

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

**In the Matter of the Statement of Issues Against:**

**SHANTA LORIEN ROBERTS, Respondent**

**Pharmacist License Applicant**

**Agency Case No. 6787**

**OAH No. 2019120100**

**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 December 23, 2020.

It is so ORDERED on November 23, 2020.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Greg Lippe  
Board President

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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 Statement of Issues  
Against:

13 **SHANTA LORIEN ROBERTS**

14 Pharmacist License Applicant

15 Respondent.  
16

Case No. 6787

OAH No. 2019120100

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

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

25 2. Respondent Shanta Lorien Roberts (Respondent) is representing herself in this  
26 proceeding and has chosen not to exercise her right to be represented by counsel.

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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. By signing the stipulation, Respondent understands and agrees  
6 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the  
7 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
8 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
9 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall  
10 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 upon satisfaction of all statutory and regulatory  
25 requirements for issuance of a pharmacist license, a pharmacist license shall be issued to  
26 respondent and immediately revoked; the order of revocation is stayed and respondent is placed  
27 on probation for five (5) years upon the following terms and conditions:

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**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, probation shall be automatically extended until 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 its  
4 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
5 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
6 the period of probation, shall be considered a violation of probation.

7           **4. Cooperate with Board Staff**

8           Respondent shall timely 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 Female  
10 probation, including but not limited to: timely responses to requests for information by board  
11 staff; timely compliance with directives from board staff regarding requirements of any term or  
12 condition of probation; and timely completion of documentation pertaining to a term or condition  
13 of probation. Failure to timely cooperate shall be considered a violation of probation.

14           **5. Continuing Education**

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

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

18           During the period of probation, respondent shall notify all present and prospective  
19 employers of the decision in case number 6787 and the terms, conditions and restrictions imposed  
20 on respondent by the decision, as follows:

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

1 and authorizing those employer(s) or supervisors to communicate with the board or its designee,  
2 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
3 requirements or deadlines of this condition shall be considered a violation of probation.

4       Within thirty 30 days of the effective date of this decision, and within fifteen (15) days of  
5 respondent undertaking any new employment, respondent shall cause (a) Female direct  
6 supervisor, (b) Female pharmacist-in-charge, designated representative-in-charge, responsible  
7 manager, or other compliance supervisor, and (c) the owner or owner representative of Female  
8 employer, to report to the board in writing acknowledging that the listed individual(s) has/have  
9 read the decision in case number 6787, and terms and conditions imposed thereby. If one person  
10 serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It  
11 shall be the respondent's responsibility to ensure that these acknowledgment(s) are timely  
12 submitted to the board. In the event of a change in the person(s) serving the role(s) described in  
13 (a), (b), or (c) during the term of probation, respondent shall cause the person(s) taking over the  
14 role(s) to report to the board in writing within fifteen (15) days of the change acknowledging that  
15 he or she has read the decision in case number 6787, and the terms and conditions imposed  
16 thereby.

17       If respondent works for or is employed by or through an employment service, respondent  
18 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
19 of the decision in case number 6787, and the terms and conditions imposed thereby in advance of  
20 respondent commencing work at such licensed entity. A record of this notification must be  
21 provided to the board upon request.

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

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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 pharmacist, or any position  
6 for which a pharmacist is a requirement or criterion for employment, whether the respondent is an  
7 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. Probation Monitoring Costs**

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

23 **10. Status of License**

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

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

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

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

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

21 **12. Practice Requirement – Extension of Probation**

22 Except during periods of suspension, respondent shall, at all times while on probation, be  
23 employed as a pharmacist in California for a minimum of 80 hours per calendar month. Any  
24 month during which this minimum is not met shall extend the period of probation by one month.  
25 During any such period of insufficient employment, respondent must nonetheless comply with all  
26 terms and conditions of probation, unless respondent receives a waiver in writing from the board  
27 or its designee.

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1 If respondent does not practice as a pharmacist in California for the minimum number of  
2 hours in any calendar month, for any reason (including vacation , respondent shall notify the  
3 board in writing within ten (10) days of the conclusion of that calendar month. This notification  
4 shall include at least: the date(s), location(s), and hours of last practice; the reason s for the  
5 interruption or reduction in practice; and the anticipated date s) on which respondent will resume  
6 practice at the required level. Respondent shall further notify the board in writing within ten 10  
7 days following the next calendar month during which respondent practices as a pharmacist in  
8 California for the minimum of hours. Any failure to timely provide such notification(s) shall be  
9 considered a violation of probation.

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

### 14 13. **Violation of Probation**

15 If respondent has not complied with any term or condition of probation, the board shall  
16 have continuing jurisdiction over respondent, and the board shall provide notice to respondent  
17 that probation shall automatically be extended, until all terms and conditions have been satisfied  
18 or the board has taken other action as deemed appropriate to treat the failure to comply as a  
19 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
20 board or its designee may post a notice of the extended probation period on its website.

21 If respondent violates probation in any respect, the board, after giving respondent notice  
22 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
23 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
24 probation, or the preparation of an accusation or petition to revoke probation is requested from  
25 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
26 probation shall be automatically extended until the petition to revoke probation or accusation is  
27 heard and decided.

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1           **14. Completion of Probation**

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

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

5           By no later than ten (10) days after the effective date of this decision, respondent shall have  
6 completed all of the following: contacted the Pharmacists Recovery Program (PRP) for  
7 evaluation; enrolled in the PRP; completed, signed, and returned the treatment contract as well as  
8 any addendums required or suggested by the PRP; successfully completed registration for any  
9 drug or alcohol testing mandated by the treatment contract and/or by enrollment in the PRP; and  
10 begun compliance with the drug or alcohol testing protocol(s). Respondent shall successfully  
11 participate in the PRP and complete the treatment contract and any addendums required or  
12 suggested by the PRP. The costs for PRP participation shall be borne by the respondent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 24 **16. Drug and Alcohol Testing**

25 Respondent, at Female own expense, shall participate in testing as directed by the board or  
26 its designee for the detection of alcohol, controlled substances, and dangerous drugs and/or  
27 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),  
28 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its

1 designee. All testing must be pursuant to an observed testing protocol, unless respondent is  
2 informed otherwise in writing by the board or its designee. Respondent may be required to  
3 participate in testing for the entire probation period and frequency of testing will be determined  
4 by the board or its designee.

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

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

16 Prior to any vacation or other period of absence from the area where the approved testing  
17 vendor provides services, respondent shall seek and receive approval from the board or its  
18 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,  
19 respondent shall enroll and register with the approved alternate drug testing vendor, provide to  
20 that alternate vendor any documentation required by the vendor, including any necessary payment  
21 by respondent. During the period of absence of the area, respondent shall commence testing  
22 protocols with the alternate vendor, including required daily contacts with the testing vendor to  
23 determine if testing is required, and required testing. Any failure to timely seek or receive  
24 approval from the board or its designee, or to timely enroll and register with, timely commence  
25 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be  
26 considered a violation of probation.

27 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its  
28 designee may require respondent to timely provide documentation from a licensed practitioner

1 authorized to prescribe the detected substance demonstrating that the substance was administered  
2 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such  
3 documentation shall be provided by respondent within ten (10) days of being requested.

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

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

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

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

8 **17. Notification of Departure**

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

13 **18. Abstain from Drugs and Alcohol**

14 Respondent shall completely abstain from the possession or use of alcohol, controlled  
15 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated  
16 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a  
17 necessary part of treatment. Respondent shall ensure that she is not in the same physical location  
18 as individuals who are using illicit substances even if respondent is not personally ingesting the  
19 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled  
20 substances, or their associated paraphernalia for which a legitimate prescription has not been  
21 issued as a necessary part of treatment, or any physical proximity to persons using illicit  
22 substances, shall be considered a violation of probation.

23 **19. Prescription Coordination and Monitoring of Prescription Use**

24 Within thirty 30 days of the effective date of this decision, respondent shall submit to the  
25 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
26 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
27 history with the use of alcohol and who will coordinate and monitor any prescriptions for  
28 respondent for dangerous drugs and/or dangerous devices, controlled substances or mood-altering

1 drugs. The approved practitioner shall be provided with a copy of the board's Statement of Issues  
2 and decision. A record of this notification must be provided to the board or its designee upon  
3 request. Respondent shall sign a release authorizing the practitioner to communicate with the  
4 board or its designee about respondent's treatment(s). The coordinating physician, nurse  
5 practitioner, physician assistant, or psychiatrist shall report to the board on a quarterly basis for  
6 the duration of probation regarding respondent's compliance with this condition. If any substances  
7 considered addictive have been prescribed, the report shall identify a program for the time limited  
8 use of any such substances. The board or its designee may require that the single coordinating  
9 physician, nurse practitioner, physician assistant or psychiatrist be a specialist in addictive  
10 medicine, or consult a specialist in addictive medicine. Should respondent, for any reason, cease  
11 supervision by the approved practitioner, respondent shall notify the board or its designee  
12 immediately and, within thirty (30) days of ceasing supervision, submit the name of a  
13 replacement physician, nurse practitioner, physician assistant, or psychiatrist of respondent's  
14 choice to the board or its designee for its prior approval. Failure to timely submit the selected  
15 practitioner or replacement practitioner to the board or its designee for approval, or to ensure the  
16 required quarterly reporting thereby, shall be considered a violation of probation.

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

23 During any suspension, respondent shall not enter any pharmacy area or any portion of the  
24 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
25 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
26 any area where dangerous drugs and/or dangerous devices or controlled substances are  
27 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
28 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall



1 respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
2 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
3 dangerous devices and controlled substances. Respondent shall not resume practice until notified  
4 by the board.

5 During any suspension, respondent shall not engage in any activity that requires the  
6 professional judgment and/or licensure as a pharmacist. Respondent shall not direct or control  
7 any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling, or  
8 retailing of dangerous drugs and/or dangerous devices or controlled substances.

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

11 **20. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

12 Within thirty 30 days of the effective date of this decision, respondent shall begin regular  
13 attendance at a recognized and established substance abuse recovery support group in California  
14 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
15 or its designee. Respondent must attend the number of group meetings per week or month  
16 directed by the board or its designee, which shall typically be at least one per week. Respondent  
17 shall continue regular attendance and submit signed and dated documentation confirming  
18 attendance with each quarterly report for the duration of probation. Failure to attend or submit  
19 documentation thereof shall be considered a violation of probation.

20 Where respondent is enrolled in the PRP, participation as required in a recovery group  
21 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any  
22 deviation from participation requirements for the PRP-approved group shall be considered a  
23 violation of probation.

24 **21. Work Site Monitor**

25 Within ten 10 days of the effective date of this decision, respondent shall identify a work  
26 site monitor, for prior approval by the board or its designee, who shall be responsible for  
27 supervising respondent during working hours. Respondent shall be responsible for ensuring that  
28 the work site monitor reports in writing to the board monthly or on another schedule as directed

1 by the board or its designee. Should the designated work site monitor suspect at any time during  
2 the probationary period that respondent has abused alcohol or drugs, he or she shall notify the  
3 board immediately.

4 In the event of suspected abuse, the monitor shall make at least oral notification within one  
5 (1) business day of the occurrence, and shall be followed by written notification within two (2)  
6 business days of the occurrence. If, for any reason, including change of employment, respondent  
7 is no longer able to be monitored by the approved work site monitor, within ten (10) days  
8 respondent shall designate a new work site monitor for approval by the board or its designee.  
9 Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure  
10 monthly reports are submitted to the board by the monitor, shall be considered a violation of  
11 probation.

12 Within thirty 30 days of being approved by the board or its designee, the work site  
13 monitor shall sign an affirmation that he or she has reviewed the terms and conditions of  
14 respondent's disciplinary order and agrees to monitor respondent. The work site monitor shall at  
15 least:

- 16 1) Have regular face-to-face contact with respondent in the work environment, at least  
17 once per week or with greater frequency if required by the board or its designee;
- 18 2) Interview other staff in the office regarding respondent's behavior, if applicable; and
- 19 3) Review respondent's work attendance.

20 The written reports submitted to the board or its designee by the work site monitor shall  
21 include at least the following information: respondent's name and license number; the monitor's  
22 name, license number (if applicable) and work site location; the date(s) the monitor had face-to-  
23 face contact with respondent; the staff interviewed, if applicable; an attendance report; notes on  
24 any changes in respondent's behavior or personal habits; notes on any indicators that may lead to  
25 substance abuse; and the work site monitor's signature.

26 Respondent shall complete the required consent forms and sign an agreement with the work  
27 site monitor and the board to allow the board to communicate with the work site monitor.

28 ///

1           **22. Supervised Practice**

2           Within thirty 30 days of the effective date of this decision, respondent shall submit to the  
3 board or its designee, for prior approval, the name of a pharmacist by and not on probation with  
4 the board, to serve as respondent’s practice supervisor. As part of the documentation submitted,  
5 respondent shall cause the proposed practice supervisor to report to the board in writing  
6 acknowledging that he or she has read the decision in case number 6787, and is familiar with the  
7 terms and conditions imposed thereby, including the level of supervision required by the board or  
8 its designee. This level will be determined by the board or its designee, or as deemed appropriate  
9 by the PRP, will be communicated to the respondent on or before the effective date of this  
10 decision and shall be one of the following:

11           Continuous – At least 75% of a work week

12           Substantial - At least 50% of a work week

13           Partial - At least 25% of a work week

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

15           Respondent may practice only under the required level of supervision by an approved  
16 practice supervisor. If, for any reason, including change of employment, respondent is no longer  
17 supervised at the required level by an approved practice supervisor, within ten (10) days of this  
18 change in supervision respondent shall submit to the board or its designee, for prior approval, the  
19 name of a pharmacist by and not on probation with the board, to serve as respondent’s  
20 replacement practice supervisor. As part of the documentation submitted, respondent shall cause  
21 the proposed replacement practice supervisor to report to the board in writing acknowledging that  
22 he or she has read the decision in case number 6787, and is familiar with the terms and conditions  
23 imposed thereby, including the level of supervision required.

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

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

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

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

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

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

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

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

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

22 Any of the following shall be considered a violation of probation: failure to timely  
23 nominate either an initial or a replacement practice supervisor; failure to cause the practice  
24 supervisor to timely report to the board in writing acknowledging the decision, terms and  
25 conditions, and supervision level; practicing in the absence of an approved practice supervisor  
26 after lapse of the nomination period; and/or failure to adhere to the level of supervision required  
27 by the board or its designee. If any of these obligations or prohibitions is not met, respondent  
28

1 shall be prohibited from practice as a pharmacist and may not resume such practice until notified  
2 by the board or its designee in writing.

3 **23. No Ownership or Management of Licensed Premises**

4 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
5 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
6 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
7 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
8 days following the effective date of this decision and shall immediately thereafter provide written  
9 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
10 documentation thereof shall be considered a violation of probation.

11 **ACCEPTANCE**

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

16  
17  
18 DATED: \_\_\_\_\_

19 **SHANTA LORIEN ROBERTS**  
20 *Respondent*

1 shall be prohibited from practice as a pharmacist and may not resume such practice until notified  
2 by the board or its designee in writing.

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7 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
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9 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
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13 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated  
14 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
15 bound by the Decision and Order of the Board of Pharmacy.

16  
17  
18 DATED: 9/14/2020

  
19 **SHANTA LORIEN ROBERTS**  
20 *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  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

HEATHER VO  
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: *September 17, 2020*

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General



HEATHER VO  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues Case No. 6787**

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6310  
6 Facsimile: (916) 731-2126

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 Statement of Issues  
13 Against:

Case No. 6787

14 **SHANTA LORIEN ROBERTS**

**STATEMENT OF ISSUES**

15 Pharmacist License Applicant

16 Respondent.

17  
18  
19 **PARTIES**

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

23 2. On or about February 8, 2019, the Board received an application for a Pharmacist  
24 License from Shanta Lorien Roberts (Respondent). On or about February 3, 2019, Respondent  
25 certified under penalty of perjury to the truthfulness of all statements, answers, and  
26 representations in the application. The Board denied the application on July 24, 2019.

27 ///

28 ///

1 **JURISDICTION**

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

5 **STATUTORY PROVISIONS**

6 4. Section 480 states, in pertinent part:

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

9 .....

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

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

15 (b) Notwithstanding any other provision of this code, a person shall not be  
16 denied a license solely on the basis that he or she has been convicted of a felony if he  
17 or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing  
18 with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been  
19 convicted of a misdemeanor if he or she has met all applicable requirements of the  
20 criteria of rehabilitation developed by the board to evaluate the rehabilitation of a  
21 person when considering the denial of a license under subdivision (a) of Section 482.

22 (c) Notwithstanding any other provisions of this code, a person shall not be  
23 denied a license solely on the basis of a conviction that has been dismissed pursuant  
24 to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a  
25 conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of  
26 the Penal Code shall provide proof of the dismissal.

27 .....

28 (e) This section shall become inoperative on July 1, 2020, and, as of January 1,  
2021, is repealed.

29 5. Section 4301 states, in pertinent part:

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

33 ....

34 (h) The administering to oneself, of any controlled substance, or the use of any  
35 dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
36 dangerous or injurious to oneself, to a person holding a license under this chapter, or  
37 to any other person or to the public, or to the extent that the use impairs the ability of  
38

1 the person to conduct with safety to the public the practice authorized by the license.

2 ....

3 (n) The revocation, suspension, or other discipline by another state of a license  
4 to practice pharmacy, operate a pharmacy, or do any other act for which a license is  
5 required by this chapter that would be grounds for revocation, suspension, or other  
6 discipline under this chapter. Any disciplinary action taken by the board pursuant to  
7 this section shall be coterminous with action taken by another state, except that the  
8 term of any discipline taken by the board may exceed that of another state, consistent  
9 with the board's enforcement guidelines. The evidence of discipline by another state  
10 is conclusive proof of unprofessional conduct.

### 7 **REGULATORY PROVISIONS**

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

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

### 13 **CAUSE FOR DENIAL OF APPLICATION**

#### 14 **(Acts Warranting Denial of Licensure)**

15 7. Respondent's application is subject to denial under section 480, subdivisions (a)(3)A  
16 and (a)(3)(B), in that Respondent committed acts which if done by a licensed pharmacist would  
17 be grounds for suspension or revocation of the license as follows:

18 a. Respondent used alcoholic beverages to an extent or in a manner dangerous or  
19 injurious to herself, another person, or the public, in violation of section 4301, subdivision (h).  
20 Specifically, on or about February 17, 2018, a Harney County Sheriff's officer responded to a  
21 report of an intoxicated driver on a highway. While speaking to Respondent, the officer could  
22 smell the odor of alcohol emitting from her breath. While at the scene, Respondent submitted to a  
23 series of field sobriety tests which she was unable to perform as indicated. Respondent was  
24 subsequently placed under arrest for driving under the influence of intoxicants. During the  
25 booking procedure, Respondent admitted to purchasing a bottle of vodka, which she consumed  
26 while driving. Respondent also provided a breath sample that revealed a breath alcohol content  
27 level of 0.20%. Subsequently, on or about June 22, 2018, criminal charges were filed in the  
28 criminal proceeding entitled *The State of Oregon v. Shtanta Lorien Roberts* (Super. Ct. Lake

1 County, 2018, No. 18CR41717), for violating one misdemeanor count of Oregon Revised  
2 Statutes section 813.010, subdivision (4) [driving under the influence of intoxicants]. The court  
3 placed Respondent on a one-year diversion program with terms and conditions to be completed  
4 prior to her case being dismissed. On or about July 22, 2019, the case was dismissed.

5 b. Respondent was subject to disciplinary action by another health care professional  
6 licensing board, in violation of section 4301, subdivision (n). Specifically, on or about August  
7 22, 2017, in the disciplinary action entitled "*In the Matter of Pharmacist License of Shanta Lorien*  
8 *Roberts, R.PH.*," Case No. 2016-0503, the Oregon State Board of Pharmacy issued a Consent  
9 Order, revoking Respondent's Pharmacist License NO. RPH-00010845. The circumstances  
10 underlying the discipline are that on or about November 1, 2016, while on duty at Silverton  
11 Hospital Pharmacy, Respondent left the pharmacy premises without another pharmacist on site  
12 thereby leaving the pharmacy unsecured after which the pharmacy incurred a loss of controlled  
13 substances. Respondent also consumed alcohol during her shift, was impaired, and not able to  
14 perform the duties required of a pharmacist.

15 **PRAYER**

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

- 18 1. Denying the application of Shanta Lorien Roberts for a Pharmacist License; and  
19 2. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: October 31, 2019



22 ANNE SODERGREN  
23 Interim Executive Officer  
24 Board of Pharmacy  
25 Department of Consumer Affairs  
26 State of California  
27 *Complainant*

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