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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
13 Against:

Case No. 6787

14 **SHANTA LORIEN ROBERTS**

STATEMENT OF ISSUES

15 Pharmacist License Applicant

16 Respondent.

17
18
19 **PARTIES**

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

23 2. On or about February 8, 2019, the Board received an application for a Pharmacist
24 License from Shanta Lorien Roberts (Respondent). On or about February 3, 2019, Respondent
25 certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on July 24, 2019.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code unless otherwise
4 indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 480 states, in pertinent part:

7 (a) A board may deny a license regulated by this code on the grounds that the
8 applicant has one of the following:

9

10 (3) (A) Done any act that if done by a licentiate of the business or profession in
11 question, would be grounds for suspension or revocation of license.

12 (B) The board may deny a license pursuant to this subdivision only if the crime
13 or act is substantially related to the qualifications, functions, or duties of the business
14 or profession for which application is made.

15 (b) Notwithstanding any other provision of this code, a person shall not be
16 denied a license solely on the basis that he or she has been convicted of a felony if he
17 or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing
18 with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been
19 convicted of a misdemeanor if he or she has met all applicable requirements of the
20 criteria of rehabilitation developed by the board to evaluate the rehabilitation of a
21 person when considering the denial of a license under subdivision (a) of Section 482.

22 (c) Notwithstanding any other provisions of this code, a person shall not be
23 denied a license solely on the basis of a conviction that has been dismissed pursuant
24 to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a
25 conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of
26 the Penal Code shall provide proof of the dismissal.

27

28 (e) This section shall become inoperative on July 1, 2020, and, as of January 1,
2021, is repealed.

5. Section 4301 states, in pertinent part:

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

.....

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

1 the person to conduct with safety to the public the practice authorized by the license.

2

3 (n) The revocation, suspension, or other discipline by another state of a license
4 to practice pharmacy, operate a pharmacy, or do any other act for which a license is
5 required by this chapter that would be grounds for revocation, suspension, or other
6 discipline under this chapter. Any disciplinary action taken by the board pursuant to
7 this section shall be coterminous with action taken by another state, except that the
8 term of any discipline taken by the board may exceed that of another state, consistent
9 with the board's enforcement guidelines. The evidence of discipline by another state
10 is conclusive proof of unprofessional conduct.

7 **REGULATORY PROVISIONS**

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

9 For the purpose of denial, suspension, or revocation of a personal or facility
10 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
11 Professions Code, a crime or act shall be considered substantially related to the
12 qualifications, functions or duties of a licensee or registrant if to a substantial degree
13 it evidences present or potential unfitness of a licensee or registrant to perform the
14 functions authorized by his license or registration in a manner consistent with the
15 public health, safety, or welfare.

13 **CAUSE FOR DENIAL OF APPLICATION**

14 **(Acts Warranting Denial of Licensure)**

15 7. Respondent's application is subject to denial under section 480, subdivisions (a)(3)A
16 and (a)(3)(B), in that Respondent committed acts which if done by a licensed pharmacist would
17 be grounds for suspension or revocation of the license as follows:

18 a. Respondent used alcoholic beverages to an extent or in a manner dangerous or
19 injurious to herself, another person, or the public, in violation of section 4301, subdivision (h).
20 Specifically, on or about February 17, 2018, a Harney County Sheriff's officer responded to a
21 report of an intoxicated driver on a highway. While speaking to Respondent, the officer could
22 smell the odor of alcohol emitting from her breath. While at the scene, Respondent submitted to a
23 series of field sobriety tests which she was unable to perform as indicated. Respondent was
24 subsequently placed under arrest for driving under the influence of intoxicants. During the
25 booking procedure, Respondent admitted to purchasing a bottle of vodka, which she consumed
26 while driving. Respondent also provided a breath sample that revealed a breath alcohol content
27 level of 0.20%. Subsequently, on or about June 22, 2018, criminal charges were filed in the
28 criminal proceeding entitled *The State of Oregon v. Shtanta Lorien Roberts* (Super. Ct. Lake

1 County, 2018, No. 18CR41717), for violating one misdemeanor count of Oregon Revised
2 Statutes section 813.010, subdivision (4) [driving under the influence of intoxicants]. The court
3 placed Respondent on a one-year diversion program with terms and conditions to be completed
4 prior to her case being dismissed. On or about July 22, 2019, the case was dismissed.

5 b. Respondent was subject to disciplinary action by another health care professional
6 licensing board, in violation of section 4301, subdivision (n). Specifically, on or about August
7 22, 2017, in the disciplinary action entitled "*In the Matter of Pharmacist License of Shanta Lorien*
8 *Roberts, R.PH.*," Case No. 2016-0503, the Oregon State Board of Pharmacy issued a Consent
9 Order, revoking Respondent's Pharmacist License NO. RPH-00010845. The circumstances
10 underlying the discipline are that on or about November 1, 2016, while on duty at Silverton
11 Hospital Pharmacy, Respondent left the pharmacy premises without another pharmacist on site
12 thereby leaving the pharmacy unsecured after which the pharmacy incurred a loss of controlled
13 substances. Respondent also consumed alcohol during her shift, was impaired, and not able to
14 perform the duties required of a pharmacist.

15 **PRAYER**

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

- 18 1. Denying the application of Shanta Lorien Roberts for a Pharmacist License; and
- 19 2. Taking such other and further action as deemed necessary and proper.

20
21 DATED: October 31, 2019



22 ANNE SODERGREN
23 Interim Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 *Complainant*

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