

DO NOT FOLD OR STAPLE ABOVE THIS LINE.

Nevada State Board of Pharmacy - Renewal Application - PHARMACIST

431 W Plumb Lane • Reno, NV 89509 • bop.nv.gov

For the period of November 1, 2011 to October 31, 2015

Cashier's Check or Money Order ONLY (NO BUSINESS or PERSONAL CHECKS, NO CASH)
\$590.00 (postmarked after 10/31/2013 but BEFORE August 2015)

LICENSE #: 10751
DAVID MOLL
15425 SE RHINE ST
PORTLAND, OR 97236

Please make any changes to name or address next to the old information

RENEW BY MAIL

- Complete this form
- Sign and date this form
- Send payment with this form (do **NOT** staple)
- Mail **original** form and payment to address above
- NO COPIES ACCEPTED
- NO SIGNATURE STAMPS ACCEPTED



Section 1: Since your last renewal or recent licensure have you: (Please fill in completely)

- | | Yes | No |
|---|-------------------------------------|-------------------------------------|
| Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or Physical condition that would impair your ability to perform the essential functions of your license?..... | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 1. Been charged, arrested or convicted of a felony or misdemeanor in any state? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Been the subject of a board citation or an administrative action whether completed or pending in any state? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 3. Had your license subjected to any discipline for violation of pharmacy or drug laws in any state?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you marked YES to any of the numbered questions (1-3) above, please include the following information & provide documentation:

Board Administrative Action:	State: <u>SOR</u>	Date: <u>Oct 2013</u>	Case #: <u>2012-0401</u>
Criminal Action:	State: <u>CA</u>	Date: <u>April 2015</u>	County: <u>5352</u> Court

Section 2:

- | | Yes | No |
|--|--------------------------|-------------------------------------|
| Are you the subject of a court order for the support of a child?..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| If you marked YES to the question above, are you in compliance with that court order?..... | <input type="checkbox"/> | <input type="checkbox"/> |

Section 3:

By signing below, you certify that you have completed ALL required CE Hours due for the 11/15 Renewal period. (Dated from Nov. 1, 09 - Oct 31, 13; 1.25hrs per mo.). The exemption period is 2yrs after graduation only. } CA

Section 4: NON-DISCIPLINARY STATE-MANDATED QUESTIONS

- Though it is **NOT** required to have, SB21 requires the Board to ask if you have a Nevada State Business license and if you do, please provide the #: _____ Leave blank if non-applicable
- Have you ever served in the military, either active, reserve or retired? Yes No Branch: Commissioned Core
Military occupation/specialty: Pharmacist/Amb Care Dates of service: Nov 1991-92

Section 5: It is a violation of Nevada law to falsify this application and sanctions will be imposed for misrepresentation. I hereby certify that I have read this application. I certify that all statements made are true and correct.

I attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

I understand that Nevada law requires a licensed pharmacist who, in their professional or occupational capacity, comes to know or has reasonable cause to believe, a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.

Original Signature: David Moll PharmD RPL Date: 8/16/15

15425 SE Rhine St
Portland, OR 97236

August 6, 2015

Lisa J. Hedaria, Director of Finance/Technology
Nevada State Board of Pharmacy
431 W Plumb Ln
Reno, NV 89509

Re: David Moll RPh – Lic 10751

Dear Lisa:

I am writing to follow up on our phone conversation from August 4th regarding my current licensing circumstances that would affect my licensure in Nevada. I am enclosing several documents that I have accumulated since my situation became an issue.

1. The Signed Oregon Consent Order (October 2013 for 3 years)
2. My attorney's letter to California State Board of Pharmacy (June 2015) (they want to revoke my license for the Oregon discipline)
3. My counselor's reference letter stating compliance with ongoing therapy requirement
4. The HPSP program (a part of Reliant Behavioral Health) – statement of compliance from agreement monitor, as stipulated
5. Certification of Achievement (Completion) of the Portland Dialectical Behavioral Therapy program as stipulated

HISTORY

Thank you for the opportunity to explain my side of this awkward, painful, and unfortunate situation. I have not worked in pharmacy since I closed my business (as required); I believe this result stems from the current oversupply of pharmacists as well as the presence of the consent order on my license. Essentially from what I can gather, no one wants to deal with board paperwork when they have numerous candidates to choose from (despite my 24 years experience).

The Oregon Board of Pharmacy's consent order mentioned several 'sharp' terms that were part of my fit-for duty assessment that they ordered in 2012. I simply told the truth when asked questions by the counselor about such things as depression and suicide leading up to what turned out to be a personality disorder. Yes, I had suicidal thoughts but never had a plan. I was on high dose (60mg) fluoxetine, 300mg of bupropion, and 150mg of lamotrigine; my brain was speedily running like an out-of-control pottery wheel. I had prn 0.5mg lorazepam available which I only used occasionally for anxiety outbreaks. To get right to the cause, I was clearly overworking but could not stop enough for health breaks.

The reasons for that are multi-fold. First, my business could not sustain hiring a relief pharmacist at market wages because of the nature of insurance reimbursement and unpredictable cash flow. Back in 2012, the cost of generic drugs started rising out of sight, and the PBMs did not keep their databases up

to date for reimbursement purposes. So the number of prescriptions that were underpaid rose relatively quickly as prices were increasing literally overnight.

Two, this stress on the business spread to my employees and me, inappropriately but rightly so, expressing verbal 'pains' that the business was being financially stifled by forces beyond my control. This negative energy then trickled down to patient care so that aspect of the business declined as well, putting more added stress on me. I was making careless errors on prescriptions that I'd normally not commit; fortunately, none were harmful to any patients. In essence, I was spiraling down with the business because of these forces and the lack of adequate breaks.

I feel that I have been disciplined for 'working too hard'. If I were working for someone else, I don't think I would be let go for going over and above call of duty, nor would I be working so many hours per week. I had a total of 9 days break in 10 years, broken up into 3 sets of 3 days each. I was not open on weekends, but went in 2-3 weekends a month to conduct inventories or finish projects. I could not expand the business with immunizations, despite my employees wanting to participate, because I was unable to complete my part of the expansion plan. Again, my 'pottery wheel' speeding brain just could not handle being overwhelmed.

THE BOARD PROCESSES

The board ordered me to get a 'fit for duty' assessment which was completed in October of 2012. I told the counselor exactly what was going on, and the board proceeded to put these issues, quoted directly from his report, on the initial accusation document. Since I have gotten the therapy and it took over 2 years to get my mental health back, I am happily the person I was before opening the business. However, now I am living with the consent order and its consequences.

The various terms utilized in the consent order stating I had 'impaired judgment, symptoms of suicidal ideation, difficulty in concentration and focus, anxiety and difficulty in problem solving' all were as a result of what was happening with me in my central nervous system. I liken it to an 'electrical short circuit in my brain'. Given that, I'd like to specifically write a few words on each.

Impaired Judgment: There is an incident on my record that was reported that I left the pharmacy unattended with a pharmacist. On that day, I was asked to take an unused empty card fixture to my care in the parking lot a few paces away because it was in the way of foot traffic in our work area. I proceeded to fulfill the request and was gone but 2-3 minutes. The technician was out front checking out a customer and apparently needed me for something, and when I was not there, picked up the phone and called the board to report me (because I had not said something to her first).

Looking back on it, that was an error in judgment on my part; again, I felt the mental issues created the havoc. I should have told the technician I was leaving for 2 minutes and locked the pharmacy section for that time. But since I knew I would not be gone long (it takes longer to use the restroom, but that's inside the building on the same floor, but not at the pharmacy itself). I figured it would not be much of a problem.

Suicidal Ideation: Running this pharmacy became very stressful over time. I worked 60 hour weeks with no regular relief due to economic circumstances. I had to juggle many things with dispensing rx's and running the business, and it caused me to feel overwhelmed. At times, it became mentally very painful

and thus I expressed that pain in the form of suicidal thoughts, but never had any plan or intent to go through with it.

Difficulty in concentration or focus: I made prescription errors, would really move fast and should have been more deliberate in the filling process. Because I always had multiple things going, I would start one task, be pulled away for some reason, and then start another task, and all of a sudden forget that I had not finished the first one. Then I'd drop that one to finish the first. Now I always complete tasks fully before starting the next one.

Anxiety and difficulty problem solving: This is pretty much the same as #3. I would have trouble solving problems that my solutions could not be made deliberately and this in and of itself caused ME anxiety. All of this I felt was due to overworking.

I had grave concern that this consent order would prevent me from gaining employment, including with Safeway who bought out my pharmacy files. Although they verbally promised to try to find a slot, it never matriculated into anything. I can only gather that the consent order played at least some role in the lack of acknowledgement. I had worked in Safeway's stores several years before I started the business, but that obviously had no influence. I currently remain unemployed as a pharmacist today.

CONCLUSION

Since my pharmacy closed, my mental health is back to normal. I have my fiancé to thank for that, as she helped me recuperate for a good 6 months to get me back to feeling like my old self. I spent that time catching up on long lost sleep, and trying to get back to better nutrition. I miss not being able to practice as I know I have missed out on a lot of new medications, drug classes, and changing practice trends that I would love to participate in.

I respectfully request the Board to keep my license clear. I have enclosed the required renewal fee of \$590 to keep my ability available to practice in Nevada or reciprocate to another state if my future career path should require. As you will see from reviewing the enclosed documents, I have gone through quite a bit of 'rehabilitation' to feel normal again and know my limitations.

I would like to thank you for very much for your utmost consideration and time in this matter.

Respectfully,



David Moll, PharmD, RPh
503-760-4725

Dan LaRue, P.C.
Attorney at Law
5323 SW Alfred
Portland, OR 97219

Phone: (503) 299-6444

Email: larue@ipns.com

June 29, 2015

Jeffrey M. Phillips
Deputy Attorney General
1300 I Street, Suite 125
PO Box 944255
Sacramento, CA 94244-2550

RE: DAVID MOLL SENT BY REGULAR MAIL AND EMAIL
CASE #: 5352

Dear Mr. Phillips:

Pursuant to our recent telephone conference, I am writing the "mitigation" letter on behalf of David Moll. I understand that the California Pharmacy Board has brought this action based upon David's "probationary agreement" with the State of Oregon Pharmacy Board. Therefore, I'd like to first give you some of the facts surrounding the Oregon matter.

David owned his own pharmacy for about 10 years. When the economy dived in approximately 2009, and because of increased competition, David's pharmacy became increasingly in financial crisis. In 2012, it was clear that the pharmacy would have to be sold, or it would become bankrupt. These years were a period of great stress on both David and his staff, but particularly stressful for David. By 2012, the pharmacy could barely be kept open, and he could not afford to hire replacement pharmacists. By that time, the stress had affected David greatly.

In December of 2012, the Oregon Pharmacy Board filed a notice of proposed action against David. In September, 2013, a Consent Order was entered into. It is very important to note that David's license is, and has always, been valid. The Oregon board **did not suspend** David's license. He **continues to have an active license**.

The following is a summary of the Consent Order and of David's compliance with it:

1. Sell of Close Pharmacy. David ceased pharmacy operation on November 13, 2013.
- 2 (a). Enter Board designated Treatment Program. David received professional evaluations and continues to be in compliance with this requirement. (a letter from his monitor is enclosed)
- 2 (b). Continue Treatment with Mental Health Practitioner. David has continued therapy with

Jennifer Duncan, LPC since October, 2013. Her report is enclosed.

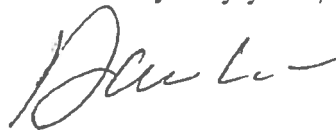
- 2 (c). Shall submit mental health reports. David is in full compliance with this requirement. The report from RBH is enclosed.
- 2 (d). Shall Complete Treatment with Portland Dialectical Behavior Therapy. This requirement has been completed. A copy of the certification of completion is enclosed.
- 2 (e). David did not renew his preceptor license.
- 2 (f). David has not been employed as a pharmacist-in-charge or pharmacy manager.
- 2 (g). David has not worked more than 48 hours per week.
- 2 (h). All prospective employers have been notified of the Consent Order.
- 2 (i). All prospective employers have been notified of the Order.
- 2 (j). David has reported all/any citations and/or violations to the Board.
- 2 (k). David has complied with any and all laws regarding pharmacy practice.

David is, and has been, in full compliance with his Consent Order. Based upon positive input from his therapist, he now sees Ms. Duncan once per month. As David says: "I have worked on myself in therapy and away from the stresses of daily life, owning a pharmacy and overworking".

As stated, the Oregon Pharmacy Board never suspended or took David's license. He is now able and ready to practice pharmacy. I am asking that the California Pharmacy Board give David credit for the good work that he's done in complying with the Oregon Consent Order. I'm also asking the California Pharmacy Board to adopt Oregon's plan and give comity to Oregon's jurisdiction of David.

Please advise if I can provide you with anything further on this matter.

Very truly yours,



DAN LaRUE

DL:pr

RECEIVED

SEP 25 2013

BEFORE THE BOARD OF PHARMACY
OF THE STATE OF OREGON

OREGON BOARD OF PHARMACY

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In the Matter of the) Case No. 2012-0401
Pharmacist License of)
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DAVID G. MOLL) CONSENT ORDER
)
Licensee)

WHEREAS, the Board of Pharmacy of the State of Oregon has filed a Notice of Proposed Disciplinary Action; Answer Required ("Notice"), hereby incorporated by reference, regarding the licensee in the above-captioned matter; and

WHEREAS, the above-noted Notice was duly served on the licensee as required by law; and

WHEREAS, the parties are desirous of resolving and settling those matters contained in the above-noted Notice without further proceedings thereon; and

WHEREAS, the licensee is aware of the right to a hearing with the assistance of counsel and the right to judicial review of the Board's decision, and hereby freely and voluntarily waives those rights; and

WHEREAS, the licensee admits, for the purposes of entering into this consent order, that the facts alleged in the above-noted Notice are true, that the licensee's conduct, as admitted, violated the statutes and rules cited in the Notice, and that legal cause exists pursuant to ORS 689.405 and 689.490 for disciplinary action by the Board; and

WHEREAS, the licensee voluntarily consents to the conditions as set forth herein;

The Board finds that the allegations in the Notice are true and hereby imposes the following sanctions:

1. The licensee shall sell all interest in, or close, Gresham Professional Pharmacy within nine (9) calendar months from the date this order is signed by the Board. Licensee may request in writing an extension to the nine month deadline to facilitate in the sale of the Gresham Professional Pharmacy. Licensee shall not purchase nor manage any pharmacy without receiving written approval of the Board.

2. The licensee consents to the following terms and conditions for a period of three (3) years from the date this order is signed by the Board:

- a. Licensee shall enter into a Board designated treatment program for three (3) years, must abide by, and complete all conditions of the treatment program. Licensee's three year treatment program may be extended upon recommendation of the program administration and with approval of the Board. Documentation of completion of the designated program to be sent to the Board.
- b. Licensee shall continue treatment with his current mental health practitioner.

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- c. Licensee shall submit a quarterly report from licensee's mental health practitioner, to the Board office by certified mail (or other method approved by the Board in writing) and retain receipt of verification of delivery to the Board office for the first year. First quarterly report shall be due within 30 days after the date this order becomes final, and 15 days before the beginning of each quarter. Quarters start on the first of February, May, August, and November. After the first year, licensee is to submit reports semi-annually, with due 15 days before the beginning of February and August. Reports are considered late if not received by the end of business on the first day of these months.
- d. Licensee shall complete treatment with Portland Dialectical Behavior Therapy Institute and follow after treatment recommendations. Upon completion of treatment, licensee is to send documentation of completion along with Portland Dialectical Behavior Therapy Institute's recommendations.
- e. Licensee may not register with the Board to be a preceptor. Licensee shall deliver their preceptor registration, if any, to the Board within ten (10) calendar days of the effective date of this order.
- f. Licensee may not be employed as a pharmacist-in-charge (PIC) or pharmacy manager.
- g. Licensee shall not work more than 48 hours per week, and shall not work more than 80 hours in a two week period. Petitions for any modifications of this will be allowed after two years from the date this Order becomes final. All petitions must be submitted and approved in writing.
- h. During the three (3) year period, the licensee shall, as soon as reasonably practical, provide all present and prospective pharmacy related employers and any pharmacists-in-charge of the licensee with a copy of the Notice and the final order in this matter and have the PIC and management acknowledge to the Board in writing, on a form supplied by the Board, that the PIC and management have received a copy of both the Notice and the Order. Submission of said form is due upon the following conditions:
 - A. Beginning of the three year period covered by this order;
 - B. Change of employment;
 - C. Change in Pharmacist-in-Charge or management; and
 - D. Annually on January 1.Licensee shall submit said written acknowledgement to the Board office by certified mail (or other method approved by the Board in writing) within 15 calendar days and retain receipt of verification of delivery to the Board office.
- i. If licensee works for, or is employed by or through a pharmacy service, licensee must notify the direct supervisor, Pharmacist-In-Charge and owner at every pharmacy of the terms and conditions of licensee's consent order in advance of the licensee commencing work at each pharmacy. "Employment" within the meaning of this provision shall include any full-time, part time, temporary or relief work, whether or not the licensee is considered an employee or independent contractor. Verification of compliance with this sanction is the same as the proceeding sanction.
- j. The licensee must report all citations, arrests or convictions to the Board Office in writing within three (3) business days from the date of occurrence with a copy of citation, police report, and court documents. Licensee shall submit said

95 information to the Board office by certified mail (or other method approved by
96 the Board in writing) and retain receipt of verification of delivery to the Board
97 office.

98 k. Licensee must comply with all laws and rules regarding pharmacy practice.
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100 3. Failure of the licensee to comply with any requirement of the order in this matter is
101 grounds for revocation or any other form of discipline or sanction authorized by law.
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CONSENT

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106 I hereby acknowledge that I have read and understand the above-noted Notice with Notice
107 of Rights and the terms of the Consent Order. I agree to the Board entering the Consent Order.
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111 _____ Date 9/24/13
112 David G. Moll
113 Licensee (License No. RPH-0008305)

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IT IS SO ORDERED.

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BOARD OF PHARMACY
FOR THE STATE OF OREGON

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122 _____ Date 10/4/13
123 Gary Miner, R.Ph.,
124 Compliance Director



May 6, 2015

To Whom It May Concern,

This is a compliance report for Mr. David G. Moll, R. Ph., who is under referral from the Oregon Board of Pharmacy with the Oregon Health Professionals' Services Program (HPSP) for 3 years of continuing care monitoring. Mr. Moll was fully enrolled in the HPSP on March 31st 2014.

The above individual has successfully complied with the requirements of his monitoring agreement. The above individual continues to check-in with his Agreement Monitor weekly, attends individual therapy appointments 2x monthly, and participates in ongoing medication management with his primary care provider. The above individual is in full compliance with the Oregon HPSP monitoring program.

Sincerely,

A handwritten signature in black ink, appearing to read "Niaz Larsen".

Niaz Larsen, LPC, CADC-I
HPSP Agreement Monitor
Reliant Behavioral Health
1220 SW Morrison Suite 600
Portland, OR 97205
E-mail: nlarsen@reliantbh.com
Phone: (503) 802-9848

Duncan Art Therapy & Counseling, LLC

Jennifer Duncan, LPC, ATR, CADC I



Office: 4511 SE Cesar E Chavez Blvd.
Portland, OR 97202
Mailing: 4297 SE Woodstock Ave., #398
Portland, OR 97206
Phone: 503-974-4140
Email: jduncanlpc@gmail.com
Website: www.jduncanlpc.com

June 22nd, 2015

This document was requested by Mr. David Moll to report his compliance with the Oregon Board of Pharmacy's consent order requiring ongoing individual therapy. Mr. Moll began treatment in Nov. 2013 and has continued to attend his sessions regularly with complete compliance and no interruptions. Mr. Moll began therapy by attending weekly individual sessions with myself and then quickly his therapy was reduced to twice per month, due to reaching initial treatment plan goals. Recently, Mr. Moll's individual therapy sessions were again reduced to one time per month, beginning in June 2015, due to continued management and reduction of symptoms and by continually meeting treatment plan goals.

Kind regards,

 LPC, ATR, CADC I
Jennifer Duncan, LPC, ATR, CADC I

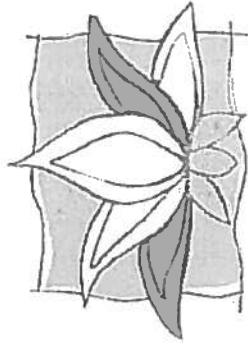
CERTIFICATE OF ACHIEVEMENT

This certifies that

David Moll

has successfully completed The DBT Standard Program of the

Portland Dialectical Behavior Therapy Institute



The lotus is a flower that grows in the mud.

The thicker and deeper the mud, the more beautiful the lotus blooms.

- Zen saying

Mark Schlor, LPC, CADC-1

Individual Therapist

Wren Anderson, LCSW, CADC-1

Group Therapist

July 9, 2013

Date

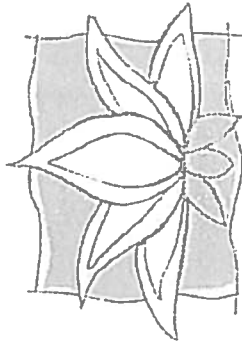
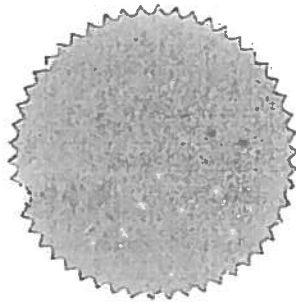
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The thicker and deeper the mud, the more beautiful the lotus blooms.*

- Zen Saying

Mark Schuur, LPC, CADPC-1

Individual Therapist

Wren Anderson, LCSW, CADPC-1

Group Therapist

July 9, 2015

Date



Oregon Board of Pharmacy

Licensee Detail

Name: MOLL, DAVID G
Location: PORTLAND, OR

License Type: Preceptor
License #: RPH-0008305-P
License Status: Inactive Per Consent Order

License Type: Pharmacist
License #: RPH-0008305
License Status: Active
Initially Licensed: 4/22/1992
Last Renewal: 5/21/2015
License Expires: 6/30/2017

Board Action? Yes - [View 2012-0401](#)
Additional Action Documents may be available.
For More Information, contact [OBOP](#)



This information was last updated 11/18/2015

RECEIVED

SEP 25 2013

BEFORE THE BOARD OF PHARMACY
OF THE STATE OF OREGON

OREGON BOARD OF PHARMACY

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In the Matter of the) Case No. 2012-0401
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WHEREAS, the parties are desirous of resolving and settling those matters contained in the above-noted Notice without further proceedings thereon; and

WHEREAS, the licensee is aware of the right to a hearing with the assistance of counsel and the right to judicial review of the Board's decision, and hereby freely and voluntarily waives those rights; and

WHEREAS, the licensee admits, for the purposes of entering into this consent order, that the facts alleged in the above-noted Notice are true, that the licensee's conduct, as admitted, violated the statutes and rules cited in the Notice, and that legal cause exists pursuant to ORS 689.405 and 689.490 for disciplinary action by the Board; and

WHEREAS, the licensee voluntarily consents to the conditions as set forth herein;

The Board finds that the allegations in the Notice are true and hereby imposes the following sanctions:

- 1. The licensee shall sell all interest in, or close, Gresham Professional Pharmacy within nine (9) calendar months from the date this order is signed by the Board. Licensee may request in writing an extension to the nine month deadline to facilitate in the sale of the Gresham Professional Pharmacy. Licensee shall not purchase nor manage any pharmacy without receiving written approval of the Board.
- 2. The licensee consents to the following terms and conditions for a period of three (3) years from the date this order is signed by the Board:
 - a. Licensee shall enter into a Board designated treatment program for three (3) years, must abide by, and complete all conditions of the treatment program. Licensee's three year treatment program may be extended upon recommendation of the program administration and with approval of the Board. Documentation of completion of the designated program to be sent to the Board.
 - b. Licensee shall continue treatment with his current mental health practitioner.

- 48 c. Licensee shall submit a quarterly report from licensee's mental health
49 practitioner, to the Board office by certified mail (or other method approved by
50 the Board in writing) and retain receipt of verification of delivery to the Board
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52 date this order becomes final, and 15 days before the beginning of each quarter.
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54 first year, licensee is to submit reports semi-annually, with due 15 days before
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56 received by the end of business on the first day of these months.
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58 Institute and follow after treatment recommendations. Upon completion of
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62 their preceptor registration, if any, to the Board within ten (10) calendar days of
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- 66 g. Licensee shall not work more than 48 hours per week, and shall not work more
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- 70 h. During the three (3) year period, the licensee shall, as soon as reasonably
71 practical, provide all present and prospective pharmacy related employers and
72 any pharmacists-in-charge of the licensee with a copy of the Notice and the final
73 order in this matter and have the PIC and management acknowledge to the Board
74 in writing, on a form supplied by the Board, that the PIC and management have
75 received a copy of both the Notice and the Order. Submission of said form is due
76 upon the following conditions:
- 77 A. Beginning of the three year period covered by this order;
 - 78 B. Change of employment;
 - 79 C. Change in Pharmacist-in-Charge or management; and
 - 80 D. Annually on January 1.
- 81 Licensee shall submit said written acknowledgement to the Board office by
82 certified mail (or other method approved by the Board in writing) within 15
83 calendar days and retain receipt of verification of delivery to the Board office.
- 84 i. If licensee works for, or is employed by or through a pharmacy service, licensee
85 must notify the direct supervisor, Pharmacist-In-Charge and owner at every
86 pharmacy of the terms and conditions of licensee's consent order in advance of
87 the licensee commencing work at each pharmacy. "Employment" within the
88 meaning of this provision shall include any full-time, part time, temporary or
89 relief work, whether or not the licensee is considered an employee or
90 independent contractor. Verification of compliance with this sanction is the same
91 as the proceeding sanction.
- 92 j. The licensee must report all citations, arrests or convictions to the Board Office
93 in writing within three (3) business days from the date of occurrence with a copy
94 of citation, police report, and court documents. Licensee shall submit said

95 information to the Board office by certified mail (or other method approved by
96 the Board in writing) and retain receipt of verification of delivery to the Board
97 office.
98 k. Licensee must comply with all laws and rules regarding pharmacy practice.
99

100 3. Failure of the licensee to comply with any requirement of the order in this matter is
101 grounds for revocation or any other form of discipline or sanction authorized by law.
102

103
104 CONSENT

105
106 I hereby acknowledge that I have read and understand the above-noted Notice with Notice
107 of Rights and the terms of the Consent Order. I agree to the Board entering the Consent Order.
108

109
110 _____ Date 9/24/13
111 David G. Moll
112 Licensee (License No. RPH-0008305)
113

114
115 IT IS SO ORDERED.

116
117 BOARD OF PHARMACY
118 FOR THE STATE OF OREGON
119

120
121 _____ Date 10/4/13
122 Gary Miner, R.Ph.,
123 Compliance Director
124

1 BOARD OF PHARMACY
2 OF THE STATE OF OREGON
3
4

5 In the Matter of the) Case No. 2012-0401
6 Pharmacist License of)
7) NOTICE OF PROPOSED
8 DAVID G MOLL, R.PH) DISCIPLINARY ACTION;
9) ANSWER REQUIRED
10)
11 Licensee)
12

13 The Oregon Board of Pharmacy proposes to revoke your license and impose a civil penalty
14 pursuant to ORS 689.445, 689.405, 689.135, and 689.145, because you violated the Oregon
15 Pharmacy Act and the Board of Pharmacy rules as alleged below:
16

17 On or about 7/18/2012, you left non-pharmacist personnel in the pharmacy without a
18 pharmacist and left the pharmacy building.
19

20 You have impaired judgment and symptoms of suicidal ideation, difficulty with
21 concentration and focus, anxiety, and difficulty in problem solving. You received diagnoses of
22 during a 9/26/2012 Fitness for
23 Duty Evaluation with recommendations that include treatment and monitoring.
24

25 This conduct is unprofessional conduct as defined by OAR 855-006-0005(28)(j), and in
26 violation of, and grounds for discipline, pursuant to OAR 855-019-0310(1) and (3), OAR 855-041-
27 0025(1), OAR 855-041-0026(3), OAR 855-019-0200(7), and ORS 689.405(1)(a), (c), (d), and
28 (e)(B).
29

30 Based on these alleged violations, the Board proposes to revoke your pharmacist license and
31 impose a \$1,000 civil penalty per violation.
32

33 **HEARING RIGHTS**
34

35 You are entitled to a hearing as provided by the Administrative Procedures Act (ORS
36 chapter 183). If you wish to have a hearing, you must file a written request for hearing with the
37 Board within 21 days from the date this notice was mailed. You may send or deliver a request for
38 hearing to:
39

40 Oregon Board of Pharmacy
41 800 NE Oregon Street, Suite 150
42 Portland, OR 97232
43 Fax (971) 673-0002
44

45 If a request for hearing is not received within this 21-day period, your right to a hearing shall
46 be considered waived.
47

48 If you request a hearing, you will be notified of the time and place of the hearing. Before the
49 commencement of the hearing, you will be given information on the procedures, right of

50 representation and other rights of parties relating to the conduct of the hearing. You may be
51 represented by legal counsel.

52
53 If you do not request a hearing within 21 days, or if you withdraw a hearing request, notify
54 the Board or Administrative Law Judge that you will not appear, or fail to appear at a scheduled
55 hearing, the Board may issue a final order by default imposing discipline. If the Board issues a final
56 order by default, it designates its file on this matter as the record.

57
58 **ANSWER REQUIRED**

59
60 Pursuant to OAR 855-001-0010 and OAR 855-001-0015, if you request a hearing you must
61 also provide, within 21 days from the date this document was served, a written answer to the
62 allegations set forth in this document. Your written answer must include an admission or denial of
63 each factual matter alleged in the notice. Except for good cause, factual matters alleged in this
64 document and not denied in your answer will be presumed admitted.

65
66 **Hearing Request and Answers:**
67 **Consequences of Failure to Answer**
68 **855-001-0015**

69
70 (1) A hearing request, and answer when required, shall be made in writing to the Board
71 by the party or his attorney and an answer shall include the following:

- 72 (a) An admission or denial of each factual matter alleged in the notice;
73 (b) A short and plain statement of each relevant affirmative defense the party
74 may have.

75
76 (2) Except for good cause;

- 77 (a) Factual matters alleged in the notice and not denied in the answer shall be
78 presumed admitted;
79 (b) Failure to raise a particular defense in the answer will be considered a waiver
80 of such defense;
81 (c) New matters alleged in the answer (affirmative defenses) shall be presumed
82 to be denied by the agency; and
83 (d) Evidence shall not be taken on any issue not raised in the notice and the
84 answer.

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86
87 BOARD OF PHARMACY
88 FOR THE STATE OF OREGON

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92 _____
93 Gary Miner, R.Ph.,
94 Compliance Director

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_____ 12/18/12
Date

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Supervising Deputy Attorney General
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6 Telephone: (916) 324-6292
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5352

12 **DAVID G. MOLL**
15425 SE Rhine Street
13 Portland, Oregon 97236

A C C U S A T I O N

14 **Pharmacist License No. RPH 44488**

15 Respondents.

16
17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about August 9, 1991, the Board issued Pharmacist License Number
22 RPH 44488 to David G. Moll, also known as David Gunther Moll ("Respondent"). The
23 pharmacist license will expire on April 30, 2015, unless renewed.

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28 ///

1 JURISDICTION

2 3. Business and Professions Code ("Code") section 4300 states, in pertinent part:

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

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

6 (1) Suspending judgment.

7 (2) Placing him or her upon probation.

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

9 (4) Revoking his or her license.

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

12 4. Code section 4300.1 states:

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

17 STATUTORY PROVISIONS

18 5. Code section 4301 states, in pertinent part:

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

22 (n) The revocation, suspension, or other discipline by another state of a license
23 to practice pharmacy, operate a pharmacy, or do any other act for which a license is
24 required by this chapter.

24 COST RECOVERY

25 6. Code section 125.3 provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **CAUSE FOR DISCIPLINE**

4 (Out of State Discipline)

5 7. Respondent is subject to discipline pursuant to Code section 4301(n). Specifically,
6 effective October 4, 2013, the Board of Pharmacy of the State of Oregon (the "Oregon Board"),
7 in a disciplinary action entitled, *In the Matter of Pharmacist License of David G. Moll, Licensee*,
8 Case No. 2012-0401, the Oregon Board imposed sanctions on Respondent's pharmacist license in
9 the State of Oregon pursuant to a *Consent Order*. The sanctions required, among other things, that
10 Respondent: sell his interest in, or close, Gresham Professional Pharmacy and refrain from
11 purchasing or managing another pharmacy without prior approval from the Oregon Board;
12 participate in a designated treatment program for three years; and, meet other terms and
13 conditions set forth by the Oregon Board in its *Consent Order* for a period of three years. The
14 disciplinary action was based on Respondent's unprofessional conduct and violations of Oregon
15 statutes and rules governing licensed pharmacists in the State of Oregon. Specifically, on or about
16 July 18, 2012, Respondent left a pharmacy building, leaving non-pharmacist personnel in the
17 pharmacy, and demonstrated mental impairment.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacist License Number RPH 44488, issued to
22 David G. Moll, also known as David Gunther Moll;

23 2. Ordering David G. Moll, also known as David Gunther Moll, to pay the Board of
24 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
25 Business and Professions Code section 125.3; and,

26 ///

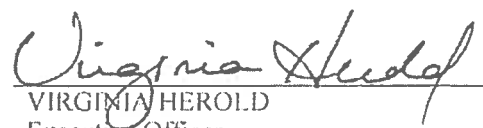
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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/24/15



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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