

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

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

**JAIME BAUTISTA, Respondent**

**Pharmacist License No. RPH 53890**

**Agency Case No. 7448**

**OAH No. 2023060466**

**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 October 5, 2023.

It is so ORDERED on September 5, 2023.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light blue rectangular background.

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 PATRICIA WEBBER HEIM  
Deputy Attorney General  
4 State Bar No. 230889  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7519  
Facsimile: (916) 327-8643  
7 E-mail: Patricia.Heim@doj.ca.gov  
*Attorneys for Complainant*  
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10 **BEFORE THE**  
**BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **JAIME BAUTISTA**  
14 7762 N. Princess Avenue  
Fresno, CA 93722

15 **Pharmacist License No. RPH 53890**

16 Respondent.  
17

Case No. 7448

OAH No. 2023060466

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
23 (Board). She brought this action solely in her official capacity and is represented in this matter by  
24 Rob Bonta, Attorney General of the State of California, by Patricia Webber Heim, Deputy  
25 Attorney General.

26 2. Jaime Bautista (Respondent) is represented in this proceeding by attorney Robert  
27 Cervantes, Esq., whose address is: 1340 Van Ness Avenue, Fresno, CA 93721.

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1           3.     On or about September 13, 2002, the Board issued Pharmacist License Number RPH  
2     53890 to Respondent. The Pharmacist License was in full force and effect at all times relevant to  
3     the charges brought in Accusation No. 7448, and will expire on September 30, 2024, unless  
4     renewed.

5                                   **JURISDICTION**

6           4.     Accusation No. 7448 was filed before the Board, and is currently pending against  
7     Respondent. The Accusation and all other statutorily required documents were properly served  
8     on Respondent on March 14, 2023. Respondent timely filed his Notice of Defense contesting the  
9     Accusation.

10          5.     A copy of Accusation No. 7448 is attached as exhibit A and incorporated herein by  
11     reference.

12                                   **ADVISEMENT AND WAIVERS**

13          6.     Respondent has carefully read, fully discussed with counsel, and understands the  
14     charges and allegations in Accusation No. 7448. Respondent has also carefully read, fully  
15     discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
16     Order.

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

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

25                                   **CULPABILITY**

26          9.     Respondent admits the truth of each and every charge and allegation in Accusation  
27     No. 7448.

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

## CONTINGENCY

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

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

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

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

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 53890 issued to Respondent Jaime Bautista is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1           **1.     Obey All Laws**

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

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

- 5           • an arrest or issuance of a criminal complaint for violation of any provision of the  
6 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
7 substances laws  
8           • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal  
9 criminal proceeding to any criminal complaint, information or indictment  
10           • a conviction of any crime  
11           • the filing of a disciplinary pleading, issuance of a citation, or initiation of another

12                       administrative action filed by any state or federal agency which involves  
13                       Respondent's license or which is related to the practice of pharmacy or the  
14                       manufacturing, obtaining, handling, distributing, billing, or charging for any drug,  
15                       device or controlled substance.

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

17           **2.     Report to the Board**

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

22           Failure to submit timely reports in a form as directed shall be considered a violation of  
23 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
24 total period of probation. Moreover, if the final probation report is not made as directed,  
25 probation shall be automatically extended until such time as the final report is made and accepted  
26 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 his  
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 7448 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 his employer(s), and the name(s) and telephone  
24 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in- charge, designated  
25 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
26 schedule, if known. Respondent shall also include the reason(s) for leaving the prior  
27 employment. Respondent shall sign and return to the board a written consent authorizing the  
28 board or its designee to communicate with all of Respondent's employer(s) and supervisor(s), and

1 authorizing those employer(s) or supervisor(s) 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) his direct supervisor,  
6 (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
7 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
8 board in writing acknowledging that the listed individual(s) has/have read the decision in case  
9 number 7448, and terms and conditions imposed thereby. If one person serves in more than one  
10 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's  
11 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
12 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
13 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the board in  
14 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
15 in case number 7448, and the terms and conditions imposed thereby.

16 If Respondent works for or is employed by or through an employment service, Respondent  
17 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
18 of the decision in case number 7448, and the terms and conditions imposed thereby in advance of  
19 Respondent commencing work at such licensed entity. A record of this notification must be  
20 provided to the board upon request.

21 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
22 (15) days of Respondent undertaking any new employment by or through an employment service,  
23 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment  
24 service to report to the board in writing acknowledging that he or she has read the decision in case  
25 number, and the terms and conditions imposed thereby. It shall be Respondent's responsibility to  
26 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 Registered Pharmacist, or any  
6 position for which a Registered Pharmacist is a requirement or criterion for employment, whether  
7 the Respondent is an employee, independent contractor or volunteer.

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

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

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

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

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

18 **9. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent shall pay to the  
20 board its costs of investigation and prosecution in the amount of \$3,991.25. Respondent shall  
21 make said payments as follows:

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

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

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1           **10. Probation Monitoring Costs**

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

6           **11. Status of License**

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

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

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

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

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

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

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

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

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

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

23 **14. Violation of Probation**

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

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

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

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

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

#### 13 **16. Pharmacists Recovery Program (PRP)**

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

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

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

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

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

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

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

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

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

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

Probation shall be automatically extended until Respondent successfully completes the PRP. The board will provide notice of any such suspension or extension of probation.

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

During any suspension, Respondent shall not engage in any activity that requires the professional judgment of and/or licensure as a Registered Pharmacist. Respondent shall not

1 direct or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
2 wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

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

#### 5 **17. Drug and Alcohol Testing**

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

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

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

25 Prior to any vacation or other period of absence from the area where the approved testing  
26 vendor provides services, Respondent shall seek and receive approval from the board or its  
27 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,  
28 Respondent shall enroll and register with the approved alternate drug testing vendor, provide to

1 that alternate vendor any documentation required by the vendor, including any necessary payment  
2 by Respondent. During the period of absence of the area, Respondent shall commence testing  
3 protocols with the alternate vendor, including required daily contacts with the testing vendor to  
4 determine if testing is required, and required testing. Any failure to timely seek or receive  
5 approval from the board or its designee, or to timely enroll and register with, timely commence  
6 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be  
7 considered a violation of probation.

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

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

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

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

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

#### 17 **18. Notification of Departure**

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

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

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

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

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

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

26 If at any time an approved practitioner determines that Respondent is unable to practice  
27 safely or independently as a Registered Pharmacist, the practitioner shall notify the board or its  
28 designee immediately by telephone and follow up by written letter within three (3) working days.



1 Upon notification from the board or its designee of this determination, Respondent shall be  
2 automatically suspended and shall not resume practice as a Registered Pharmacist until notified  
3 by the board or its designee that practice may be resumed.

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

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

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

## 20 **21. Facilitated Group Recovery and/or Support Meetings**

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

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

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

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

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

19 **23. Work Site Monitor**

20 Within ten (10) days of the effective date of this decision, Respondent shall identify a work  
21 site monitor, for prior approval by the board or its designee, who shall be responsible for  
22 supervising Respondent during working hours. Respondent shall be responsible for ensuring that  
23 the work site monitor reports in writing to the board monthly or on another schedule as directed  
24 by the board or its designee. Should the designated work site monitor suspect at any time during  
25 the probationary period that Respondent has abused alcohol or drugs, he or she shall notify the  
26 board immediately.

27 In the event of suspected abuse, the monitor shall make at least oral notification within one  
28 (1) business day of the occurrence, and shall be followed by written notification within two (2)

1 business days of the occurrence. If, for any reason, including change of employment, Respondent  
2 is no longer able to be monitored by the approved work site monitor, within ten (10) days  
3 Respondent shall designate a new work site monitor for approval by the board or its designee.  
4 Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure  
5 monthly reports are submitted to the board by the monitor, shall be considered a violation of  
6 probation.

7 Within thirty (30) days of being approved by the board or its designee, the work site  
8 monitor shall sign an affirmation that he or she has reviewed the terms and conditions of  
9 Respondent's disciplinary order and agrees to monitor Respondent. The work site monitor shall  
10 at least:

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

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

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

23 Within thirty (30) days of being approved by the PRP, the work site monitor shall sign an  
24 affirmation that he or she has reviewed the terms and conditions of Respondent's disciplinary  
25 order and agrees to monitor Respondent. The work site monitor shall at least:

- 26 1) Have regular face-to-face contact with Respondent in the work environment, at least  
27 once per week or with greater frequency if required by the board or its designee;
- 28 2) Interview other staff in the office regarding Respondent's behavior, if applicable; and

1           3)     Review Respondent's work attendance.

2           The written reports submitted to the PRP by the work site monitor shall include at least the  
3 following information: Respondent's name and license number; the monitor's name, license  
4 number (if applicable) and work site location; the date(s) the monitor had face-to-face contact  
5 with Respondent; the staff interviewed, if applicable; an attendance report; notes on any changes  
6 in Respondent's behavior or personal habits; notes on any indicators that may lead to substance  
7 abuse; and the work site monitor's signature.

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

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

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

18           **25.   Criminal Probation/Parole Reports**

19           Within ten (10) days of the effective date of this decision, or within ten (10) days of the  
20 issuance or assignment/replacement of same, whichever is earlier, Respondent shall provide the  
21 board or its designee in writing: a copy of the conditions of any criminal probation/parole  
22 applicable to Respondent; and the name and contact information of any probation, parole or  
23 similar supervisory officer assigned to Respondent. Respondent shall provide a copy of all  
24 criminal probation/parole reports to the board within ten (10) days after such report is issued.  
25 Failure to timely make any of the submissions required hereby shall be considered a violation of  
26 probation.

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DATED: \_\_\_\_\_

JAIME BAUTISTA  
*Respondent*

DATED: \_\_\_\_\_

\_\_\_\_\_  
ROBERT CERVANTES, ESQ.  
*Attorney for Respondent*

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

Respectfully submitted,

ROB BONTA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General

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**ACCEPTANCE**


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert Cervantes, Esq. I understand the stipulation and the effect it will have on my Registered Pharmacist. 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: 7/25/23

  
JAIME BAUTISTA  
*Respondent*

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

DATED: 7/25/23

  
ROBERT CERVANTES, ESQ.  
*Attorney for Respondent*

**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,

ROB BONTA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General

PATRICIA WEBBER HEIM  
Deputy Attorney General  
*Attorneys for Complainant*

1 **ACCEPTANCE**

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

7  
8 DATED: \_\_\_\_\_

9 JAIME BAUTISTA  
Respondent

10 I have read and fully discussed with Respondent Jaime Bautista the terms and conditions  
11 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
12 its form and content.

13 DATED: \_\_\_\_\_

14 ROBERT CERVANTES, ESQ.  
Attorney for Respondent

15 **ENDORSEMENT**

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

18  
19 DATED: July 25, 2023

Respectfully submitted,

20 ROB BONTA  
Attorney General of California  
21 DAVID E. BRICE  
Supervising Deputy Attorney General

22 

23 PATRICIA WEBBER HEIM  
24 Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Accusation No. 7448**



1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 PATRICIA WEBBER HEIM  
Deputy Attorney General  
4 State Bar No. 230889  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7519  
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. 7448

13 **JAIME BAUTISTA**  
14 7762 N. Princess Avenue  
Fresno, CA 93722

**ACCUSATION**

15 **Pharmacist License No. RPH 53890**

16 Respondent.  
17

18  
19 **PARTIES**

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

22 2. On or about September 13, 2002, the Board issued Pharmacist License Number  
23 RPH 53890 to Jaime Bautista (Respondent). The Pharmacist License was in full force and effect  
24 at all times relevant to the charges brought herein and will expire on September 30, 2024, unless  
25 renewed.

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

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

6. Code section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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

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

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled

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.

### **REGULATORY PROVISIONS**

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

(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.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board will consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of the practice, profession, or occupation that may be performed under the license type sought or held.

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

(1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, governing the practice of pharmacy.

(2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of Chapter 13 (commencing with Section 801 ) of Title 21 of the United States Code regulating controlled substances or any law of this state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

(3) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, relating to government provided or government supported healthcare.

(4) Involve dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.

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

1 **COST RECOVERY**

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

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Conviction)**

8 10. Respondent is subject to disciplinary action under Code sections 490 and 4301,  
9 subdivision (l), in that he was convicted of a crime substantially related to the qualifications,  
10 functions and duties of a licensed pharmacist, as follows: On or about February 15, 2022, in the  
11 criminal proceeding entitled, *People of the State of California v. Jaime Bautista* (Fresno Co. Sup.  
12 Ct., Case No. M21913319), the Court convicted Respondent on his plea of *nolo contendere* of  
13 violating Vehicle Code section 23152, subdivision (b) (driving under the influence with blood  
14 alcohol level of .08% or higher), a misdemeanor. Respondent stipulated to a blood alcohol level  
15 of 0.19%. The imposition of Respondent's sentence was stayed and the Court granted conditional  
16 probation for a period of three (3) years with terms and conditions. The circumstances of the  
17 crime are as follows:

18 11. On or about August 8, 2021, at approximately 5:44 p.m., a Fresno Police officer  
19 responded to a non-injury traffic collision. Upon arrival on at the scene, the officer made contact  
20 with Respondent, who was a driver involved in the accident. The officer detected the smell of  
21 alcohol coming from Respondent and he observed that Respondent had slurred speech. The  
22 officer conducted field sobriety tests (FST) on Respondent, which Respondent was unable to  
23 satisfactorily perform. Respondent agreed to take a preliminary alcohol screening test at  
24 approximately 6:11 p.m., which showed he had a blood alcohol content (BAC) of 0.24 percent.  
25 Based on Respondent's failed FST's and preliminary alcohol screen results, the officer arrested  
26 him. Respondent chose to take a breath test after his arrest, the results of which were a BAC of  
27 0.25 percent and 0.25 percent.

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
4 in that on or about August 8, 2021, Respondent used alcoholic beverages in a manner as to be  
5 dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other  
6 person or to the public, as more particularly set forth above in paragraphs 10 and 11, and  
7 incorporated here by reference.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacist License Number RPH 53890, issued to Jaime  
12 Bautista;
- 13 2. Ordering Jaime Bautista to pay the Board the reasonable costs of the investigation  
14 and enforcement of this case, pursuant to Code section 125.3; and,
- 15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: 3/6/2023

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2023.03.06 21:08:13  
-08'00'

18 ANNE SODERGREN  
19 Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 *Complainant*

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