

1 ROB BONTA
Attorney General of California
2 ANDREW M. STEINHEIMER
Supervising Deputy Attorney General
3 KEVIN W. BELL
Deputy Attorney General
4 State Bar No. 192063
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7511
Facsimile: (916) 327-8643
7 E-mail: Kevin.Bell@doj.ca.gov
Attorneys for Complainant
8

9
10 **BEFORE THE**
BOARD OF PHARMACY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Statement of Issues Against: Case No. 7800
14 **DOUGLAS W. BARNES** **STATEMENT OF ISSUES**
15 Applicant.
16

17 **PARTIES**

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

21 2. On or about January 23, 2023, the Board o received an application for a Pharmacist
22 License from Douglas W. Barnes (Applicant). On or about January 19, 2023, Douglas W. Barnes
23 certified under penalty of perjury to the truthfulness of all statements, answers, and
24 representations in the application. The Board denied the application on March 7, 2024.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code (Code) unless
28 otherwise indicated.

1 **STATUTORY AND REGULATORY PROVISIONS**

2 4. Section 820 of the Code states:

3 Whenever it appears that any person holding a license, certificate or permit
4 under this division or under any initiative act referred to in this division may be
5 unable to practice his or her profession safely because the licentiate’s ability to
6 practice is impaired due to mental illness, or physical illness affecting competency,
7 the licensing agency may order the licentiate to be examined by one or more
8 physicians and surgeons or psychologists designated by the agency. The report of the
9 examiners shall be made available to the licentiate and may be received as direct
10 evidence in proceedings conducted pursuant to Section 822.

11 5. Section 822 of the Code states:

12 If a licensing agency determines that its licentiate’s ability to practice his or her
13 profession safely is impaired because the licentiate is mentally ill, or physically ill
14 affecting competency, the licensing agency may take action by any one of the
15 following methods:

- 16 (a) Revoking the licentiate’s certificate or license.
- 17 (b) Suspending the licentiate’s right to practice.
- 18 (c) Placing the licentiate on probation.
- 19 (d) Taking such other action in relation to the licentiate as the licensing agency
20 in its discretion deems proper.

21 The licensing section shall not reinstate a revoked or suspended certificate or
22 license until it has received competent evidence of the absence or control of the
23 condition which caused its action and until it is satisfied that with due regard for the
24 public health and safety the person’s right to practice his or her profession may be
25 safely reinstated.

26 6. California Code of Regulations, Title 16, section 1769 provides in pertinent part:

27 (a) Examination of applicant by medical professionals to assess competency.
28 In addition to any other requirements for licensure, when considering the approval
of an application, the board or its designee may require an applicant to be

examined by one or more physicians and surgeons or psychologists designated by
the board if it appears that the applicant may be unable to safely practice due to
mental illness or physical illness affecting competency. An applicant's failure to
comply with the examination requirement shall render his or her application
incomplete. The board shall pay the full cost of such examination. The board shall
seek that the evaluation be conducted within 60 days of the date the applicant is
advised that an examination is required. The board shall receive the examiner's
evaluation within 60 days of the date the examination is completed. The report of
the examiner shall be made available to the applicant.

If after receiving the report of the evaluation, the board determines that the
applicant is unable to safely practice, the board may deny the application.

...

STATEMENT OF FACTS

1 7. On October 31, 2023, Applicant underwent an evaluation by a clinical psychologist at
2 the direction of the Board. Applicant admitted to using Crystal Methamphetamine from
3 approximately 2000 until March 2020, at which time he self-reported to the Florida Board of
4 Pharmacy, where he holds a valid Pharmacist License. Applicant is currently participating in a
5 substance abuse recovery program where he is undergoing treatment to improve his ability to
6 practice safely. Applicant is under a five-year contract for monitoring with Pharmacy Boards of
7 Florida, New Jersey, and Michigan, and is being monitored primarily through Florida’s
8 Professional Resource Network.

CAUSE FOR DENIAL OF APPLICATION

(Impaired Ability to Practice)

11 8. Applicant's application is subject to denial under Code section 822 and California
12 Code of Regulations, Title 16, section 1769 (a) in that Applicant’s ability to practice as a
13 pharmacist safely is impaired because the licentiate is mentally or physically ill affecting
14 competency.

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 Douglas W. Barnes for a Pharmacist License; and
- 19 2. Taking such other and further action as deemed necessary and proper.

22 DATED: 12/1/2024

21 **Sodergren,**
22 **Anne@DCA**
23 ANNE SODERGREN
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.12.01 19:31:09
-08'00'

26 SA2024302495
27 Statement of Issues.docx