to the board within ten (10) days of notification by the board that the surrender is accepted if not already provided. Respondent may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as

1 of the date the application for that license is submitted to the board, including any outstanding  
2 costs.

### 3 **13. Practice Requirement – Extension of Probation**

4 Except during periods of suspension, respondent shall, at all times while on probation, be  
5 employed as a Registered Pharmacist in California for a minimum of 60 hours per calendar  
6 month. Any month during which this minimum is not met shall extend the period of probation by  
7 one month. During any such period of insufficient employment, respondent must nonetheless  
8 comply with all terms and conditions of probation, unless respondent receives a waiver in writing  
9 from the board or its designee.

10 If respondent does not practice as a Registered Pharmacist in California for the minimum  
11 number of hours in any calendar month, for any reason (including vacation), respondent shall  
12 notify the board in writing within ten (10) days of the conclusion of that calendar month. This  
13 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)  
14 for the interruption or reduction in practice; and the anticipated date(s) on which respondent will  
15 resume practice at the required level. Respondent shall further notify the board in writing within  
16 ten (10) days following the next calendar month during which respondent practices as a  
17 Registered Pharmacist in California for the minimum of hours. Any failure to timely provide  
18 such notification(s) shall be considered a violation of probation.

19 It is a violation of probation for respondent's probation to be extended pursuant to the  
20 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
21 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
22 probation period on its website.

### 23 **14. Violation of Probation**

24 If respondent has not complied with any term or condition of probation, the board shall  
25 have continuing jurisdiction over respondent, and the board shall provide notice to respondent  
26 that probation shall automatically be extended, until all terms and conditions have been satisfied  
27 or the board has taken other action as deemed appropriate to treat the failure to comply as a  
28

1 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
2 board or its designee may post a notice of the extended probation period on its website.

3 If respondent violates probation in any respect, the board, after giving respondent notice  
4 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
5 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
6 probation, or the preparation of an accusation or petition to revoke probation is requested from  
7 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
8 probation shall be automatically extended until the petition to revoke probation or accusation is  
9 heard and decided.

#### 10 **15. Completion of Probation**

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

#### 13 **16. Psychotherapy**

14 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
15 board or its designee, for prior approval, the name and qualifications of a licensed mental health  
16 practitioner of respondent's choice. Within thirty (30) days of approval thereof, respondent shall  
17 submit documentation to the board demonstrating the commencement of psychotherapy with the  
18 approved licensed mental health practitioner. Should respondent, for any reason, cease treatment  
19 with the approved licensed mental health practitioner, respondent shall notify the board  
20 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement  
21 psychotherapist or licensed mental health practitioner of respondent's choice to the board for its  
22 prior approval. Within thirty (30) days of approval thereof, respondent shall submit  
23 documentation to the board demonstrating the commencement of psychotherapy with the  
24 approved replacement. Failure to comply with any requirement or deadline stated by this  
25 paragraph shall be considered a violation of probation.

26 Upon approval of the initial or any subsequent licensed mental health practitioner,  
27 respondent shall undergo and continue treatment with that therapist, at respondent's own expense,  
28 until the therapist recommends in writing to the board, and the board or its designee agrees by

1 way of a written notification to respondent, that no further psychotherapy is necessary. Upon  
2 receipt of such recommendation from the treating therapist, and before determining whether to  
3 accept or reject said recommendation, the board or its designee may require respondent to  
4 undergo, at respondent's own expense, a mental health evaluation by a board-appointed or board-  
5 approved psychiatrist or psychologist. If the approved evaluator recommends that respondent  
6 continue psychotherapy, the board or its designee may require respondent to continue  
7 psychotherapy.

8         Psychotherapy shall be at least once a week unless otherwise approved by the board.  
9 Respondent shall provide the therapist with a copy of the board's accusation and decision no later  
10 than the first therapy session. Respondent shall take all necessary steps to ensure that the treating  
11 therapist submits written quarterly reports to the board concerning respondent's fitness to  
12 practice, progress in treatment, and such other information required by the board or its designee.

13         If at any time the treating therapist determines that respondent cannot practice safely or  
14 independently, the therapist shall notify the board immediately by telephone and follow up by  
15 written letter within three (3) working days. Upon notification from the board or its designee of  
16 this determination, respondent shall be automatically suspended and shall not resume practice  
17 until notified by the board that practice may be resumed.

18         During any suspension, respondent shall not enter any pharmacy area or any portion of the  
19 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
20 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
21 any area where dangerous drugs and/or dangerous devices or controlled substances are  
22 maintained.

23         Respondent shall not practice pharmacy nor do any act involving drug selection, selection  
24 of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent  
25 manage, administer, or be a consultant to any licensee of the board, or have access to or control  
26 the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous  
27 devices or controlled substances. Respondent shall not resume practice until notified by the  
28 board.

1 During any suspension, respondent shall not engage in any activity that requires the  
2 professional judgment of and/or licensure as a Registered Pharmacist. Respondent shall not  
3 direct or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
4 wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

5 Failure to comply with any requirement or deadline stated by this term shall be considered a  
6 violation of probation.

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

8 In the event that any of Respondent's biological samples at any time during his probation  
9 confirm positive for any alcohol or drug not lawfully prescribed by a licensed practitioner as part  
10 of a documented medical treatment, Respondent within thirty (30) days of the confirmed positive  
11 test, shall have completed all of the following: contacted the Pharmacists Recovery Program  
12 (PRP) for evaluation; enrolled in the PRP; completed, signed, and returned the treatment contract  
13 as well as any addendums required or suggested by the PRP; successfully completed registration  
14 for any drug or alcohol testing mandated by the treatment contract and/or by enrollment in the  
15 PRP; and begun compliance with the drug or alcohol testing protocol(s). Respondent shall  
16 successfully participate in the PRP and complete the treatment contract and any addendums  
17 required or suggested by the PRP. The costs for PRP participation shall be borne by the  
18 respondent.

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

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

26 Any of the following shall result in the automatic suspension of practice by respondent and  
27 shall be considered a violation of probation:

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1 Failure to contact, complete enrollment, and execute and return the treatment contract with  
2 the PRP, including any addendum(s), within ten (10) days of the effective date of the decision as  
3 directed by the PRP;

4 Failure to complete registration for any drug or alcohol testing mandated by the treatment  
5 contract and/or by the PRP, and begin compliance with the testing protocol(s), within ten (10)  
6 days of the effective date of the decision as directed by the PRP;

7 Failure to comply with testing protocols regarding daily check-in and/or failure to complete  
8 a mandated test as directed by the PRP;

9 Any report from the PRP of material non-compliance with the terms and conditions of the  
10 treatment contract and/or any addendum(s); or

11 Termination by the PRP for non-compliance, failure to derive benefit, or as a public risk.

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

13 Probation shall be automatically extended until respondent successfully completes the PRP.

14 The board will provide notice of any such suspension or extension of probation.

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

24 During any suspension, respondent shall not engage in any activity that requires the  
25 professional judgment of and/or licensure as a Registered Pharmacist. Respondent shall not  
26 direct or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
27 wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

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1 Failure to comply with any requirement or deadline stated by this term shall be considered a  
2 violation of probation.

3 **18. Drug and Alcohol Testing**

4 Respondent, at his own expense, shall participate in testing as directed by the board or its  
5 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or  
6 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),  
7 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its  
8 designee. All testing must be pursuant to an observed testing protocol, unless respondent is  
9 informed otherwise in writing by the board or its designee. Respondent may be required to  
10 participate in testing for the entire probation period and frequency of testing will be determined  
11 by the board or its designee.

12 By no later than thirty (30) days after the effective date of this decision, respondent shall  
13 have completed all of the following tasks: enrolled and registered with an approved drug and  
14 alcohol testing vendor; provided that vendor with any documentation, and any information  
15 necessary for payment by respondent; commenced testing protocols, including all required  
16 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,  
17 respondent shall fully cooperate with the testing vendor, and with the board or its designee, with  
18 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to  
19 cooperate timely shall be considered a violation of probation.

20 Respondent may be required to test on any day, including weekends and holidays.  
21 Respondent is required to make daily contact with the testing vendor to determine if a test is  
22 required, and if a test is required must submit to testing on the same day.

23 Prior to any vacation or other period of absence from the area where the approved testing  
24 vendor provides services, respondent shall seek and receive approval from the board or its  
25 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,  
26 respondent shall enroll and register with the approved alternate drug testing vendor, provide to  
27 that alternate vendor any documentation required by the vendor, including any necessary payment  
28 by respondent. During the period of absence of the area, respondent shall commence testing

1 protocols with the alternate vendor, including required daily contacts with the testing vendor to  
2 determine if testing is required, and required testing. Any failure to timely seek or receive  
3 approval from the board or its designee, or to timely enroll and register with, timely commence  
4 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be  
5 considered a violation of probation.

6 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its  
7 designee may require respondent to timely provide documentation from a licensed practitioner  
8 authorized to prescribe the detected substance demonstrating that the substance was administered  
9 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such  
10 documentation shall be provided by respondent within ten (10) days of being requested.

11 Any of the following shall be considered a violation of probation and shall result in  
12 respondent being immediately suspended from practice as a Registered Pharmacist until notified  
13 by the board in writing that he may resume practice: failure to timely complete all of the steps  
14 required for enrollment/registration with the drug testing vendor, including making arrangements  
15 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing  
16 vendor as required to determine testing date(s); failure to test as required; failure to timely supply  
17 documentation demonstrating that a detected substance was taken pursuant to a legitimate  
18 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or  
19 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the  
20 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In  
21 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a  
22 controlled substance or dangerous drug absent documentation that the detected substance was  
23 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee  
24 shall inform respondent of the suspension and inform him to immediately leave work, and shall  
25 notify respondent's employer(s) and work site monitor(s) of the suspension.

26 During any such suspension, respondent shall not enter any pharmacy area or any portion of  
27 the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal drug  
28 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or



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

7 During any such suspension, respondent shall not engage in any activity that requires the  
8 professional judgment of and/or licensure as a Registered Pharmacist. Respondent shall not  
9 direct or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
10 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

11 Failure to comply with any such suspension shall be considered a violation of probation.  
12 Failure to comply with any requirement or deadline stated by this term shall be considered a  
13 violation of probation.

14 In the event Respondent test positive for alcohol, controlled substances, and dangerous  
15 drugs and/or dangerous devices, Respondent will be required to comply with condition 17 of this  
16 order.

#### 17 **19. Notification of Departure**

18 Prior to leaving the probationary geographic area designated by the board or its designee for  
19 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
20 writing of the dates of departure and return. Failure to comply with this provision shall be  
21 considered a violation of probation.

#### 22 **20. Abstain from Drugs and Alcohol**

23 Respondent shall completely abstain from the possession or use of alcohol, controlled  
24 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated  
25 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a  
26 necessary part of treatment. Respondent shall ensure that he is not in the same physical location  
27 as individuals who are using illicit substances even if respondent is not personally ingesting the  
28 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled

1 substances, or their associated paraphernalia for which a legitimate prescription has not been  
2 issued as a necessary part of treatment, or any physical proximity to persons using illicit  
3 substances, shall be considered a violation of probation.

4 **21. Prescription Coordination and Monitoring of Prescription Use**

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

27 If at any time an approved practitioner determines that respondent is unable to practice  
28 safely or independently as a Registered Pharmacist, the practitioner shall notify the board or its

1 designee immediately by telephone and follow up by written letter within three (3) working days.  
2 Upon notification from the board or its designee of this determination, respondent shall be  
3 automatically suspended and shall not resume practice as a Registered Pharmacist until notified  
4 by the board or its designee that practice may be resumed.

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

15 During any suspension, respondent shall not engage in any activity that requires the  
16 professional judgment and/or licensure as a Registered Pharmacist. Respondent shall not direct  
17 or control any aspect of the practice of pharmacy or of the manufacturing, distributing,  
18 wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

19 Failure to comply with any requirement or deadline stated by this term shall be considered a  
20 violation of probation.

## 21 22. **Ethics Course**

22 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll  
23 in a course in ethics, at respondent's expense, approved in advance by the board or its designee  
24 that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall  
25 provide proof of enrollment upon request. Within five (5) days of completion, respondent shall  
26 submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll  
27 in an approved ethics course, to initiate the course during the first two years of probation, to  
28

1 successfully complete it before the end of the second year of probation, or to timely submit proof  
2 of completion to the board or its designee, shall be considered a violation of probation.

3 **23. Supervised Practice**

4 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
5 board or its designee, for prior approval, the name of a Registered Pharmacist by and not on  
6 probation with the board, to serve as respondent's practice supervisor. As part of the  
7 documentation submitted, respondent shall cause the proposed practice supervisor to report to the  
8 board in writing acknowledging that he or she has read the decision in case number 6824, and is  
9 familiar with the terms and conditions imposed thereby, including the level of supervision  
10 required by the board or its designee. This level will be determined by the board or its designee,  
11 will be communicated to the respondent on or before the effective date of this decision and shall  
12 be one of the following:

13 Continuous – At least 75% of a work week

14 Substantial - At least 50% of a work week

15 Partial - At least 25% of a work week

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

17 Respondent may practice only under the required level of supervision by an approved  
18 practice supervisor. If, for any reason, including change of employment, respondent is no longer  
19 supervised at the required level by an approved practice supervisor, within ten (10) days of this  
20 change in supervision respondent shall submit to the board or its designee, for prior approval, the  
21 name of a Registered Pharmacist by and not on probation with the board, to serve as respondent's  
22 replacement practice supervisor. As part of the documentation submitted, respondent shall cause  
23 the proposed replacement practice supervisor to report to the board in writing acknowledging that  
24 he or she has read the decision in case number 6824, and is familiar with the terms and conditions  
25 imposed thereby, including the level of supervision required.

26 Any of the following shall result in the automatic suspension of practice by a respondent  
27 and shall be considered a violation of probation:

28 ///

1 Failure to nominate an initial practice supervisor, and to have that practice supervisor report  
2 to the board in writing acknowledging the decision, terms and conditions, and supervision level,  
3 within thirty (30) days;

4 Failure to nominate a replacement practice supervisor, and to have that practice supervisor  
5 report to the board in writing acknowledging the decision, terms and conditions, and supervision  
6 level, within ten (10) days;

7 Practicing in the absence of an approved practice supervisor beyond the initial or  
8 replacement nomination period; or

9 Any failure to adhere to the required level of supervision.

10 Respondent shall not resume practice until notified in writing by the board or its designee.

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

20 During any suspension, respondent shall not engage in any activity that requires the  
21 professional judgment and/or licensure as a Registered Pharmacist. Respondent shall not direct  
22 or control any aspect of the practice of pharmacy or of the manufacture, distribution, wholesaling,  
23 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

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

25 **24. No Ownership or Management of Licensed Premises**

26 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
27 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
28 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell

1 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
2 days following the effective date of this decision and shall immediately thereafter provide written  
3 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
4 documentation thereof shall be considered a violation of probation.

5 **ACCEPTANCE**

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
7 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will  
8 have on my Registered Pharmacist License. I enter into this Stipulated Settlement and  
9 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
10 Decision and Order of the Board of Pharmacy.

11  
12 DATED: \_\_\_\_\_  
13 AARON GREGORY SMITH  
14 *Respondent*

15 I have read and fully discussed with Respondent Aaron Gregory Smith the terms and  
16 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
17 I approve its form and content.

18 DATED: \_\_\_\_\_  
19 IVAN PETRZELKA  
20 *Attorney for Respondent*

21 ///

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1 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
2 days following the effective date of this decision and shall immediately thereafter provide written  
3 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
4 documentation thereof shall be considered a violation of probation.

5 **ACCEPTANCE**


6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
7 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will  
8 have on my Registered Pharmacist License. I enter into this Stipulated Settlement and  
9 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
10 Decision and Order of the Board of Pharmacy.

11  
12 DATED: 6/1/2020

  
13 AARON GREGORY SMITH  
14 Respondent

15 I have read and fully discussed with Respondent Aaron Gregory Smith the terms and  
16 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
17 I approve its form and content.

18 DATED: June 1, 2020

  
19 IVAN PETRZELKA  
20 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: \_\_\_\_\_

Respectfully submitted,  
  
XAVIER BECERRA  
Attorney General of California  
KAREN R. DENVIR  
Supervising Deputy Attorney General

KATELYN E. DOCHERTY  
Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

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

DATED: June 1, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
KAREN R. DENVIR  
Supervising Deputy Attorney General

  
KATELYN E. DOCHERTY  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6824**

1 XAVIER BECERRA  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KATELYN E. DOCHERTY  
Deputy Attorney General  
4 State Bar No. 322028  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6277  
Facsimile: (916) 327-8643  
7 *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 Accusation Against:

Case No. 6824

13 **AARON GREGORY SMITH**  
14 **1920 North Street**  
**Corning, CA 96021**

**ACCUSATION**

15 **Registered Pharmacist License No. 61622**

16 Respondent.  
17

18  
19  
20 **PARTIES**

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

24 2. On or about October 7, 2008, the Board of Pharmacy issued Registered Pharmacist  
25 License Number 61622 to Aaron Gregory Smith ("Respondent"). The Registered Pharmacist  
26 License was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on January 31, 2020, unless renewed.  
28

## **JURISDICTION**

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

4. Code section 4011 states, in pertinent part, that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Code section 4300 states, in pertinent part, that every license issued may be suspended or revoked.

6. Code section 4300.1 states:

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

## **STATUTORY PROVISIONS**

7. Code section 4301 states, in pertinent part:

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

...

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

...

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

...

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

1           8.     Section 4021 of the Code states:

2                 “Controlled substance” means any substance listed in Chapter 2 (commencing  
3                 with Section 11053) of Division 10 of the Health and Safety Code.”

4           9.     Section 4022 of the Code states, in pertinent part:

5                 Dangerous drug or dangerous device means any drug or device unsafe for  
6                 self-use in humans or animals, and includes the following:

7                 (a) Any drug that bears the legend: Caution: federal law prohibits dispensing  
8                 without prescription, Rx only, or words of similar import.

9                 ...

10                (c) Any other drug or device that by federal or state law can be lawfully  
11                dispensed only on prescription or furnished pursuant to Section 4006.

12           10.    Code section 4059 states, in pertinent part:

13                 A person may not furnish any dangerous drug except upon the prescription of a  
14                 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
15                 pursuant to Section 3640.7.

16           11.    Section 4060 of the Code states, in pertinent part:

17                 No person shall possess any controlled substance, except that furnished upon a  
18                 valid prescription/drug order.

19           12.    Code section 4324 states, in pertinent part:

20                 (a) Every person who signs the name of another, or of a fictitious person, or  
21                 falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine,  
22                 any prescription for any drugs is guilty of forgery and upon conviction thereof shall  
23                 be punished by imprisonment in the state prison, or by imprisonment in the county  
24                 jail for not more than one year.

25                 (b) Every person who has in his or her possession any drugs secured by a  
26                 forged prescription shall be punished by imprisonment in the state prison, or by  
27                 imprisonment in the county jail for not more than one year.

28           13.    Health and Safety Code section 11350 states, in pertinent part:

                  It is unlawful to possess any controlled substance listed in Schedule I  
(Health and Safety Code section 11054), subdivision (b),(c) (e) or (f)(1),  
controlled substance listed in Schedule II (Health and Safety Code section 11055),  
subdivision (b) or(c), controlled substance listed in Schedule III (Health and Safety  
Code section 11056), subdivision (h), or any controlled substance which is a  
narcotic drug in Schedules III-V, absent a valid prescription.

          14.    Health and Safety Code section 11170 states, in pertinent part:

                  No person shall prescribe, administer, or furnish a controlled substance for himself.

15. Health and Safety Code section 11173 states, in pertinent part:

(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of controlled substances, (a) by fraud, deceit, misrepresentation, or subterfuge; or (2) by concealment of a material fact.

(b) No person shall make a false statement in any prescription, order, report, or record, required by this division.

### **REGULATORY PROVISIONS**

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

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.

### **COST RECOVERY**

17. Code section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **DEFINITIONS**

18. "Roxanol," also known as "Morphine," is a drug used to treat severe pain, a Schedule II controlled substance as designated by Health and Safety Code section 11055, and a dangerous drug designated by Business and Professions Code section 4022.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

19. Respondent is subject to discipline under Code section 4301, subdivision (f), in that Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit or corruption.

a. On or around February 11, 2019, Respondent stole two vials of morphine concentrated solution 20mg/ml from Owens Pharmacy #26 in Redding, where Respondent was employed as a pharmacist. Additionally, per his own admissions, Respondent stole the morphine concentrated solution 20 mg/ml to use for personal use.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Violation of Statutes Governing Controlled Substances and Dangerous Drugs)**

3 20. Respondent is subject to disciplinary action under Code sections 4301, subdivision  
4 (j), for unprofessional conduct, in that while acting as a pharmacist at Owens Pharmacy #26,  
5 Respondent did the following:

6 a. Respondent admittedly furnished to himself morphine a controlled substance and  
7 dangerous drug without a valid prescription, in violation of Code section 4059.

8 b. Respondent possessed the controlled substance and dangerous drug morphine  
9 without a valid or lawful prescription for the medication, in violation of Code section 4060.

10 c. Respondent possessed a Schedule II controlled substance without a valid prescription,  
11 in violation of Health and Safety Code section 11350;

12 e. Respondent prescribed and furnished a controlled substance and dangerous drug to  
13 himself, in violation of Health and Safety Code section 11170;

14 f. Respondent obtained the controlled substance morphine by fraud, deceit,  
15 misrepresentation, or subterfuge, in violation of Health and Safety Code section 11173,  
16 subdivision (a).

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Violation of the Laws Governing Pharmacy)**

19 21. Respondent is subject to disciplinary action under Code sections 4301, subdivision  
20 (o), in that he violated laws governing pharmacy, as set forth more fully above in paragraphs 19  
21 through 20, and their subparts.

22 **DISCIPLINE CONSIDERATIONS**

23 22. To determine the degree of discipline, if any, to be imposed on Respondent,  
24 Complainant alleges that on or about July 16, 2018, in a prior action, the Board of Pharmacy  
25 issued Citation Number CI 2017 79362 and ordered Respondent to pay a fine of \$650.00.  
26 Respondent was issued a citation for violating Business and Professions Code section 4301,  
27 subdivision (g), section 4231 subdivision (d) and California Code of Regulations, Title 16,  
28 section 1732.5. That Citation is now final.

1 ///

2 **PRAYER**

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

5 1. Revoking or suspending Registered Pharmacist License Number 61622, issued to  
6 Aaron Gregory Smith;

7 2. Ordering Aaron Gregory Smith to pay the Board of Pharmacy the reasonable costs of  
8 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
9 125.3; and,

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

11  
12  
13 DATED: December 2, 2019



14 ANNE SODERGREN  
15 Interim Executive Officer  
16 Board of Pharmacy  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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