

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

In the Matter of the Accusation Against:

**WALGREEN CO. dba
WALGREENS #02170,
Pharmacy Permit No. PHY 52815;**

and

**ZACHARY DAVID WRIGHT,
Pharmacist License No. RPH 75008**

Respondents.

Agency Case No. 7260

OAH No. 2023080190

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 January 25, 2024.

It is so ORDERED on December 26, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
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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 **ZACHARY DAVID WRIGHT**
15 **8657 Trinidad Way**
Roseville, CA 95747

16 **Pharmacist License No. 75008,**

17 **and**

18 **WALGREEN CO.**
19 **DBA WALGREENS #02170**
12120 New Airport Rd.
Auburn, CA 95603

20 **Pharmacy Permit No. PHY 52815**

21 Respondents.
22

Case No. 7260

OAH No. 2023080190

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

**AS TO RESPONDENT ZACHARY
DAVID WRIGHT ONLY**

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

25 **PARTIES**

26 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
27 (Board). She brought this action solely in her official capacity and is represented in this matter by

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1 Rob Bonta, Attorney General of the State of California, by Kristina T. Jarvis, Deputy Attorney
2 General.

3 2. Zachary David Wright (Respondent) is represented in this proceeding by attorney
4 Natalie Vance, whose address is: 801 K Street, Suite 2100, Sacramento, CA. 95814.

5 3. On or about September 27, 2016, the Board issued Pharmacist License No. 75008 to
6 Respondent. The Pharmacist License was in full force and effect at all times relevant to the
7 charges brought in Accusation No. 7260, and will expire on May 31, 2024, unless renewed.

8 **JURISDICTION**

9 4. Accusation No. 7260 was filed before the Board, and is currently pending against
10 Respondent. The Accusation and all other statutorily required documents were properly served
11 on Respondent on January 13, 2023. Respondent timely filed his Notice of Defense contesting
12 the Accusation.

13 5. A copy of Accusation No. 7260 is attached as exhibit A and incorporated herein by
14 reference.

15 **ADVISEMENT AND WAIVERS**

16 6. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 7260. Respondent has also carefully read, fully
18 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
19 Order.

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

26 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 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. 7260.

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

6 **CONTINGENCY**

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

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

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

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

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. 75008 issued to Respondent Zachary David Wright is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) 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, or via telephone
5 or online meeting platform, for interviews with the board or its designee, at such intervals and
6 locations as are determined by the board or its designee. Failure to appear for any scheduled
7 interview without prior notification to board staff, or failure to appear for two (2) or more
8 scheduled interviews with the board or its designee during the period of probation, shall be
9 considered a violation of probation.

10 **4. Cooperate with Board Staff**

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

17 **5. Continuing Education**

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

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

21 During the period of probation, respondent shall notify all present and prospective
22 employers of the decision in case number 7260 and the terms, conditions and restrictions imposed
23 on respondent by the decision, as follows:

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

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

7 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
8 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)
9 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
10 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
11 board in writing acknowledging that the listed individual(s) has/have read the decision in case
12 number 7260, and terms and conditions imposed thereby. If one person serves in more than one
13 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
14 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
15 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
16 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
17 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
18 in case number 7260, and the terms and conditions imposed thereby.

19 If respondent works for or is employed by or through an employment service, respondent
20 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
21 of the decision in case number 7260, and the terms and conditions imposed thereby in advance of
22 respondent commencing work at such licensed entity. A record of this notification must be
23 provided to the board upon request.

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

1 ensure that these acknowledgment(s) are timely submitted to the board.

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

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

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

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

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

14 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

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

19 **9. Reimbursement of Board Costs**

20 As a condition precedent to successful completion of probation, respondent shall pay to the
21 board its costs of investigation and prosecution in the amount of \$13,005.00. Respondent shall
22 make said payments in a payment plan approved by the board or its designee, so long as full
23 payment is completed no later than one (1) year prior to the end 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.

27 **10. Probation Monitoring Costs**

28 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 Pharmacist License with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current Pharmacist License shall be considered a violation of probation.

If respondent's 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 of the date the application for that license is submitted to the board, including any outstanding costs.

1 **13. Practice Requirement – Extension of Probation**

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

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

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

21 **14. Violation of Probation**

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

28 If respondent violates probation in any respect, the board, after giving respondent notice

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

7 **15. Completion of Probation**

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

10 **16. Psychotherapy**

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

23 Upon approval of the initial or any subsequent licensed mental health practitioner,
24 respondent shall undergo and continue treatment with that therapist, at respondent's own expense,
25 until the therapist recommends in writing to the board, and the board or its designee agrees by
26 way of a written notification to respondent, that no further psychotherapy is necessary. Upon
27 receipt of such recommendation from the treating therapist, and before determining whether to
28 accept or reject said recommendation, the board or its designee may require respondent to

1 undergo, at respondent's own expense, a mental health evaluation by a board-appointed or board-
2 approved psychiatrist or psychologist. If the approved evaluator recommends that respondent
3 continue psychotherapy, the board or its designee may require respondent to continue
4 psychotherapy.

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

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

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.

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

26 During any suspension, respondent shall not engage in any activity that requires the
27 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control
28 any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or

1 retailing of dangerous drugs and/or dangerous devices or controlled substances.

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

4 **17. 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;

28 Failure to comply with testing protocols regarding daily check-in and/or failure to complete

1 a mandated test as directed by the PRP;

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

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

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

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

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

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 as a Pharmacist nor do any act involving drug
13 selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor
14 shall respondent manage, administer, or be a consultant to any licensee of the board, or have
15 access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs
16 and/or dangerous devices or controlled substances.

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

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

23 **18. Drug and Alcohol Testing**

24 Respondent, at his own expense, shall participate in testing as directed by the board or its
25 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
26 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
27 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its
28 designee. All testing must be pursuant to an observed testing protocol, unless respondent is

1 informed otherwise in writing by the board or its designee. Respondent may be required to
2 participate in testing for the entire probation period and frequency of testing will be determined
3 by the board or its designee.

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

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

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

26 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its
27 designee may require respondent to timely provide documentation from a licensed practitioner
28 authorized to prescribe the detected substance demonstrating that the substance was administered

1 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such
2 documentation shall be provided by respondent within ten (10) days of being requested.

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

18 During any such suspension, respondent shall not enter any pharmacy area or any portion of
19 the 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. Respondent shall not practice pharmacy nor do any act involving drug selection,
23 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
24 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
25 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
26 dangerous devices and controlled substances.

27 During any such suspension, respondent shall not engage in any activity that requires the
28 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control

any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or retailing of dangerous drugs and/or dangerous devices.

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

19. Notification of Departure

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

20. Abstain from Drugs and Alcohol

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

21. Facilitated Group Recovery and/or Support Meetings

Within thirty (30) days of the effective date of this decision, respondent shall begin regular attendance at a group recovery and/or support meeting that is run by a trained facilitator approved in advance by the board or its designee. The required frequency of group meeting attendance shall be determined by the board or its designee. Respondent shall continue regular attendance as directed at an approved facilitated group meeting until the board or its designee advises the respondent in writing that he may cease regular attendance. Respondent shall provide signed and dated documentation of attendance as required with each quarterly report. Failure to attend as

1 required or to submit documentation of attendance shall be considered a violation of probation.

2 If respondent is required to participate in the PRP, compliance with this term can be
3 demonstrated through that program. Where respondent is enrolled in the PRP, participation as
4 required in a facilitated group meeting approved by the PRP shall be sufficient for satisfaction of
5 this requirement. Any deviation from participation requirements for the PRP-approved group
6 shall be considered a violation of probation.

7 **22. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

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

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

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

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

28 ///

1 **ACCEPTANCE**

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Natalie Vance. I understand the stipulation and the effect it will
4 have on my Pharmacist License . I enter into this Stipulated Settlement and Disciplinary Order
5 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
6 Board of Pharmacy.

7
8 DATED: _____
9 ZACHARY DAVID WRIGHT
10 *Respondent*

11 I have read and fully discussed with Respondent Zachary David Wright the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14 DATED: _____
15 NATALIE VANCE
16 *Attorney for Respondent*

17 **ENDORSEMENT**

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

20 DATED: _____
21 Respectfully submitted,
22 ROB BONTA
23 Attorney General of California
24 ANDREW M. STEINHEIMER
25 Supervising Deputy Attorney General
26
27 KRISTINA T. JARVIS
28 Deputy Attorney General
Attorneys for Complainant

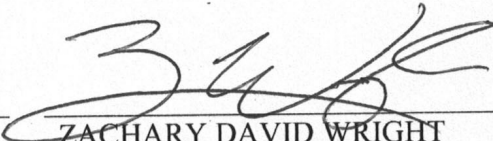
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ACCEPTANCE

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

DATED:


10/29/2023


ZACHARY DAVID WRIGHT
Respondent

I have read and fully discussed with Respondent Zachary David Wright the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

10/27/23


NATALIE VANCE
Attorney for Respondent

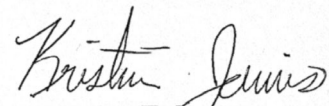
ENDORSEMENT

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

DATED: October 30, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
ANDREW M. STEINHEIMER
Supervising Deputy Attorney General


KRISTINA T. JARVIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7260

1 ROB BONTA
Attorney General of California
2 ANDREW M. STEINHEIMER
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6088
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. 7260

13 **WALGREEN CO.,**
14 **dba WALGREENS #02170**
15 **12120 New Airport Road**
16 **Auburn, CA 95603**

ACCUSATION

17 **Pharmacy Permit No. PHY 52815**

18 **and**

19 **ZACHARY DAVID WRIGHT**
20 **8657 Trinidad Way**
21 **Roseville, CA 95747**

Pharmacist License No. RPH 75008

Respondent.

22 **PARTIES**

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

25 2. On or about December 31, 2014, the Board issued Pharmacy Permit number PHY
26 52815 to Walgreen Co., doing business as (dba) Walgreens #02170. Zachary David Wright was
27 the Pharmacist-in-Charge (PIC) from September 9, 2020, to May 19, 2021. Michelle Whalley
28 became the Pharmacist-In-Charge on May 19, 2021, to present. The Pharmacy Permit was in full

1 force and effect at all times relevant to the charges brought herein and will expire on December 1,
2 2023, unless renewed.

3 3. On or about September 27, 2016, the Board issued Pharmacist License number RPH
4 75008 to Zachary David Wright (Respondent). The Pharmacist License was in full force and
5 effect at all times relevant to the charges brought herein and will expire on May 31, 2024, unless
6 renewed.

7 **JURISDICTION**

8 4. This Accusation is brought before the Board under the authority of the following
9 laws. All section references are to the Business and Professions Code (Code) unless otherwise
10 indicated.

11 5. Section 4300 of the Code states in pertinent part:

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

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

15 (1) Suspending judgment.

16 (2) Placing him or her upon probation.

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

18 (4) Revoking his or her license.

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

21 ...

22 (e) The proceedings under this article shall be conducted in accordance with
Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
23 Government Code, and the board shall have all the powers granted therein. The
action shall be final, except that the propriety of the action is subject to review by the
24 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

25 6. Section 4300.1 of the Code states:

26 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
27 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
28 investigation of, or action or disciplinary proceeding against, the licensee or to render
a decision suspending or revoking the license.

7. Code section 4307 states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

(b) Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

STATUTORY PROVISIONS

8. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is

permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law.

9. Section 4022 of the Code states

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

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

(b) Any device that bears the statement: Caution: federal law restricts this device to sale by or on the order of a _____, Rx only, or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

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

10. Section 4059, subdivision (a), of the Code states:

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

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

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer....

12. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-charge, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge or representative-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the pharmacist-in-charge or representative-in-charge had no knowledge, or in which he or she did not knowingly participate.

13. Section 4113 of the Code states in pertinent part:

(a) Every pharmacy shall designate a pharmacist-in-charge and, within 30 days thereof, shall notify the board in writing of the identity and license number of that pharmacist and the date he or she was designated.

...

(c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

14. Section 4104 of the Code states in pertinent part:

(a) Every pharmacy shall have in place procedures for taking action to protect the public when a licensed individual employed by or with the pharmacy is discovered or known to be chemically, mentally, or physically impaired to the extent it affects his or her ability to practice the profession or occupation authorized by his or her license, or is discovered or known to have engaged in the theft, diversion, or self-use of dangerous drugs.

...

(c) Every pharmacy shall report and provide to the board, within 14 days of the receipt or development thereof, the following information with regard to any licensed individual employed by or with the pharmacy:

(1) Any admission by a licensed individual of chemical, mental, or physical impairment affecting his or her ability to practice.

...

1 15. Section 4301 of the Code states in pertinent part:

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

5 ...

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

9 ...

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

15 ...

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

18 ...

19 (l) The conviction of a crime substantially related to the qualifications,
20 functions, and duties of a licensee under this chapter. The record of conviction of a
21 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
22 States Code regulating controlled substances or of a violation of the statutes of this
23 state regulating controlled substances or dangerous drugs shall be conclusive
24 evidence of unprofessional conduct. In all other cases, the record of conviction shall
25 be conclusive evidence only of the fact that the conviction occurred. The board may
26 inquire into the circumstances surrounding the commission of the crime, in order to
27 fix the degree of discipline or, in the case of a conviction not involving controlled
28 substances or dangerous drugs, to determine if the conviction is of an offense
 substantially related to the qualifications, functions, and duties of a licensee under this
 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
 contendere is deemed to be a conviction within the meaning of this provision. The
 board may take action when the time for appeal has elapsed, or the judgment of
 conviction has been affirmed on appeal or when an order granting probation is made
 suspending the imposition of sentence, irrespective of a subsequent order under
 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
 dismissing the accusation, information, or indictment.

 ...

 (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....

16. Section 4332 of the Code states:

Any person who fails, neglects, or refuses to maintain the records required by Section 4081 or who, when called upon by an authorized officer or a member of the board, fails, neglects, or refuses to produce or provide the records within a reasonable time, or who willfully produces or furnishes records that are false, is guilty of a misdemeanor.

17. Health and Safety Code section 11170 states:

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

REGULATORY PROVISIONS

18. California Code of Regulations, title 16, (Regulations) section 1711, states, in pertinent part:

(a) Each pharmacy shall establish or participate in an established quality assurance program that documents and assesses medication errors to determine cause and an appropriate response as part of a mission to improve the quality of pharmacy service and prevent errors.

...

(d) Each pharmacy shall use the findings of its quality assurance program to develop pharmacy systems and workflow processes designed to prevent medication errors. An investigation of each medication error shall commence as soon as is reasonably possible, but no later than 2 business days from the date the medication error is discovered. All medication errors discovered shall be subject to a quality assurance review.

19. Regulations section 1718, states:

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

20. Regulations section 1770, states in pertinent part:

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the practice, profession, or occupation that may be performed under the license type sought or held if to a substantial degree it evidences present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare.

...

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, those which:

...

(5) Involve a conviction for driving under the influence of drugs or alcohol.

COST RECOVERY

21. Section 125.3 of the Code 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

22. Ambien is the brand name of the drug zolpidem and is a dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(32). Ambien is indicated for use for insomnia.

23. Ativan is the brand name of the drug lorazepam and is a benzodiazepine. Ativan is a dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(16). Ativan is indicated for use for anxiety and insomnia.

24. Klonopin is the brand name of the drug clonazepam and is a benzodiazepine. Klonopin is a dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(7). Klonopin is indicated for use for anxiety and insomnia.

25. Marijuana is a dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to Health and Safety Code section 11054, subdivision (d)(13). Marijuana is considered a recreational hallucinogen.

26. Oramorph is the brand name used for the drug morphine sulfate ER tablet and is a dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(L). Oramorph is an opioid and is indicated for use for pain relief.

///

27. Roxicodone is the brand name used for the drug oxycodone IR¹ tablet and is a dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M). Roxicodone is an opioid and is indicated for use for pain relief.

28. Ultram is the brand name of the drug tramadol and is a dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to 21 C.F.R. section 1308.14, subdivision (b)(3). Ultram is an opioid and is indicated for use for pain relief.

29. Valium is the brand name of the drug diazepam and is a benzodiazepine. Valium is a dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(9). Valium is indicated for use for anxiety and insomnia.

30. Xanax is the brand name of the drug alprazolam and is a benzodiazepine. Xanax is a dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(1). Xanax is indicated for use for anxiety and insomnia.

FACTUAL ALLEGATIONS

31. On or about July 20, 2020, Respondent Wright was arrested for domestic violence, for which he was later convicted.

32. On or about January 16, 2021, Respondent Wright was arrested for driving while under the influence of drugs, to wit, benzodiazepines, cannabinoids (marijuana), and zolpidem. Respondent Wright did not have a valid prescription for any of these controlled substances and dangerous drugs. Respondent Wright stated he had taken these drugs from his wife without her knowledge or consent. Respondent Wright also stated he did not recall taking Ambien (zolpidem) but that his wife had noticed that her Ambien bottle was moved so they presumed he had taken her medication. However, Respondent Wright's wife had not been prescribed Ambien

///

¹ IR indicates “immediate release” other similar abbreviations would be ER for “extended release” or SR for “sustained release.”

1 within the prior 10 years. In a later statement, Respondent Wright stated that he had also taken
2 drugs from other family members without their knowledge or consent.

3 33. On or about June 21, 2021, the Board received an online complaint regarding
4 Respondent Wright's conduct and apparent intoxication while working as a pharmacist and as
5 PIC of Respondent Pharmacy.

6 34. Board Inspector H.N. investigated the complaint and found that Respondent Wright
7 had worked as PIC from September 9, 2020 through May 19, 2021, when he was placed on a last
8 chance agreement and took a leave of absence from the pharmacy in order to engage in
9 rehabilitation from drugs and alcohol. On or about July 12, 2021, Respondent Wright returned to
10 work at Respondent Pharmacy.

11 35. After May 19, 2021, Michelle Whalley became the interim PIC and was later
12 approved as PIC of Respondent Pharmacy. On or about July 21, 2021, PIC Whalley stated that
13 she had ceased acting as PIC on or about July 12, 2021. However, no such paperwork was ever
14 filed and PIC Whalley was approved as the permanent PIC on July 17, 2021, through the present.

15 36. Respondent Wright provided a written statement in which he admitted to taking
16 dangerous drugs and controlled substances from his wife and other family members without their
17 knowledge or consent and consuming them.

18 37. Several employees noticed that Respondent Wright began making excessive
19 medication errors in January and February 2021, these employees reported their observations to
20 Respondent Pharmacy's management on several occasions. Respondent Wright was noted to
21 often have red eyes, be "out of it" and otherwise appeared to other employees to be intoxicated at
22 work.

23 38. Respondent Wright made a medication error on or about January 4, 2021, wherein
24 Respondent Wright sold pain medications to the wrong patient. Employee F.B. observed
25 Respondent Wright speaking with the patient, who had ingested one dose of one of the
26 medications, and that Respondent Wright told the patient that there were no consequences in
27 taking the wrong medication. Employee F.B. then noted that Respondent Wright failed to file the
28 appropriate internal Walgreens quality assurance report. Employee F.B. notified Respondent

Pharmacy's Loss Prevention Manager of the incident. Ten days later, the district manager of Walgreens informed Respondent Wright that he was required to file a medication error report.

39. Between approximately October 27, 2020 and January 4, 2021, four drugs: zolpidem, tramadol, oxycodone, and morphine sulfate 60mg ER were erroneously dispensed or furnished to patients. These medications were all returned to Respondent Pharmacy by patients, but Respondent Pharmacy was unable to account for them in any way.

40. An audit of medications from June 10, 2020 to August 13, 2021, showed variances (both shortages and overages) of various strengths of alprazolam, clonazepam, diazepam, lorazepam, and zolipdem.

FIRST CAUSE FOR DISCIPLINE

(Failure to Maintain Current Inventory of Dangerous Drugs)

41. Respondent Pharmacy and Respondent Wright are subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivisions (j) and (o), in that Respondents violated statutes regulating controlled substances and dangerous drugs and also in that Respondents violated laws and regulations governing pharmacy by failing to maintain a current inventory of dangerous drugs as required by Regulations section 1718 and Code sections 4081 and 4332. The circumstances are as set forth in paragraphs 33-40 and as follows:

a. In and between October 27, 2020 and January 4, 2021, the following drugs were erroneously dispensed or furnished to patients, then were returned by patients to Respondent Pharmacy, after which the pharmacy could not account for them.

<u>Drug</u>	<u>Units</u>
Morphine Sulfate 60mg ER	1
Oxycodone 15mg IR	30
Tramadol 50mg	240
Zolipdem 10mg	57

These drugs should have been disposed of properly and documented. They were not. Respondent Wright was PIC of the pharmacy at that time.

b. In and between June 10, 2020 and August 13, 2021, an audit showed the following shortages and overages of medications and the pharmacy was unable to account for the variances. Respondent Wright was PIC during most of this time.

Drug	Units²
Alprazolam 0.25mg	-1,005
Alprazolam 0.5mg	+52
Alprazolam 1mg	-275
Alprazolam 2mg	-50
Clonazepam 0.25mg ODT ³	+20
Clonazepam 0.5mg	+3
Clonazepam 1mg	-75
Clonazepam 2mg	-523
Diazepam 2mg	+3
Diazepam 5mg	-2
Diazepam 10mg	+550
Lorazepam 0.5mg	-32
Lorazepam 1mg	-83
Lorazepam 2mg	-2
Lorazepam 2mg/ml (drops)	+120
Zolipdem 5mg	+10
Zolipdem 10mg	+38
Zolipdem 12.5mg ER	-42

SECOND CAUSE FOR DISCIPLINE

(Failure to Initiate an Investigation of Medication Error within Two Business Days)

42. Respondent Pharmacy and Respondent Wright are subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (o), in that Respondents failed to comply with Regulations section 1711, subdivision (d), by instigating an investigation into any medication errors as soon as possible but no later than two (2) business days from the discovery of the error. The circumstances are as set forth in paragraph 38, above, and as follows. On or about January 4, 2021, Respondent Wright erroneously furnished patient K.D.'s medications, oxycodone and tramadol, to another patient. That patient discovered the error and returned the medications to the pharmacy and reported the error on the same day. Respondents failed to initiate an investigation into this medication error until on or about January 14, 2021, approximately ten days after the medication error had been reported to the pharmacy.

² A minus sign (-) indicates a loss in that there are missing units, a plus sign (+) indicates other recordkeeping issues including re-dispensing units that were previously dispensed and then returned by a patient because there are more units than the pharmacy can account for purchasing.

³ ODT is an acronym for the drug dosage form of an orally disintegrating tablet.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Report Impairment of Licensed Individual to the Board)**

3 43. Respondent Pharmacy is subject to disciplinary action for unprofessional conduct
4 pursuant to Code section 4301, subdivision (o), in that Respondent Pharmacy violated Code
5 section 4104, subdivision (c), in that Respondent Pharmacy was aware that Respondent Wright
6 displayed signs of impairment which affected his ability to practice as a pharmacist. The
7 circumstances are as set forth in paragraphs 34, and 37-40, above, and as follows:

8 a. Between approximately January 2021 and April 2021, multiple employees
9 observed Respondent Wright indicating signs of impairment and submitted documents and
10 evidence of multiple medication errors made by Respondent Wright to the store manager and the
11 district manager of Respondent Pharmacy. It was not until April 30, 2021, that Respondent
12 Pharmacy entered into a “last chance agreement” with Respondent Wright. Respondent
13 Pharmacy never reported Respondent Wright’s obvious impairment to the Board.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Possession of Controlled Substances)**

16 44. Respondent Wright is subject to disciplinary action for unprofessional conduct
17 pursuant to Code section 4301, subdivisions (j) and (o), in that Respondent Wright violated Code
18 section 4060 prohibiting possession of a controlled substance except with a valid prescription.
19 The circumstances are that between approximately December 2020 and April 2021, Respondent
20 Wright admitted to ingesting controlled substances including alprazolam, clonazepam, zolpidem,
21 and opioids that were not legitimately prescribed to him.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Furnishing Controlled Substances for Self-Use)**

24 45. Respondent Wright is subject to disciplinary action for unprofessional conduct
25 pursuant to Code section 4301, subdivisions (j) and (o), in that Respondent Wright violated Code
26 section 4059, subdivision (a) and Health and Safety Code section 11170, by administering or
27 furnishing a controlled substance to himself, and furnishing a dangerous drug without a
28 prescription. The circumstances are that between approximately December 2020 and April 2021,

Respondent Wright admitted to ingesting controlled substances and dangerous drugs including alprazolam, clonazepam, zolpidem, and opioids that were not legitimately prescribed to him.

SIXTH CAUSE FOR DISCIPLINE

(Dangerous Use of Controlled Substances and Dangerous Drugs)

46. Respondent Wright is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (h), administering or using controlled substances or dangerous drugs to an extent or in a manner as to be dangerous or injurious to oneself, a person holding a license issued by the Board of Pharmacy, or to any other person or the public, or to the extent that the use impairs the ability of the person to conduct with safety the practice authorized by their license. The circumstances are that in and between December 2020 and April 2021, Respondent Wright ingested controlled substances and dangerous drugs including alprazolam, clonazepam, zolpidem, and opioids, as well as marijuana and alcohol to an extent that his ability to practice safely as a pharmacist while working was compromised.

SEVENTH CAUSE FOR DISCIPLINE

(Failure of Pharmacist in Charge to Ensure Compliance)

47. Respondent Wright is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (o), for failing to comply with Code section 4113, subdivision (c), in that Respondent Wright failed to ensure that the pharmacy at which he was the pharmacist-in-charge complied with all state and federal laws and regulations pertaining to the practice of pharmacy. The circumstances are as set forth in paragraphs 37-40, above.

EIGHTH CAUSE FOR DISCIPLINE

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

48. Respondent Wright is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (f), in that Respondent Wright committed acts of dishonesty and deceit when he stole dangerous drugs and controlled substances that had been prescribed to his wife and other family members without their knowledge or consent. The circumstances are as set forth in paragraphs 32 and 36, above, and as follows. Respondent Wright admitted to these thefts, and to consuming the dangerous drugs and controlled substances

1 he stole, thereby depriving the legitimate patients of the benefit of their prescriptions and also
2 possessing and ingesting dangerous drugs and controlled substances in violation of other laws.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Controlled Substances and Dangerous Drugs)**

5 49. Respondent Wright is subject to disciplinary action for unprofessional conduct
6 pursuant to Code section 4301, subdivision (h), in that Respondent Wright administered
7 controlled substances and dangerous drugs to himself in a manner or to an extent as to be unsafe
8 to himself or others. The circumstances are as set forth in paragraph 32, above, and as follows.

9 b. On or about January 16, 2021, Respondent Wright was arrested by the
10 California Highway Patrol – Chico, for violation of Vehicle Code section 23152, subdivision (a),
11 driving while under the influence of alcohol or drugs, a misdemeanor. At approximately 7:29
12 a.m., Respondent Wright was observed to be travelling approximately 95 miles per hour in a 65
13 mile per hour speed zone. Respondent appeared to be under the influence of a central nervous
14 system depressant, his speech was slurred and slow, his eyes were red and watery, he had a
15 delayed reaction to questions and slow coordination and movement. A blood test returned
16 positive for controlled substances and dangerous drugs benzodiazepam, zolpidem, and marijuana.
17 Respondent Wright did not have a valid prescription for any of these substances.

18 **TENTH CAUSE FOR DISCIPLINE**

19 **(Criminal Conviction Substantially Related to Practice of Pharmacy)**

20 50. Respondent Wright is subject to disciplinary action for unprofessional conduct
21 pursuant to Code section 4301, subdivision (l), and Code section 490, in that on or about
22 November 18, 2021, Respondent Wright pled no contest to and was convicted of violating Penal
23 Code section 273.5, inflicting corporal injury on a spouse or cohabitant, specified to be a
24 misdemeanor. Respondent Wright was sentenced to serve 45 days in jail, and then criminal
25 probation for three (3) years, and to do twenty (20) hours of community service. The
26 circumstances are as follows:

27 a. On or about July 19, 2020, Roseville Police Officers were dispatched to report
28 of a domestic violence assault by Respondent Wright on his wife. Respondent Wright had been

1 consuming excessive amounts of alcohol all day, which led to a fight between himself and his
2 wife. Respondent Wright grabbed his wife and threw her onto their bed and then climbed on top
3 of her and punched her in the face three or four times. Respondent Wright's wife called her 14
4 year old son who entered the room and called 911 for emergency services. Respondent Wright's
5 wife had injuries visible to the police officers of redness to the neck along the right side, down to
6 the collar bone and moving to the opposite side, swelling to the left cheek and forehead above the
7 left eye, and a scratch on the left wrist. She also complained of pain to the back of the neck,
8 behind the right shoulder, to the left wrist, and to the right ear.

9 **DISCIPLINE CONSIDERATIONS**

10 51. To determine the degree of discipline, if any, to be imposed on Respondent Wright,
11 Complainant alleges that on or about February 12, 2021, in a prior action, the Board of Pharmacy
12 issued Citation Number CI 2020 90392 and ordered Respondent Wright to pay \$750.00 or
13 complete two (2) hours of remedial education in medication error reduction strategies. The
14 circumstances are that Respondent Wright verified and completed a prescription incorrectly. The
15 prescription was for hydralazine 10mg tablets, and Respondent Wright dispensed hydralazine
16 25mg tablets. This is a violation of Regulations section 1716. That Citation is now final.

17 **OTHER MATTERS**

18 52. Pursuant to Code section 4307, if discipline is imposed in the Accusation against
19 Pharmacy Permit number PHY 52815, issued to Walgreen Co. dba Walgreens #02170, then
20 Walgreen Co. dba Walgreens #02170 shall be prohibited from serving as a manager,
21 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
22 Pharmacy Permit number PHY 52815 is placed on probation or until Pharmacy Permit number
23 PHY 52815 is reinstated if it is revoked.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Pharmacy issue a decision:
27

28 ///

- 1 1. Revoking or suspending Pharmacy Permit number PHY 52815, issued to Walgreen
2 Co. dba Walgreens #02170;
- 3 2. Ordering Walgreen Co. dba Walgreens #02170 to pay the Board of Pharmacy the
4 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
5 Professions Code section 125.3;
- 6 3. Prohibiting Walgreen Co. dba Walgreens #02170 from serving as a manager,
7 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
8 Pharmacy Permit number PHY 52815 is placed on probation or until Pharmacy Permit number
9 PHY 52815 is reinstated if Pharmacy Permit number PHY 52815 issued to Walgreen Co. dba
10 Walgreens #02170 is revoked;
- 11 4. Revoking or suspending Pharmacist License number RPH 75008, issued to Zachary
12 David Wright;
- 13 5. Ordering Zachary David Wright to pay the Board of Pharmacy the reasonable costs of
14 the investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;
- 16 6. Prohibiting Zachary David Wright from serving as a manager, administrator, owner,
17 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
18 number RPH 75008 is placed on probation or until Pharmacist License number RPH 75008 is
19 reinstated if Pharmacist License number RPH 75008 issued to Zachary David Wright is revoked;
20 and
- 21 7. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 12/27/2022

Sodergren,
Anne@DCA

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

Digitally signed by Sodergren,
Anne@DCA
Date: 2022.12.27 08:23:03 -08'00'

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