

NEVADA STATE BOARD OF PHARMACY

431 W Plumb Lane • Reno, NV 89509

APPLICATION BY RECIPROCATATION AS A PHARMACIST

If you are requesting licensure by reciprocatation (i.e. you have a current pharmacist license from another state and wish to transfer license information and only need to take the Nevada MPJE), complete this application:

Total Fee: \$330.00 (non-refundable, money order or cashier's check only, no cash)

Money Order or Cashier's Check made payable to: Nevada State Board of Pharmacy

Complete Name (no abbreviations):

First: Paul Middle: Kyutaro Last: Yamamoto

Mailing Address: Pisa Ct

City: San Jose State: CA Zip Code: 95138

Telephone: _____ E-mail Address: _____

Date of Birth: _____ Place of Birth: San Jose, CA

Social Security Number: _____ Sex: M or F
(Full Number Required)

Original State of Licensure you are reciprocating from must be active and issued by exam;

State: WA Date of Issuance: 8/17/1990

College of Pharmacy Information

Graduation Date: 06/08/1990
(mm/dd/yy)

Degree Received: PharmD BS in Pharmacy Other (check one)

Name of Pharmacy School: University of Washington

Location of School: Seattle, Washington

If you are a **foreign graduate** you must attach a copy of your FPGEC certificate to THIS APPLICATION. You also need to complete the college of pharmacy information

Board Use Only
Processed: 5-10-17 Amount: \$330.00 Entity #: 96790
Email _____ MPJE _____

Other states where you are (or were) licensed as a pharmacist or print "none" - *See attached.*

State	Lic #	Is the license active?	State	Lic #	Is the license active?
_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Attach separate sheet if needed

Have you ever served in the military, either active, reserve or retired? Yes No

Branch: _____

Military Occupation/Specialty: _____

Dates of Service: _____

A licensee is not required to have a Nevada State Business License, however, if you do, please provide the number: _____

	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 type="checkbox"/>	<input checked="" type="checkbox"/>
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state?.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Been the subject of a board citation or an administrative action or board citation whether completed or pending in <u>any</u> state?.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state?.....	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If you marked YES to any of the numbered questions (1-3) above, include the following information & provide an explanation & documentation:		

Board Administrative Action:	State	Date:	Case #:
		/ /	

Criminal Action:	State	Date:	Case #:	County	Court
		/ /			

FEDERALLY MANDATED REQUIREMENTS

In response to Federally mandated requirements, the Nevada Legislature and Attorney General require that we include this questions as part of all applications.

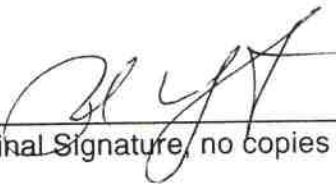
4. Are you the subject of a court order for the support of a child?.....Yes No
4a. If you marked Yes, to the question 4, are you in compliance with the court order?.....Yes No

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of my business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

No liability of any sort or kind shall attach to the said Nevada State Board of Pharmacy, its members, servants or employees because or by reason of the use of the authorization.

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, no copies or stamps accepted

4/27/17
Date

Yamamoto	Paul	AL	19273	12/31/18
Yamamoto	Paul	CA	43950	1/31/19
Yamamoto	Paul	ID	P7256	6/30/17
Yamamoto	Paul	KY	18184	2/28/18
Yamamoto	Paul	MD	24157	1/31/18
Yamamoto	Paul	MI	5302043595	6/30/18
Yamamoto	Paul	MS	T-13875	12/31/17
Yamamoto	Paul	NE	15279	1/1/18
Yamamoto	Paul	OK	16713	1/31/18
Yamamoto	Paul	OR	RPH-0015801	6/30/19
Yamamoto	Paul	TN	38988	12/31/17
Yamamoto	Paul	TX	60338	1/31/19
Yamamoto	Paul	VA	202214652	12/31/17
Yamamoto	Paul	WA	PH00015648	1/12/18



LEITER'S
Compounding Pharmacy

17 Great Oaks Blvd
San Jose, Calif. 95119
T (800) 292-6773, (408) 292-6772
F (408) 288-8252, (408) 292-7754

5/4/2017

To Whom It May Concern:

My name is Paul Yamamoto; I am the Vice President of Shared Services for Leiter's. I am a registered pharmacist licensed in California, Washington, Alabama, Idaho, Kentucky, Maryland, Michigan, Mississippi, Nebraska, Oklahoma, Oregon, Tennessee, Texas, and Virginia, all in good standing. My duties involve all that is required for the day to day management of our outsourcing facility. This includes problem solving, managing employees, systems and technologies. I handle complicated issues with patients and clients. I am involved in the hiring, scheduling, disciplining and payroll processing for all employees. I implement and maintain technological improvements and deal with regulatory affairs both locally and nationally.

In October of 2002 I plead no contest to violations of 11173(A) of the California Safety Code, and 487(B) of the California Penal Code in San Jose, California. They are currently listed as misdemeanor convictions of **obtaining controlled substances by fraud** and **grand theft** on my record. I had obtained controlled substances fraudulently from my employer for personal use. Before the criminal process had concluded, I entered the California Board of Pharmacy's Pharmacist Recovery Program. The Board of Pharmacy suspended my license during the court process then I was placed on probation. I have successfully completed treatment, the Pharmacist Recovery Program and all the terms of my probation. I have maintained my sobriety without incident to this day.

Though I was a practicing pharmacist during my probation and for several years after, my current duties do not require me to fill prescriptions, nor be in contact with controlled substances.

Please contact me if you need further clarification or have concerns.

Thank you,


Paul Yamamoto

COUNTY OF SANTA CLARA
SAN JOSE FACILITY
COMPLAINT FOR ARREST WARRANT(S)
PAUL KYUTARO YAMAMOTO

FILED
SEP 10 2001
RTH/LORRE
Deputy
County of Santa Clara

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

FIRST AMENDED
FELONY COMPLAINT

vs.

DA NO: 010411530
CEN
* PY WARR *

PAUL KYUTARO YAMAMOTO (1/12/66),
3319 ALSACE COURT, SAN JOSE, CA 95135
Defendant(s)

The undersigned is informed and believes that:

COUNT 1

On or about June 12, 2000, in the County of Santa Clara, State of California, the crime of OBTAINING CONTROLLED SUBSTANCE BY FRAUD, in violation of HEALTH & SAFETY CODE SECTION 11173(a), a Felony, was committed by PAUL KYUTARO YAMAMOTO who did obtain and attempt to obtain a controlled substance, vicoprofen / 50, and did procure and attempt to procure the administration of and prescription for the controlled substance by fraud, deceit, misrepresentation, subterfuge, and the concealment of a material fact.

COUNT 2

On or about June 16, 2000, in the County of Santa Clara, State of California, the crime of OBTAINING CONTROLLED SUBSTANCE BY FRAUD, in violation of HEALTH & SAFETY CODE SECTION 11173(a), a Felony, was committed by PAUL KYUTARO YAMAMOTO who did obtain and attempt to obtain a controlled substance, vicoprofen / 70, and did procure and attempt to procure the administration of and prescription for the controlled substance by fraud, deceit, misrepresentation, subterfuge, and the concealment of a material fact.

NARCO

COUNT 3

On or about June 24, 2000, in the County of Santa Clara, State of California, the crime of OBTAINING CONTROLLED SUBSTANCE BY FRAUD, in violation of HEALTH & SAFETY CODE SECTION 11173(a), a Felony, was committed by PAUL KYUTARO YAMAMOTO who did obtain and attempt to obtain a controlled substance, vicoprofen / 30, and did procure and attempt to procure the administration of and prescription for the controlled substance by fraud, deceit, misrepresentation, subterfuge, and the concealment of a material fact.

COUNT 4

On or about July 1, 2000, in the County of Santa Clara, State of California, the crime of OBTAINING CONTROLLED SUBSTANCE BY FRAUD, in violation of HEALTH & SAFETY CODE SECTION 11173(a), a Felony, was committed by PAUL KYUTARO YAMAMOTO who did obtain and attempt to obtain a controlled substance, vicoprofen / 50, and did procure and attempt to procure the administration of and prescription for the controlled substance by fraud, deceit, misrepresentation, subterfuge, and the concealment of a material fact.

COUNT 5

On or about and between July 17, 1997 and April 27, 2001, in the County of Santa Clara, State of California, the crime of GRAND THEFT BY EMPLOYEE, AGENT, OR SERVANT, in violation of PENAL CODE SECTION 484-487(b)(3), a Felony, was committed by PAUL KYUTARO YAMAMOTO who did as a servant, agent and employee of Walgreen's Drugstores and Long's Drugstores unlawfully take from Walgreen's Drugstores and Long's Drugstores personal property, prescription drugs, of a value exceeding four hundred dollars (\$400).

Further, attached and incorporated by reference are official reports and documents of a law enforcement agency which the complainant believes establish probable cause for the arrest of defendant PAUL KYUTARO YAMAMOTO, for the above-listed crimes. Wherefore, A WARRANT OF ARREST IS REQUESTED.

Complainant therefore requests that the defendant(s) be dealt with according to law.

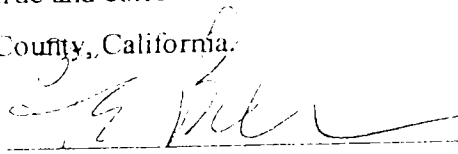
I certify under penalty of perjury that the above is true and correct.

Executed on August 6, 2001, in SANTA CLARA County, California.

Warrant received for service by:

on _____

Cash or Bond \$ _____



Jacangelo 10967

(Jacangelo 10967)

DEA (408) 291-7235 RC012006 ***

LOUIE/ D210/ FELONY/ rg

JUDGE OF THE SUPERIOR COURT

THE FOREGOING INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
ATTEST DAVID H. YAMASAKI

JAN 10 2014

CHIEF EXECUTIVE OFFICER/CLERK
SUPERIOR COURT OF CA COUNTY OF SANTA CLARA
AND NOW THE COUNTY OF SANTA CLARA
BY E. Kremerskotter DEPUTY



E. KREMERSKOTTER

VS. PAUL KYUTARO YAMAMOTO
3319 ALSACE CT
SAN JOSE, CA 95135
HON. LAWRENCE F. TERRY

01/12/1966 CAC2142512
CLERK I. STEWART DRG572 M
HEARING FELONY ADVANCED RESOLUTION
AGENCY SJ-DRUGE-10967-1ACANGELU
STATUS O-BB -20000/000207 TW Y

DEFENDANT M. SUGINO
CITY SEIBART, K
AGES F(001)HS11173(A)
F(003)HS11173(A)
F(005)PC484/487(B)(3)

DABALDWIN
F(002)HS11173(A)
F(004)HS11173(A)

APO
VIOLATION DATE
06/12/2000

3-1302 1-300 D03

EXT APPEARANCE

Defendant Present Not Present Atty Present AD / PD / Legal Aide / Special App
WFA Arr'd Amended complt Arr Plea IDC Prob / Sent Interp
PC977 Waiver Filed On file Bail/ OR/ SORP Rect Dr Rpt FAR Pretrial Services to Contact Gateway for Assmt
NG Entered by CRT NGBRI / Adv PSet Prelim PTC S/B MTC Bail Reinstated Bail Exonerated
Priors / Allegations / Enhancements Denied Further Jury CT Peo/Def Wav Jury Forfeited Bond #
TW TNW TW / WD for Sent Proof of Reassumption Filed Forfeiture Set Aside
Ref / Appt PD / ADO Conflict Decl Ref'd \$ _____ Costs Within 30 Days to Court
Relieved Appt'd Crim Proc Susp Rein SORP / OR Revoked Reinstated
Hrg on Motion Doubt Decl Pursuant PC 1368 BW Ordered \$ _____ Stayed
Granted Den Subm OC Subm on rept Found BW Set Aside Recalled To Issue
Ors Appointed Max Term _____ Committed _____ Other _____
Prelim Waived Certified to General Jurisdiction MDA / COM Amended to _____

LEA Conditions:

None No State Prison PC17 after: 1 Yr Prob Includes VOP Subm time of sent

Dismissal / Striking Adv Max Pen Parole/Probation Appeal Immig Reg PC290/HS11590/PC457 1/PC186 30 Future serious felony prior PC12021 (gun)
Waives Const Rights Written Waiver filed PC17 REDUCTION Waives Arbuckle Harvey Stip

COP PLEADS GUILTY NOLO CONTENDERE to charges & admits enhs/priors (see below) Factual Basis found Findings stated
Notice of Eligibility Filed DEJ Granted Rpt to DADS DEJ Rein DEJ Term Guilty Plea Rendered
Waives Referral Ref'd to APO Probation Denied **FINES/FEES: PAY TO** Ref to DOR COURT
Sentenced to _____ State Prison/County Jail Sent Suspended

PROBATION Execution Imposition of sentence suspended for probation period
COURT FORMAL PROBATION GRANTED for _____ Days / Mos / Yrs
Report to APO within _____ Days Upon Release Terminated
Commun Altern Program Perform _____ hrs Volunteer Work
Submit Search / Testing Educ / Voc Trng / Empl
Not drive w/o valid DL & Ins DVPO issued / mod / term Exp _____
Not own/possess deadly weapons Weapon ordered destroyed
No contact w/victim or family / co-defts unless appr by APO PC1202 05
No alcohol / drugs or where sold Restitution
Substance abuse, Domestic Violence, Psychological, Parenting cnsl / prgm
PC296 (DNA) PC1202 1 (Aids Testing) Aids Education Program

COUNT	\$ _____	+ PA \$ _____	<input type="checkbox"/> Purs HS11350d
COUNT	\$ _____	+ PA \$ _____	
DPF / AIDS	\$ _____	+ PA \$ _____	
DRF / RF	\$ _____	Add'l RFS _____	Susp'd PC1202.45
DEJ	\$ _____	CTS PC 2900.5	\$ _____
AEF	\$ _____	TOTAL DUE	\$ _____
ADPA	\$ _____	<input type="checkbox"/> Committed @ \$ _____	/Day
LAB	\$ _____	<input type="checkbox"/> Consec/Conc to _____	
NC	\$ _____	<input type="checkbox"/> Payments Granted / Modified	
ASF / CPF	\$ _____	\$ _____ / Mo beginning _____	
AR	\$ _____	<input type="checkbox"/> FINE STAYED	
SHELTER	\$ _____	<input type="checkbox"/> Fine Deemed Satisfied <input type="checkbox"/> Commuted	
DV	\$ _____	<input type="checkbox"/> Vol Wk _____ Hrs in Lieu of Fine	
ATTY	\$ _____	<input type="checkbox"/> DSA thru APO / DOR / CRT <input type="checkbox"/> Filed	
P/INV	\$ _____	<input type="checkbox"/> P/SUP \$ _____ /Mo	
CJAF	\$ _____	to _____	
		<input type="checkbox"/> Restitution \$ _____ to _____	
		<input type="checkbox"/> Referred to VWAC <input type="checkbox"/> As Determined APO / CRT	

VOP: Arr'd VOP Admits/Denies Violation Court Finds VOP / No VOP
Prob Rein / Mod / Term / Revoked / Remains Revoked / Ext to _____
Original Terms & Conditions Except as Amended Herein
Conterminous with _____ No Further Penalties

JAIL/PRISON See Attachm't Pg for Add'l Orders, Charges, PC1385 Reasons

Count	F/M	Violation	Prison Term / Yrs	Enhancement / Priors	Yrs / Styd / Strkn	County Jail		
1	F	HS11173(A)						
4	each							
5	F	PC484/487(B)(3)						
Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Total

CTS = _____ ACT + _____ PC4019 PC2933.1 = _____ TOTAL DAYS TOTAL TERM
Straight time WWP PC1209 Fees Waived Court Rec Except EMP/PSP/WF/ERP/DRP/Co Parole/NP
 Sent Deemed Srvd Rpt to Local Parole Adv of _____ Yrs Parole/Appeal Rights Consec Conc to _____
 Bal CJ Susp All but _____ Days/Mos On Cond Complete Residential Treatment Prgm Serve Consec MO/TU/WE/TH/FR/SA/SU
 Pre-process _____ AM/PM Stay/Surrender Transport to _____ @ _____ AM/PM or Sooner
REMANDED-BAIL \$ _____ NO BAIL COMMITTED RELEASED OR SORP DOC TO CONTACT JAC FOR ASSM'T

DATE 10/27/2000 4:00 AM DEPT 64
 CLERK ~~T. STEWART~~ S. Bodley
 HEARING PROBATION AND SENTENCING
 AGENCY 50 DEUCE- 0767 (L.A.)
 STATUS 0-BB 200007000707 TW

VS PAUL RUTARD (ABANDON)
 SAN JOSE, CA 95131
 HON. LAWRENCE J. KIRBY
 PORTER, SUSAN
 ATTYS: BART, K
 ARGES F(001)HS11173(A)
 F(003)HS11173(A)
 F(005)PC484/487(0133)

DA BALDWIN, G
 F(002)HS11173(A)
 F(004)HS11173(A)

VIOLATION DATE
 06/12/2000
 DWASH

TEXT APPEARANCE

Defendant Present Not Present
 WFA Arr'd Amended complt
 PC977 Waiver Filed On file
 NG Entered by CRT NGBRI / Adv
 Priors / Allegations / Enhancements Denied
 TW TNW TW / WD for Sent
 Ref / Appt PD / ADO Conflict Decl
 Relieved Appt'd
 Hrg on Motion
 Granted Den Subm OC
 Drs Appointed
 Prelim Waived Certified to General Jurisdiction MDA / COM Amended to

Atty Present
 Arr Plea IDC Prob / Sent
 Bail / OR / SORP Rect Dr Rpt FAR
 PSet Prelim PTC S/B MTC
 Further Jury CT Pco/Def Wav Jury
 Proof of
 Ref'd
 Crim Proc Susp Rein
 Doubt Decl Pursuant PC 1368
 Subm on rept Found
 Max Term Committed Other

Interp
 Pretrial Services to Contact Gateway for Assmt
 Bail Reinstated Bail Exonerated
 Forfeited Bond #
 Reassumption Filed Forfeiture Set Aside
 \$ Costs Within 30 Days to Court
 SORP / OR Revoked Reinstated
 BW Ordered \$ Stayed
 BW Set Aside Recalled To Issue

AD / PD / Legal Aide / Special App

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 Dismissal / Strking
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 Waives Referral Ref'd to APO Full Rpt PROBATION DENIED **FINES/FEES:** PAY TO Ref to DOR COURT
 Sentenced to State Prison/County Jail Sent Suspended
 COUNT \$ + PA \$ Purs HS11350d
 COUNT \$ + PA \$
 DRF / AF \$ 200 Add'l RFS \$ Susp'd PC1202 45
 DEJ \$ CTS PC 2900.5 \$
 AEF \$ TOTAL DUE \$
 ADPA \$ Committed @ \$ /Day
 LAB \$ 50 Consec/Conc to
 NC \$ Payments Granted / Modified
 ASF / CPF \$ \$ / Mo beginning
 AR \$ FINE STAYED
 SHELTER \$ Fine Deemed Satisfied Commuted
 DV \$ Vol Wk Hrs in Lieu of Fine
 ATTY \$ DSA thru APO / DOR / CRT Filed
 P/INV \$ P/SUP \$ 42 /Mo
 CJAF \$ 140.50 to 53pa

PROBATION

Execution Imposition of sentence suspended for probation period
 COURT FORMAL PROBATION GRANTED for 2 Days / Mos / Yrs
 Report to APO within 3 Days Upon Release Terminated
 Common Altern Program Perform hrs Volunteer Work
 Submit Search / Testing Educ / Voc Trng / Empl
 Not drive w/o valid DL & Ins DVPO issued / mod / term Exp
 Not own/possess deadly weapons Weapon ordered destroyed
 No contact w/victim or family / co-defts unless appr by APO PC1202.05
 No alcohol / drugs or where sold Restitution
 Substance abuse, Domestic Violence, Psychological, Parenting cnsi / prgm
 PC296 (DNA) PC1202.1 (Aids Testing) Aids Education Program

VOP:

Arr'd VOP Admits/Denies Violation Court Finds VOP / No VOP
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 Coterminous with No Further Penalties

JAIL/PRISON

See Attach'm't Pg for Add'l Orders, Charges, PC1385 Reasons

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1	F	HS11173(A)				
2	F	HS11173(A)				
3	F	HS11173(A)				
4	F	HS11173(A)				
Enhancement	Yrs/S	Enhancement	Yrs/S	Enhancement	Yrs/S	Total

CTS = ACT + PC4019 PC2933.1 = TOTAL DAYS TOTAL TERM
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REMANDED-BAL S NO BAIL COMMITTED RELEASED OR SORP DOC TO CONTACT IAC FOR ASSMT

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA
ATTACHMENT PAGE**

PEOPLE vs. Paul Kyutaro Yamamoto

**CASE # CC 107853
DATE: 10-2-02**

Count	F/M	Violation	Prison Term / Yrs	Enhancements / Priors	Yrs/Styd/Strkn	County Jail
5	m	PC 484/487(B)(3)				

Strike Prior(s) stricken pursuant to PC1385 based on the following reasons:

- 1
- 2
- 3
- 4
- 5

ADDITIONAL PROBATION CONDITIONS:

- Participate in San Jose Alternatives to Violence Men's Drop-In Group until enrolled in Domestic Violence Program
- Participate in Alcohol/Child Abusers or other therapeutic program/counseling as directed by APO/Court
- Participate in Delete Reinstate 1st Offender 3 mos 6 mos MOP Report within _____ days
- DL suspended/revoked/restricted for _____ days/mos/yrs to, from, during Work/Alc Prog/School/Appts. _____ Pur VC _____
- IID advised / ordered / removed Term _____ yrs. Vehicle impounded / not impounded Standard conditions Pursuant VC23600
- Pay all certified batterer's program participation fees
- Do not annoy, molest, strike, attack, threaten, harass, batter, sexually assault or disturb the peace of the victim
- No contact with victim or family / co-defendants unless approved by APO / Court
- No contact by mail / pager / portable communication device
- Stay away from victim's residence and place of employment
- Stay _____ feet / yards from victim
- No contact with victim under conditions approved by APO
- Obey all Family Court orders
- No corporal punishment in the disciplining of children
- No use of drugs / medications without a prescription
- No use of _____ as prescribed
- No wearing of insignia, tattoos, emblem, button, badge, cap, hat, scarf, bandanna, jacket, or other article of clothing which is evidence of membership in a gang, no association with gang members, not frequent any areas of gang related activity. Shall not be on school campus during school hours unless enrolled or with prior administrative permission. Shall not appear at any court unless a party, or defendant in a criminal action or subpoenaed as a witness. Register as required by law due to gang association

THE FOREGOING INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
ATTEST: DAVID H. YAMASAKI

JAN 10 2014

CHIEF EXECUTIVE OFFICER/CLERK
SUPERIOR COURT OF CA COUNTY OF SANTA CLARA
IN AND FOR THE COUNTY OF SANTA CLARA
BY E. Kremerskotter DEPUTY

E. KREMERSKOTTER



1 BILL LOCKYER, Attorney General
of the State of California
2 W. LLOYD PARIS, State Bar No. 124755
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5553
5 Facsimile: (415) 703-5480

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 PAUL YAMAMOTO
3319 Alsace Court
12 San Jose, CA 93135
13 Pharmacist License No. RPH 43950
14 Respondent.

Case No. 2404

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 In the interest of a prompt and speedy settlement of this matter, consistent with
17 the public interest and the responsibility of the Board of Pharmacy of the Department of
18 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
19 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
20 disposition of the Accusation.

21 PARTIES

- 22 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
24 by Bill Lockyer, Attorney General of the State of California, by W. Lloyd Paris, Deputy
25 Attorney General.
26 2. Respondent Paul Yamamoto (Respondent) is represented in this
27 proceeding by attorney Kurt J. Seibert, whose address is 84 W. Santa Clara Street, Suite 630, San
28 Jose, CA 95113-1808.

1 3. On or about January 14, 1991, the Board of Pharmacy issued Pharmacist
2 License Number RPH 43950 to Paul Yamamoto (Respondent). The Pharmacist License was in
3 full force and effect at all times relevant to the charges brought herein and will expire on January
4 31, 2003, unless renewed.

5 JURISDICTION

6 4. Accusation No. 2404 was filed before the Board of Pharmacy (Board),
7 Department of Consumer Affairs,, and is currently pending against Respondent. The Accusation
8 and all other statutorily required documents were properly served on Respondent on February 22,
9 2002. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
10 Accusation No. 2404 is attached as exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and
13 understands the charges and allegations in Accusation No. 2404. Respondent has also carefully
14 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
15 Disciplinary Order.

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

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

25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in
27 Accusation No. 2404.

28 9. Respondent agrees that his Pharmacist License Number RPH 43950 is

1 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set
2 forth in the Disciplinary Order below.

3 RESERVATION

4 10. The admissions made by Respondent herein are only for the purposes of
5 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
6 licensing agency is involved, and shall not be admissible in any other criminal or civil
7 proceeding.

8 CONTINGENCY

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

19 12. The parties understand and agree that facsimile copies of this Stipulated
20 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
21 force and effect as the originals.

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

25 DISCIPLINARY ORDER

26 IT IS HEREBY ORDERED that Pharmacist License Number RPH 43950 issued
27 to Respondent Paul Yamamoto is revoked. However, the revocation is stayed and Respondent is
28 placed on probation for five (5) years on the following terms and conditions.

1 1. **Actual Suspension.** As part of probation, Respondent is suspended from
2 the practice of pharmacy until March 17, 2002, approximately ten months from the date
3 Respondent stipulated to a suspension pursuant to Penal Code section 23.

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

12 Respondent shall not engage in any activity that requires the professional
13 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of
14 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for
15 any entity licensed by the board. Subject to the above restrictions, respondent may continue to
16 own or hold an interest in any pharmacy in which he or she holds an interest at the time this
17 decision becomes effective unless otherwise specified in this order.

18 2. **Obey All Laws.** Respondent shall obey all state and federal laws and
19 regulations substantially related to or governing the practice of pharmacy.

20 Respondent shall report any of the following occurrences to the board, in writing,
21 within 72 hours of such occurrence:

- 22 • an arrest or issuance of a criminal complaint for violation of any provision of the
23 Pharmacy Law, state and federal food and drug laws, or state and federal
24 controlled substances laws
- 25 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
26 any criminal complaint, information or indictment
- 27 • a conviction of any crime
- 28 • discipline, citation, or other administrative action filed by any state and federal

1 agency which involves respondent's pharmacists license or which is related to the
2 practice of pharmacy or the manufacturing, obtaining, handling or distribution or
3 billing or charging for of any drug, device or controlled substance.

4 3. **Reporting to the Board.** Respondent shall report to the board quarterly.
5 The report shall be made either in person or in writing, as directed. Respondent shall state under
6 penalty of perjury whether there has been compliance with all the terms and conditions of
7 probation. If the final probation report is **not** made as directed, probation shall be extended
8 automatically until such time as the final report is made and accepted by the board.

9 4. **Interview with the Board.** Upon receipt of reasonable notice, respondent
10 shall appear in person for interviews with the board upon request at various intervals at a location
11 to be determined by the board. Failure to appear for a scheduled interview without prior
12 notification to board staff shall be considered a violation of probation.

13 5. **Cooperation with Board Staff.** Respondent shall cooperate with the
14 board's inspectional program and in the board's monitoring and investigation of respondent's
15 compliance with the terms and conditions of his or her probation. Failure to comply shall be
16 considered a violation of probation.

17 6. **Continuing Education.** Respondent shall provide evidence of efforts to
18 maintain skill and knowledge as a pharmacist as directed by the board.

19 7. **Notice to Employers.** Respondent shall notify all present and prospective
20 employers of the decision in case number 2404 and the terms, conditions and restrictions
21 imposed on respondent by the decision. Within 30 days of the effective date of this decision, and
22 within 15 days of respondent undertaking new employment, respondent shall cause his or her
23 direct supervisor, pharmacist-in-charge and/or owner to report to the board in writing
24 acknowledging the employer has read the decision in case number 2404.

25 If respondent works for or is employed by or through a pharmacy employment
26 service, respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
27 every pharmacy of the and terms and conditions of the decision in case number 2404 in advance
28 of the respondent commencing work at each pharmacy.

1 "Employment" within the meaning of this provision shall include any full-time,
2 part-time, temporary, relief or pharmacy management service as a pharmacist, whether the
3 respondent is considered an employee or independent contractor.

4 **8. No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
5 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
6 pharmacist or perform any of the duties of a preceptor, nor shall respondent be the pharmacist-in-
7 charge of any entity licensed by the board unless otherwise specified in this order.

8 **9. Reimbursement of Board Costs.** Respondent shall pay to the board its
9 costs of investigation and prosecution in the amount of \$7,592 Respondent shall make said
10 payments as follows: Equal installments, to be completed 6 months prior to the end of probation.

11 The filing of bankruptcy by respondent shall not relieve respondent of his or her
12 responsibility to reimburse the board its costs of investigation and prosecution.

13 **10. Probation Monitoring Costs.** Respondent shall pay the costs associated
14 with probation monitoring as determined by the board each and every year of probation. Such
15 costs shall be payable to the board at the end of each year of probation. Failure to pay such costs
16 shall be considered a violation of probation.

17 **11. Status of License.** Respondent shall, at all times while on probation,
18 maintain an active current license with the board, including any period during which suspension
19 or probation is tolled.

20 If respondent's license expires or is canceled by operation of law or otherwise,
21 upon renewal or reapplication, respondent's license shall be subject to all terms and conditions of
22 this probation not previously satisfied.

23 **12. License Surrender while on Probation/Suspension.** Following the
24 effective date of this decision, should respondent cease practice due to retirement or health, or be
25 otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or
26 her license to the board for surrender. The board shall have the discretion whether to grant the
27 request for surrender or take any other action it deems appropriate and reasonable. Upon formal
28 acceptance of the surrender of the license, respondent will no longer be subject to the terms and

1 conditions of probation.

2 Upon acceptance of the surrender, respondent shall relinquish his or her pocket
3 license to the board within 10 days of notification by the board that the surrender is accepted.
4 Respondent may not reapply for any license from the board for three years from the effective date
5 of the surrender. Respondent shall meet all requirements applicable to the license sought as of
6 the date the application for that license is submitted to the board.

7 **13. Notification of Employment/Mailing Address Change.** Respondent
8 shall notify the board in writing within 10 days of any change of employment. Said notification
9 shall include the reasons for leaving and/or the address of the new employer, supervisor or owner
10 and work schedule if known. Respondent shall notify the board in writing within 10 days of a
11 change in name, mailing address or phone number.

12 **14. Tolling of Probation.** Commencing 120 days from the effective date of
13 the decision Respondent shall work at least 40 hours in each calendar month as a pharmacist and
14 at least an average of 80 hours per month in any six consecutive months. Failure to do so will be
15 a violation of probation. If respondent has not complied with this condition during the
16 probationary term, and respondent has presented sufficient documentation of his or her good faith
17 efforts to comply with this condition, and if no other conditions have been violated, the board, in
18 its discretion, may grant an extension of respondent's probation period up to one year without
19 further hearing in order to comply with this condition.

20 **15. Tolling of Suspension.** If respondent leaves California to reside or
21 practice outside this state, for any period exceeding 10 days (including vacation), respondent
22 must notify the board in writing of the dates of departure and return. Periods of residency or
23 practice outside the state - or any absence exceeding a period of 10 days shall not apply to the
24 reduction of the suspension period.

25 Respondent shall not practice pharmacy upon returning to this state until notified
26 by the board that the period of suspension has been completed.

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1 16. **Violation of Probation.** If respondent violates probation in any respect,
2 the board, after giving respondent notice and an opportunity to be heard, may revoke probation
3 and carry out the disciplinary order which was stayed. If a petition to revoke probation or an
4 accusation is filed against respondent during probation, the board shall have continuing
5 jurisdiction and the period of probation shall be extended, until the petition to revoke probation
6 or accusation is heard and decided.

7 If a respondent has not complied with any term or condition of probation, the
8 board shall have continuing jurisdiction over respondent, and probation shall automatically be
9 extended until all terms and conditions have been satisfied or the board has taken other action as
10 deemed appropriate to treat the failure to comply as a violation of probation, to terminate
11 probation, and to impose the penalty which was stayed.

12 17. **Completion of Probation.** Upon successful completion of probation,
13 respondent's license will be fully restored.

14 18. **Adoption of Stipulation.** It is understood by respondent that, in deciding
15 whether to adopt this stipulation, the board may receive oral and written communication from its
16 staff and the Attorney General's Office. Communications pursuant to this paragraph shall not
17 disqualify the board or other persons from future participation in this or any other matter
18 affecting respondent. In the event this settlement is not adopted by the board, the stipulation will
19 not become effective and may not be used for any purpose, except this paragraph, which shall
20 remain in effect.

21 19. **No Ownership of Premises.** Respondent shall not own, have any legal or
22 beneficial interest in, or serve as a manager, administrator, member, officer, director, associate,
23 or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by
24 the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed
25 by the board within 90 days following the effective date of this decision and shall immediately
26 thereafter provide written proof thereof to the board.

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1 **20. Rehabilitation Program - Pharmacists Recovery Program (PRP).** Within
2 30 days of the effective date of this decision, respondent shall contact the Pharmacists Recovery
3 Program for evaluation and shall successfully participate in and complete the treatment contract
4 and any subsequent addendums as recommended and provided by the PRP and as approved by
5 the board. The costs for PRP participation shall be borne by the respondent.

6 If respondent is currently enrolled in the PRP, said participation is now mandatory
7 and is no longer considered a self-referral under Business and Professions Code section 4363, as
8 of the effective date of this decision. Respondent shall successfully participate in and complete
9 his or her current contract and any subsequent addendums with the PRP. Probation shall be
10 automatically extended until respondent successfully completes his or her treatment contract.
11 Any person terminated from the program shall be automatically suspended upon notice by the
12 board. Respondent may not resume the practice of pharmacy until notified by the board in
13 writing. The board shall retain jurisdiction to institute action to terminate probation for any
14 violation of this term.

15 **21. Random Drug Screening.** Respondent, at his or her own expense, shall
16 participate in random testing, including but not limited to biological fluid testing (urine, blood),
17 Breathalyzer, hair follicle testing, or a drug screening program approved by the board. The
18 length of time shall be for the entire probation period and the frequency of testing will be
19 determined by the board. At all times respondent shall fully cooperate with the board, and shall,
20 when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics,
21 dangerous drugs or other controlled substances. Failure to submit to testing as directed shall
22 constitute a violation of probation. Any confirmed positive drug test shall result in the
23 immediate suspension of practice by respondent and reinstatement of the revocation of
24 respondent's pharmacists license.

25 **22. Abstain From Drugs and Alcohol Use.** Respondent shall completely
26 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
27 associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner
28 as part of a documented medical treatment. Upon request of the board, respondent shall provide

1 documentation from the licensed practitioner that the prescription was legitimately issued and is
2 a necessary part of the treatment of the respondent.

3 23. **Supervised Practice.** Respondent shall practice only under the
4 supervision of a pharmacist not on probation with the board. Respondent shall not practice until
5 the supervisor is approved by the board. The supervision shall be, as required by the board,
6 either:

7 Continuous - 75% to 100% of a work week

8 Substantial - At least 50% of a work week

9 Partial - At least 25% of a work week

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

11

12 Within 30 days of the effective date of this decision, respondent shall have his or
13 her supervisor submit notification to the board in writing stating the supervisor has read the
14 decision in case number 2404 and is familiar with the level of supervision as determined by the
15 board.

16 If respondent changes employment, respondent shall have his or her new
17 supervisor, within 15 days after employment commences, submit notification to the board in
18 writing stating the direct supervisor and pharmacist-in-charge have read the decision in case
19 number 2404 and is familiar with the level of supervision as determined by the board.

20 Within 10 days of leaving employment, respondent shall notify the board in
21 writing.

22 24. **No Supervision.** Respondent shall not supervise any ancillary personnel,
23 including, but not limited to, registered pharmacy technicians or exemptees, of any entity
24 licensed by the board without the express authorization of his supervisor.

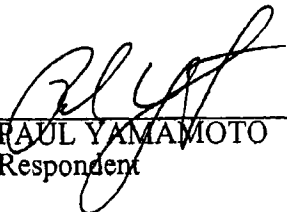
25 25. **No Access to Controlled Substances.** Respondent shall not order,
26 possess, dispense or otherwise have access to any controlled substance(s) in Schedule II, III, IV
27 or V (Health and Safety Code sections 11055-11058 inclusive) without the express authorization
28 of his supervisor.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kurt J. Seibert. I understand the stipulation and the effect it will have on my Pharmacist License Number RPH 43950. 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.

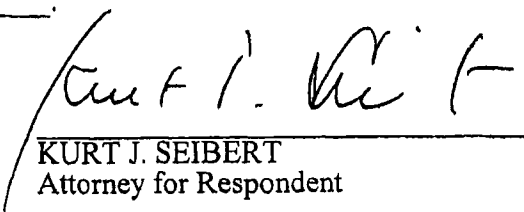
DATED: 5/3/02



PAUL YAMAMOTO
Respondent

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

DATED: 5/03/02

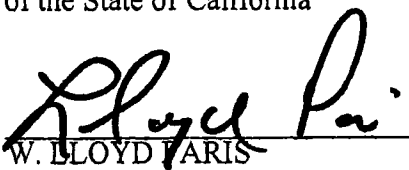


KURT J. SEIBERT
Attorney for Respondent

ENDORSEMENT

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

DATED: 5/6/02

BILL LOCKYER, Attorney General
of the State of California


W. LLOYD PARIS
Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 2404

PAUL YAMAMOTO
3319 Alsace Court
San Jose, CA 93135
Pharmacist License No. RPH 43950

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on June 19, 2002.

It is so ORDERED on June 19, 2002.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


JOHN D. JONES
Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 MICHAEL B. FRANKLIN, State Bar No. 136524
Deputy Attorney General
3 California Department of Justice
455 Golden Gate Avenue, Suite 11000
4 San Francisco, CA 94102-7004
Telephone: (415) 703-5622
5 Facsimile: (415) 703-5480
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 2404

11 PAUL YAMAMOTO
12 3319 Alsace Court
13 San Jose, CA 93135
14 Pharmacist License No. RPH 43950

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

22 2. On or about January 14, 1991, the Board of Pharmacy issued Pharmacist
23 License Number RPH 43950 to Paul Yamamoto (Respondent). The Pharmacist License was in
24 full force and effect at all times relevant to the charges brought herein and will expire on January
25 31, 2003, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Pharmacy (Board), under
28 the authority of the following sections of the Business and Professions Code (Code).

1 4. Section 4300 of the Code states:

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

3 "(b) The board shall discipline the holder of any license issued by the board,
4 whose default has been entered or whose case has been heard by the board and found guilty, by
5 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 "(c) The board may refuse a license to any applicant guilty of unprofessional
13 conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a
14 license who is guilty of unprofessional conduct and who has met all other requirements for
15 licensure. The board may issue the license subject to any terms or conditions not contrary to
16 public policy, including, but not limited to, the following:

17 "(1) Medical or psychiatric evaluation.

18 "(2) Continuing medical or psychiatric treatment.

19 "(3) Restriction of type or circumstances of practice.

20 "(4) Continuing participation in a board-approved rehabilitation program.

21 "(5) Abstention from the use of alcohol or drugs.

22 "(6) Random fluid testing for alcohol or drugs.

23 "(7) Compliance with laws and regulations governing the practice of pharmacy.

24 "(d) The board may initiate disciplinary proceedings to revoke or suspend any
25 probationary certificate of licensure for any violation of the terms and conditions of probation.
26 Upon satisfactory completion of probation, the board shall convert the probationary certificate to
27 a regular certificate, free of conditions.

28 ///

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

6 5. Section 4301 of the Code states:

7 The Board shall take action against any holder of a license who is guilty of
8 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
9 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
10 following:

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

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

16 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
17 abetting the violation of or conspiring to violate any provision or term of Chapter 9
18 (commencing with Section 4000) of the Business and Professions Code or of the
19 applicable federal and state laws and regulations governing pharmacy, including
20 regulations established by the board.

21 6. Section 4324 of the Code states:

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

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

4 7. Section 4060 of the Code states:

5 No person shall possess any controlled substance, except that furnished to a
6 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or
7 furnished pursuant to a drug order issued by a physician assistant pursuant to Section
8 3502.1 or a nurse practitioner pursuant to Section 2836.1. This section shall not apply to
9 the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
10 physician, podiatrist, dentist, veterinarian, physician assistant, or nurse practitioner, when
11 in stock in containers correctly labeled with the name and address of the supplier or
12 producer.

13 8. Health and Safety Code section 11173(a) states:

14 No person shall obtain or attempt to obtain controlled substances, or procure or
15 attempt to procure the administration of or prescription for controlled substances, (1) by
16 fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material
17 fact.

18 9. Section 4113(b) of the Code states:

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

21 10. Section 4063 of the Code states:

22 No prescription for any dangerous drug or dangerous device may be refilled
23 except upon authorization of the prescriber. The authorization may be given orally or at
24 the time of giving the original prescription. No prescription for any dangerous drug that
25 is a controlled substance may be designated refillable as needed.

26 11. Section 125.3 of the Code states, in pertinent part, that the Board may
27 request the administrative law judge to direct a licentiate found to have committed a violation or
28 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation

1 and enforcement of the case.

2 12. Drugs

3 "Vicoprofen," a brand of hydrocodone, is a Schedule III controlled substance as
4 designated by Health and Safety Code 11056(e)(4).

5 "Lorcet," a brand of hydrocodone, is a Schedule III controlled substance as
6 designated by Health and Safety Code 11056(e)(4).

7 "Lortab," a brand of hydrocodone, is a Schedule III controlled substance as
8 designated by Health and Safety Code 11056(e)(4).

9 "Norco," a brand of hydrocodone, is a Schedule III controlled substance as
10 designated by Health and Safety Code 11056(e)(4).

11 "Restoril," a brand of temazepam, is a Schedule IV controlled substance as
12 designated by Health and Safety Code 11057(d)(24).

13 "Roxicodone," a brand of oxycodone, is a Schedule II controlled substance as
14 designated by Health and Safety Code 11055(b)(1)(N).

15 "Vicodin HP," a brand of hydrocodone, is a Schedule III controlled substance as
16 designated by Health and Safety Code 11056(e)(4).

17 "Zydone," a brand of hydrocodone, is a Schedule III controlled substance as
18 designated by Health and Safety Code 11056(e)(4).

19 FIRST CAUSE FOR DISCIPLINE

20 13. Respondent is subject to disciplinary action under sections 4301(f), (j)
21 and/or (o), sections 4063, 4324 and/or 4060 for his conduct between May 2000 and July 1, 2000,
22 while employed as the pharmacist and store manager at Walgreens Pharmacy #3754, located at
23 1399 W. San Carlos, San Jose, California. The circumstances are as follows:

24 a. On or about June 10, 2000, respondent initiated the refill of a prescription
25 for Vicoprofen without a physician's authorization. This conduct constitutes a violation of
26 sections 4301(f), (j) and/or (o) and/or 4063.

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b. Between May 16, 2000, and July 1, 2000, respondent falsely made, altered or forged 13 prescriptions for 540 doses of Vicoprofen. This conduct constitutes a violation of sections 4301(f), (j) and/or (o) and/or 4324.

c. Between May 16, 2000, and July 1, 2000, respondent obtained and possessed 13 controlled substance prescriptions not authorized by a prescriber's prescription. This conduct constitutes a violation of sections 4301(f), (j) and/or (o) and/or 4060.

SECOND CAUSE FOR DISCIPLINE

14. Respondent is subject to disciplinary action under sections 4301(f), (j) and/or (o), sections 4113 and/or 4060 and/or Health and Safety Code section 11 173(a) for his conduct between November 11, 2000 and April 27, 2001, while employed as the pharmacist-in-charge at Longs Drug Store #91, located at 2514 Berryessa Road, San Jose, California. The circumstances are as follows:

a. Between November 11, 2000 and April 27, 2001, respondent obtained, by fraud and/or deceit 8405 doses of controlled substances (hydrocodone, oxycodone and temazepam) from Longs Drug Store #91, in the form of Vicoprofen, Lorcet, Lortab, Norco, Restoril, Roxicodone and/or Vicodin HP. This conduct constitutes a violation of sections 4301(f), (j) and/or (o), section 4060 and/or Health and Safety Code section 11173(a).

b. Between November 11, 2000 and April 27, 2001, respondent, as pharmacist-in-charge, failed to ensure that the pharmacy at Longs Drug Store #91 complied with all laws and regulations. This conduct constitutes a violation of sections 4301(f), (j) and/or (o) and/or 4113.

THIRD CAUSE FOR DISCIPLINE

15. Respondent is subject to disciplinary action under sections 4301(f), (j) and/or (o) and/or 4060 and/or Health and Safety Code section 11173(a) in that on April 27, 2001, at the time of his arrest by Drug Enforcement Agents at Longs Drug Store #91, located 2514 Berryessa Road, San Jose, California, respondent possessed 34 tablets of Vicoprofen without a prescription.

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PRAYER


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

1. Revoking or suspending Pharmacist License Number RPH 43950, issued to Paul Yamamoto;

2. Ordering Paul Yamamoto to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 2/20/02



PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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2Accusation.wpt 10/19/01
mbf