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

12 In the Matter of the Statement of Issues
Against:

Case No. 7762

13 **DONALD RAY WYATT, III**
14 **Pharmacist Examination for Licensure**
15 **Applicant**

STATEMENT OF ISSUES

16 Respondent.

17
18 **PARTIES**

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

22 2. On or about September 15, 2023, the Board received an application for Pharmacist
23 Examination for Licensure from Donald Ray Wyatt, III (Respondent). On or about September
24 11, 2023, Donald Ray Wyatt III certified under penalty of perjury to the truthfulness of all
25 statements, answers, and representations in the application. The Board denied the application on
26 January 23, 2024.

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1 director, associate, partner, or any other person with management or control had
2 knowledge of or knowingly participated in any conduct for which the license was
3 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
as a manager, administrator, owner, member, officer, director, associate, partner, or in
any other position with management or control of a licensee as follows:

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

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

8 STATUTORY PROVISIONS

9 8. Section 4301 of the Code states:

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

12 ...

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

15 ...

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

19 ...

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

22 ...

23 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
24 abetting the violation of or conspiring to violate any provision or term of this chapter
or of the applicable federal and state laws and regulations governing pharmacy,
including regulations established by the board or by any other state or federal
25 regulatory agency.

26 ...

27 9. Health and Safety Code section 11350 states, in pertinent part, that no person shall
28 possess any controlled substance classified in Schedule III, IV, or V which is a narcotic drug,

1 unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
2 practice in this state.

3 10. Health and Safety Code section 11170 states, “[n]o person shall prescribe, administer,
4 or furnish a controlled substance for himself.”

5 11. Health and Safety Code section 11173 states, in pertinent part:

6 (a) No person shall obtain or attempt to obtain controlled substances, or procure
7 or attempt to procure the administration of or prescription for controlled substances,
8 (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a
9 material fact.

10 ...

11 (c) No person shall, for the purpose of obtaining controlled substances, falsely
12 assume the title of, or represent himself to be, a manufacturer, wholesaler,
13 pharmacist, physician, dentist, veterinarian, registered nurse, physician's assistant, or
14 other authorized person.

15 **DRUGS**

16 12. *Norco* is a narcotic combination of Acetaminophen and Hydrocodone and is a
17 Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision
18 (b)(1)(I)(i), and is a dangerous drug pursuant to Code section 4022.

19 13. *Lorazepam*, also known as Ativan, is a Schedule IV controlled substance as defined
20 by Health and Safety Code section 11057, subdivision (d)(16), and is a dangerous drug pursuant
21 to Code section 4022.

22 14. *Clonazepam*, also known as Klonopin, is a Schedule IV controlled substance as
23 designated by Health and Safety Code section 11057, subdivision (d)(7), and is a dangerous drug
24 pursuant to Code section 4022.

25 **FIRST CAUSE FOR DENIAL OF APPLICATION**

26 **(Dishonest Acts)**

27 15. Respondent's application is subject to denial for unprofessional conduct pursuant to
28 Code section 4301, subdivision (f), in that he acted with moral turpitude, dishonesty, fraud, deceit
or corruption, when he created fictitious prescriptions for Hydrocodone and Acetaminophen, and
when he stole Hydrocodone and Acetaminophen, Lorazepam, and Clonazepam, as follows:

1 a. On or about August 15, 2008, while working as a Pharmacist Intern (Intern
2 License Number INT 21448) at Target Store #T-2096 located on Claribel Road in Riverbank,
3 California, Respondent created a fictitious prescription for Hydrocodone and Acetaminophen
4 10/325 mg. On or about September 25, 2008, October 9, 2008, November 13, 2008, November
5 18, 2008, January 2, 2009, and January 9, 2009, Respondent obtained approximately 1,440
6 dosage units of Hydrocodone and Acetaminophen 10/325 mg. through his forged prescription at
7 Target Store #T-313, located on Pacific Avenue in Stockton, California.

8 b. On or about November 19, 2012 and November 26, 2012, Respondent created
9 two fraudulent prescriptions for Hydrocodone and Acetaminophen 10/325 mg. and Ibuprofen 800
10 mg. by misrepresenting himself as a physician to phone in the prescriptions to Walgreens #11705
11 located on Floyd Avenue in Modesto, California. Respondent subsequently obtained sixty tablets
12 of Hydrocodone and Acetaminophen 10/325 mg. on November 19, 2012, sixty tablets of
13 Hydrocodone and Acetaminophen 10/325 mg. November 23, 2012, and thirty tablets of Ibuprofen
14 800 mg. on November 19, 2012, through the forged prescriptions from Walgreens #11705.
15 Respondent admitted that the prescriptions in November 2012 were fraudulent.

16 c. On or between December 2, 2012 and February 23, 2013, while working as a relief
17 pharmacist, Respondent stole Hydrocodone and Acetaminophen 10/325 mg, and/or Lorazepam,
18 and/or Clonazepam from six Target pharmacies he worked at. Respondent admitted that the
19 medications he stole and illegally possessed were used for self-medication.

20 **SECOND CAUSE FOR DENIAL OF APPLICATION**

21 **(Use of Dangerous Drug)**

22 16. Respondent's application is subject to denial for unprofessional conduct pursuant to
23 Code section 4301, subdivision (h), in that Respondent used a dangerous drug to the extent or in a
24 manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter,
25 or to any other person or to the public. The circumstances are as follows:

26 a. On or about July 17, 2013, in the matter of *People v. Donald Ray Wyatt III*
27 (Super. Ct. Stanislaus Co. Case No. 1455611), Respondent was convicted on his plea of nolo
28 contendere of violating Health and Safety Code section 11350, subdivision (a) (unlawful

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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. Denying the application of Donald Ray Wyatt, III for a Registered Pharmacist License;
2. Prohibiting Donald Ray Wyatt, III from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if his application for licensure is granted and he satisfies the prerequisites for licensure, and he is placed on probation or until a future application is granted if this application is denied;
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/16/2024

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Sodergren,
Anne@DCA
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