

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

**In the Matter of the Accusation Against:**

**CHRISTOPHER STEVEN TONEY, Respondent**

**Pharmacist License No. RPH 70070**

**Agency Case No. 7299**

**OAH No. 2023020744**

**DECISION AND ORDER**

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

This Decision shall become effective at 5:00 p.m. on October 18, 2023.

It is so ORDERED on September 18, 2023.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

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8

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

13 In the Matter of the Accusation Against:

14 **CHRISTOPHER STEVEN TONEY**

15 18810 Marks Lane  
16 Cottonwood, CA 96022

17 **Pharmacist License Number RPH 70070**

18 Respondent.

Case Number 7299

OAH Number 2023020744

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

19  
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
24 (Board). She brought this action solely in her official capacity and is represented in this matter by  
25 Rob Bonta, Attorney General of the State of California, by Summer D. Haro, Deputy Attorney  
26 General.

27 2. Respondent Christopher Steven Toney (Respondent) is represented in this proceeding  
28 by attorney Robert Keith Weinberg, Esq., whose address is: 19200 Von Karman Avenue, Suite

1 380, Irvine, CA 92612-8508

2 3. On or about October 11, 2013, the Board issued Pharmacist License Number RPH  
3 70070 to Respondent. The Pharmacist License was in full force and effect at all times relevant to  
4 the charges brought in Accusation Number 7299, and will expire on October 31, 2023, unless  
5 renewed.

6 **JURISDICTION**

7 4. Accusation Number 7299 was filed before the Board, and is currently pending against  
8 Respondent. The Accusation and all other statutorily required documents were properly served  
9 on Respondent on November 22, 2022. Respondent timely filed his Notice of Defense contesting  
10 the Accusation.

11 5. A copy of Accusation Number 7299 is attached as exhibit A and incorporated herein  
12 by reference.

13 **ADVISEMENT AND WAIVERS**

14 6. Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Accusation Number 7299. Respondent has also carefully read, fully  
16 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
17 Order.

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

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

26 **CULPABILITY**

27 9. Respondent admits the truth of each and every charge and allegation in Accusation  
28 Number 7299.



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**1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy- two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another

administrative action filed by any state or federal agency which involves respondent’s license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

**2. Report to the Board**

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

**3. Interview with the Board**

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews

1 with the board or its designee, at such intervals and locations as are determined by the board or its  
2 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
3 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
4 the period of probation, shall be considered a violation of probation.

5 **4. Cooperate with Board Staff**

6 Respondent shall timely cooperate with the board's inspection program and with the board's  
7 monitoring and investigation of respondent's compliance with the terms and conditions of  
8 respondent's probation, including but not limited to: timely responses to requests for information  
9 by board staff; timely compliance with directives from board staff regarding requirements of any  
10 term or condition of probation; and timely completion of documentation pertaining to a term or  
11 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

12 **5. Continuing Education**

13 Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
14 pharmacist as directed by the board or its designee.

15 **6. Reporting of Employment and Notice to Employers**

16 During the period of probation, respondent shall notify all present and prospective  
17 employers of the decision in case number 7299 and the terms, conditions and restrictions imposed  
18 on respondent by the decision, as follows:

19 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
20 undertaking any new employment, respondent shall report to the board in writing the name,  
21 physical address, and mailing address of each of respondent's employer(s), and the name(s) and  
22 telephone number(s) of all of respondent's direct supervisor(s), as well as any pharmacist(s)-in-  
23 charge, designated representative(s)-in-charge, responsible manager, or other compliance  
24 supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for  
25 leaving the prior employment. Respondent shall sign and return to the board a written consent  
26 authorizing the board or its designee to communicate with all of respondent's employer(s) and  
27 supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the board  
28 or its designee, concerning respondent's work status, performance, and monitoring. Failure to

1 comply with the requirements or deadlines of this condition shall be considered a violation of  
2 probation.

3         Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
4 respondent undertaking any new employment, respondent shall cause (a) respondent's direct  
5 supervisor, (b) respondent's pharmacist-in-charge, designated representative-in-charge,  
6 responsible manager, or other compliance supervisor, and (c) the owner or owner representative  
7 of respondent's employer, to report to the board in writing acknowledging that the listed  
8 individual(s) has/have read the decision in case number 7299, and terms and conditions imposed  
9 thereby. If one person serves in more than one role described in (a), (b), or (c), the  
10 acknowledgment shall so state. It shall be the respondent's responsibility to ensure that these  
11 acknowledgment(s) are timely submitted to the board. In the event of a change in the person(s)  
12 serving the role(s) described in (a), (b), or (c) during the term of probation, respondent shall cause  
13 the person(s) taking over the role(s) to report to the board in writing within fifteen (15) days of  
14 the change acknowledging that he or she has read the decision in case number 7299, and the  
15 terms and conditions imposed thereby.

16         If respondent works for or is employed by or through an employment service, respondent  
17 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
18 of the decision in case number 7299, and the terms and conditions imposed thereby in advance of  
19 respondent commencing work at such licensed entity. A record of this notification must be  
20 provided to the board upon request.

21         Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
22 (15) days of respondent undertaking any new employment by or through an employment service,  
23 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service  
24 to report to the board in writing acknowledging that he or she has read the decision in case  
25 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
26 ensure that these acknowledgment(s) are timely submitted to the board.

27         Failure to timely notify present or prospective employer(s) or failure to cause the identified  
28 person(s) with that/those employer(s) to submit timely written acknowledgments to the board

1 shall be considered a violation of probation.

2 "Employment" within the meaning of this provision includes any full-time, part-time,  
3 temporary, relief, or employment/management service position as a Pharmacist, or any position  
4 for which a Pharmacist is a requirement or criterion for employment, whether the respondent is an  
5 employee, independent contractor or volunteer.

6 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

7 Respondent shall further notify the board in writing within ten (10) days of any change in  
8 name, residence address, mailing address, e-mail address or phone number.

9 Failure to timely notify the board of any change in employer, name, address, or phone  
10 number shall be considered a violation of probation.

11 **8. Restrictions on Supervision and Oversight of Licensed Facilities –**

12 During the period of probation, respondent shall not supervise any intern pharmacist, be the  
13 pharmacist-in-charge, designated representative-in-charge, responsible manager or other  
14 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption  
15 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

16 **9. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, respondent shall pay to the  
18 board its costs of investigation and prosecution in the amount of \$17,500.00. Respondent shall  
19 make said payments as follows:

20 There shall be no deviation from this schedule absent prior written approval by the board or  
21 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
22 probation.

23 Respondent shall be permitted to pay these costs in a payment plan approved by the board  
24 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
25 date of probation.

26 **10. Probation Monitoring Costs**

27 Respondent shall pay any costs associated with probation monitoring as determined by the  
28 board each and every year of probation. Such costs shall be payable to the board on a schedule as



1 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
2 be considered a violation of probation.

3 **11. Status of License**

4 Respondent shall, at all times while on probation, maintain an active, current Pharmacist  
5 License with the board, including any period during which suspension or probation is tolled.  
6 Failure to maintain an active, current Pharmacist License shall be considered a violation of  
7 probation.

8 If respondent's Pharmacist License expires or is cancelled by operation of law or otherwise  
9 at any time during the period of probation, including any extensions thereof due to tolling or  
10 otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and  
11 conditions of this probation not previously satisfied.

12 **12. License Surrender While on Probation/Suspension**

13 Following the effective date of this decision, should respondent cease practice due to  
14 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
15 respondent may relinquish respondent's license, including any indicia of licensure issued by the  
16 board, along with a request to surrender the license. The board or its designee shall have the  
17 discretion whether to accept the surrender or take any other action it deems appropriate and  
18 reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be  
19 subject to the terms and conditions of probation. This surrender constitutes a record of discipline  
20 and shall become a part of the respondent's license history with the board.

21 Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall  
22 license, including any indicia of licensure not previously provided to the board within ten (10)  
23 days of notification by the board that the surrender is accepted if not already provided.  
24 Respondent may not reapply for any license from the board for three (3) years from the effective  
25 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
26 of the date the application for that license is submitted to the board, including any outstanding  
27 costs.

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1           **13. Practice Requirement – Extension of Probation**

2           Except during periods of suspension, respondent shall, at all times while on probation, be  
3 employed as a Pharmacist in California for a minimum of eighty (80) hours per calendar month.  
4 Any month during which this minimum is not met shall extend the period of probation by one  
5 month. During any such period of insufficient employment, respondent must nonetheless comply  
6 with all terms and conditions of probation, unless respondent receives a waiver in writing from  
7 the board or its designee.

8           If respondent does not practice as a Pharmacist in California for the minimum number of  
9 hours in any calendar month, for any reason (including vacation), respondent shall notify the  
10 board in writing within ten (10) days of the conclusion of that calendar month. This notification  
11 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the  
12 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume  
13 practice at the required level. Respondent shall further notify the board in writing within ten (10)  
14 days following the next calendar month during which respondent practices as a Pharmacist in  
15 California for the minimum of hours. Any failure to timely provide such notification(s) shall be  
16 considered a violation of probation.

17           It is a violation of probation for respondent's probation to be extended pursuant to the  
18 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
19 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
20 probation period on its website.

21           **14. Violation of Probation**

22           If respondent has not complied with any term or condition of probation, the board shall  
23 have continuing jurisdiction over respondent, and the board shall provide notice to respondent  
24 that probation shall automatically be extended, until all terms and conditions have been satisfied  
25 or the board has taken other action as deemed appropriate to treat the failure to comply as a  
26 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
27 board or its designee may post a notice of the extended probation period on its website.

28           If respondent violates probation in any respect, the board, after giving respondent notice

1 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
2 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
3 probation, or the preparation of an accusation or petition to revoke probation is requested from  
4 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
5 probation shall be automatically extended until the petition to revoke probation or accusation is  
6 heard and decided.

7 **15. Completion of Probation**

8 Upon written notice by the board or its designee indicating successful completion of  
9 probation, respondent's license will be fully restored.

10 **16. Clinical Diagnostic Evaluation**

11 Within thirty (30) days of the effective date of this decision, and on a periodic basis  
12 thereafter if required by the board or its designee, respondent shall undergo, at respondent's own  
13 expense, clinical diagnostic evaluation(s) by a practitioner selected or approved prior to the  
14 evaluation by the board or its designee. The approved evaluator shall be provided with a copy of  
15 the board's accusation and decision. Respondent shall sign a release authorizing the evaluator to  
16 furnish the board with a current diagnosis and a written report regarding the respondent's  
17 judgment and ability to function independently as a Pharmacist with safety to the public. If the  
18 evaluator recommends restrictions or conditions on respondent's practice, including but not  
19 limited to other terms and conditions listed in these guidelines (e.g., required psychotherapy,  
20 inpatient treatment, prescription coordination and monitoring, restricted practice), the board or its  
21 designee may by written notice to respondent adopt any such restrictions or conditions as  
22 additional probation terms and conditions, violation of which shall be considered a violation of  
23 probation. Failure to comply with any requirement or deadline stated by this paragraph shall be  
24 considered a violation of probation.

25 If at any time the approved evaluator or therapist determines that respondent is unable to  
26 practice safely or independently, the licensed mental health practitioner shall notify the board  
27 immediately by telephone and follow up by written letter within three (3) working days. Upon  
28 notification from the board or its designee of this determination, respondent shall be

1 automatically suspended and shall not resume practice until notified by the board or its designee  
2 that practice may resume.

3 Failure to comply with any requirement or deadline stated by this term shall be considered a  
4 violation of probation.

5 Commencing on the effective date of this decision, respondent is suspended from practice  
6 and shall not practice as a Pharmacist until:

7 Respondent has undergone and completed clinical diagnostic evaluation(s);

8 The report(s) of the evaluation(s) has/have been received by the board or its designee;

9 One or more report(s) has concluded that respondent is safe to return to practice as a  
10 Pharmacist;

11 The board or its designee is satisfied that respondent is safe to return to practice as a  
12 Pharmacist;

13 Respondent receives written notice from the board or its designee that practice may resume.

14 For all such evaluations, a final written report shall be provided to the board no later than  
15 ten (10) days from the date the evaluator is assigned the matter unless the evaluator requests  
16 additional information to complete the evaluation, not to exceed thirty (30) days.

17 During any suspension, respondent shall not enter any pharmacy area or any portion of the  
18 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
19 retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
20 any area where dangerous drugs and/or dangerous devices or controlled substances are  
21 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
22 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
23 respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
24 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
25 dangerous devices or controlled substances.

26 During any suspension, respondent shall not engage in any activity that requires the  
27 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control  
28 any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or

1 retailing of dangerous drugs and/or dangerous devices or controlled substances.

2 Failure to comply with any requirement, including any suspension or deadline stated by this  
3 term shall be considered a violation of probation.

4 **17. Psychotherapy**

5 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
6 board or its designee, for prior approval, the name and qualifications of a licensed mental health  
7 practitioner of respondent's choice. Within thirty (30) days of approval thereof, respondent shall  
8 submit documentation to the board demonstrating the commencement of psychotherapy with the  
9 approved licensed mental health practitioner. Should respondent, for any reason, cease treatment  
10 with the approved licensed mental health practitioner, respondent shall notify the board  
11 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement  
12 psychotherapist or licensed mental health practitioner of respondent's choice to the board for its  
13 prior approval. Within thirty (30) days of approval thereof, respondent shall submit  
14 documentation to the board demonstrating the commencement of psychotherapy with the  
15 approved replacement. Failure to comply with any requirement or deadline stated by this  
16 paragraph shall be considered a violation of probation.

17 Upon approval of the initial or any subsequent licensed mental health practitioner,  
18 respondent shall undergo and continue treatment with that therapist, at respondent's own expense,  
19 until the therapist recommends in writing to the board, and the board or its designee agrees by  
20 way of a written notification to respondent, that no further psychotherapy is necessary. Upon  
21 receipt of such recommendation from the treating therapist, and before determining whether to  
22 accept or reject said recommendation, the board or its designee may require respondent to  
23 undergo, at respondent's own expense, a mental health evaluation by a board-appointed or board-  
24 approved psychiatrist or psychologist. If the approved evaluator recommends that respondent  
25 continue psychotherapy, the board or its designee may require respondent to continue  
26 psychotherapy.

27 Psychotherapy shall be at least once a week unless otherwise approved by the board.  
28 Respondent shall provide the therapist with a copy of the board's accusation and decision no later

1 than the first therapy session. Respondent shall take all necessary steps to ensure that the treating  
2 therapist submits written quarterly reports to the board concerning respondent's fitness to  
3 practice, progress in treatment, and such other information required by the board or its designee.

4 If at any time the treating therapist determines that respondent cannot practice safely or  
5 independently, the therapist shall notify the board immediately by telephone and follow up by  
6 written letter within three (3) working days. Upon notification from the board or its designee of  
7 this determination, respondent shall be automatically suspended and shall not resume practice  
8 until notified by the board that practice may be resumed.

9 During any suspension, respondent shall not enter any pharmacy area or any portion of the  
10 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
11 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
12 any area where dangerous drugs and/or dangerous devices or controlled substances are  
13 maintained.

14 Respondent shall not practice pharmacy nor do any act involving drug selection, selection  
15 of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent  
16 manage, administer, or be a consultant to any licensee of the board, or have access to or control  
17 the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous  
18 devices or controlled substances. Respondent shall not resume practice until notified by the  
19 board.

20 During any suspension, respondent shall not engage in any activity that requires the  
21 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control  
22 any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or  
23 retailing of dangerous drugs and/or dangerous devices or controlled substances.

24 Failure to comply with any requirement or deadline stated by this term shall be considered a  
25 violation of probation.

26 **18. Pharmacists Recovery Program (PRP)**

27 By no later than ten (10) days after the effective date of this decision, respondent shall have  
28 completed all of the following: contacted the Pharmacists Recovery Program (PRP) for

1 evaluation; enrolled in the PRP; completed, signed, and returned the treatment contract as well as  
2 any addendums required or suggested by the PRP; successfully completed registration for any  
3 drug or alcohol testing mandated by the treatment contract and/or by enrollment in the PRP; and  
4 begun compliance with the drug or alcohol testing protocol(s). Respondent shall successfully  
5 participate in the PRP and complete the treatment contract and any addendums required or  
6 suggested by the PRP. The costs for PRP participation shall be borne by the respondent.

7 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of  
8 the effective date of this decision is no longer considered a self-referral under Business and  
9 Professions Code section 4362 (a)(2). Respondent shall successfully participate in and complete  
10 his or her current contract and any subsequent addendums with the PRP.

11 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not  
12 timely paid to the PRP shall constitute a violation of probation. The board will collect unpaid  
13 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

14 Any of the following shall result in the automatic suspension of practice by respondent and  
15 shall be considered a violation of probation:

16 Failure to contact, complete enrollment, and execute and return the treatment contract with  
17 the PRP, including any addendum(s), within ten (10) days of the effective date of the decision as  
18 directed by the PRP;

19 Failure to complete registration for any drug or alcohol testing mandated by the treatment  
20 contract and/or by the PRP, and begin compliance with the testing protocol(s), within ten (10)  
21 days of the effective date of the decision as directed by the PRP;

22 Failure to comply with testing protocols regarding daily check-in and/or failure to complete  
23 a mandated test as directed by the PRP;

24 Any report from the PRP of material non-compliance with the terms and conditions of the  
25 treatment contract and/or any addendum(s); or

26 Termination by the PRP for non-compliance, failure to derive benefit, or as a public risk.

27 Respondent may not resume the practice of pharmacy until notified by the board in writing.

28 Probation shall be automatically extended until respondent successfully completes the PRP.

1 The board will provide notice of any such suspension or extension of probation.

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

11 During any suspension, respondent shall not engage in any activity that requires the  
12 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control  
13 any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or  
14 retailing of dangerous drugs and/or dangerous devices or controlled substances.

15 Failure to comply with any requirement or deadline stated by this term shall be considered a  
16 violation of probation.

17 **19. Drug and Alcohol Testing**

18 Respondent, at his own expense, shall participate in testing as directed by the board or its  
19 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or  
20 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),  
21 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its  
22 designee. All testing must be pursuant to an observed testing protocol, unless respondent is  
23 informed otherwise in writing by the board or its designee. Respondent may be required to  
24 participate in testing for the entire probation period and frequency of testing will be determined  
25 by the board or its designee.

26 By no later than thirty (30) days after the effective date of this decision, respondent shall  
27 have completed all of the following tasks: enrolled and registered with an approved drug and  
28 alcohol testing vendor; provided that vendor with any documentation, and any information



1 necessary for payment by respondent; commenced testing protocols, including all required  
2 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,  
3 respondent shall fully cooperate with the testing vendor, and with the board or its designee, with  
4 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to  
5 cooperate timely shall be considered a violation of probation.

6 Respondent may be required to test on any day, including weekends and holidays.  
7 Respondent is required to make daily contact with the testing vendor to determine if a test is  
8 required, and if a test is required must submit to testing on the same day.

9 Prior to any vacation or other period of absence from the area where the approved testing  
10 vendor provides services, respondent shall seek and receive approval from the board or its  
11 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,  
12 respondent shall enroll and register with the approved alternate drug testing vendor, provide to  
13 that alternate vendor any documentation required by the vendor, including any necessary payment  
14 by respondent. During the period of absence of the area, respondent shall commence testing  
15 protocols with the alternate vendor, including required daily contacts with the testing vendor to  
16 determine if testing is required, and required testing. Any failure to timely seek or receive  
17 approval from the board or its designee, or to timely enroll and register with, timely commence  
18 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be  
19 considered a violation of probation.

20 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its  
21 designee may require respondent to timely provide documentation from a licensed practitioner  
22 authorized to prescribe the detected substance demonstrating that the substance was administered  
23 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such  
24 documentation shall be provided by respondent within ten (10) days of being requested.

25 Any of the following shall be considered a violation of probation and shall result in  
26 respondent being immediately suspended from practice as a Pharmacist until notified by the board  
27 in writing that he may resume practice: failure to timely complete all of the steps required for  
28 enrollment/registration with the drug testing vendor, including making arrangements for payment;

1 failure to timely commence drug testing protocols; failure to contact the drug testing vendor as  
2 required to determine testing date(s); failure to test as required; failure to timely supply  
3 documentation demonstrating that a detected substance was taken pursuant to a legitimate  
4 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or  
5 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the  
6 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In  
7 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a  
8 controlled substance or dangerous drug absent documentation that the detected substance was  
9 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee  
10 shall inform respondent of the suspension and inform him to immediately leave work, and shall  
11 notify respondent's employer(s) and work site monitor(s) of the suspension.

12       During any such suspension, respondent shall not enter any pharmacy area or any portion of  
13 the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal drug  
14 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
15 any area where dangerous drugs and/or dangerous devices or controlled substances are  
16 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
17 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
18 respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
19 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
20 dangerous devices and controlled substances.

21       During any such suspension, respondent shall not engage in any activity that requires the  
22 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control  
23 any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or  
24 retailing of dangerous drugs and/or dangerous devices.

25       Failure to comply with any such suspension shall be considered a violation of probation.  
26 Failure to comply with any requirement or deadline stated by this term shall be considered a  
27 violation of probation.

28 ///

1           **20. Notification of Departure**

2           Prior to leaving the probationary geographic area designated by the board or its designee for  
3 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
4 writing of the dates of departure and return. Failure to comply with this provision shall be  
5 considered a violation of probation.

6           **21. Abstain from Drugs and Alcohol**

7           Respondent shall completely abstain from the possession or use of alcohol, controlled  
8 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated  
9 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a  
10 necessary part of treatment. Respondent shall ensure that he is not in the same physical location  
11 as individuals who are using illicit substances even if respondent is not personally ingesting the  
12 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled  
13 substances, or their associated paraphernalia for which a legitimate prescription has not been  
14 issued as a necessary part of treatment, or any physical proximity to persons using illicit  
15 substances, shall be considered a violation of probation.

16           **22. Prescription Coordination and Monitoring of Prescription Use**

17           Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
18 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
19 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
20 history with the use of illicit drugs, controlled substances, and/or dangerous drugs, and who will  
21 coordinate and monitor any prescriptions for respondent for dangerous drugs and/or dangerous  
22 devices, controlled substances or mood-altering drugs. The approved practitioner shall be  
23 provided with a copy of the board's Accusation and decision. A record of this notification must  
24 be provided to the board or its designee upon request. Respondent shall sign a release authorizing  
25 the practitioner to communicate with the board or its designee about respondent's treatment(s).  
26 The coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to  
27 the board on a quarterly basis for the duration of probation regarding respondent's compliance  
28 with this condition. If any substances considered addictive have been prescribed, the report shall

1 identify a program for the time limited use of any such substances. The board or its designee may  
2 require that the single coordinating physician, nurse practitioner, physician assistant or  
3 psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.  
4 Should respondent, for any reason, cease supervision by the approved practitioner, respondent  
5 shall notify the board or its designee immediately and, within thirty (30) days of ceasing  
6 supervision, submit the name of a replacement physician, nurse practitioner, physician assistant,  
7 or psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to  
8 timely submit the selected practitioner or replacement practitioner to the board or its designee for  
9 approval, or to ensure the required quarterly reporting thereby, shall be considered a violation of  
10 probation.

11 If at any time an approved practitioner determines that respondent is unable to practice  
12 safely or independently as a Pharmacist, the practitioner shall notify the board or its designee  
13 immediately by telephone and follow up by written letter within three (3) working days. Upon  
14 notification from the board or its designee of this determination, respondent shall be  
15 automatically suspended and shall not resume practice as a Pharmacist until notified by the board  
16 or its designee that practice may be resumed.

17 During any suspension, respondent shall not enter any pharmacy area or any portion of the  
18 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
19 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
20 any area where dangerous drugs and/or dangerous devices or controlled substances are  
21 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
22 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
23 respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
24 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
25 dangerous devices and controlled substances. Respondent shall not resume practice until notified  
26 by the board.

27 During any suspension, respondent shall not engage in any activity that requires the  
28 professional judgment and/or licensure as a Pharmacist. Respondent shall not direct or control

1 any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling, or  
2 retailing of dangerous drugs and/or dangerous devices or controlled substances.

3 Failure to comply with any requirement or deadline stated by this term shall be considered a  
4 violation of probation.

5 **23. Facilitated Group Recovery and/or Support Meetings**

6 Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
7 attendance at a group recovery and/or support meeting that is run by a trained facilitator approved  
8 in advance by the board or its designee. The required frequency of group meeting attendance  
9 shall be determined by the board or its designee. Respondent shall continue regular attendance as  
10 directed at an approved facilitated group meeting until the board or its designee advises the  
11 respondent in writing that he may cease regular attendance. Respondent shall provide signed and  
12 dated documentation of attendance as required with each quarterly report. Failure to attend as  
13 required or to submit documentation of attendance shall be considered a violation of probation.

14 If respondent is required to participate in the PRP, compliance with this term can be  
15 demonstrated through that program. Where respondent is enrolled in the PRP, participation as  
16 required in a facilitated group meeting approved by the PRP shall be sufficient for satisfaction of  
17 this requirement. Any deviation from participation requirements for the PRP-approved group  
18 shall be considered a violation of probation.

19 **24. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

20 Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
21 attendance at a recognized and established substance abuse recovery support group in California  
22 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
23 or its designee. Respondent must attend the number of group meetings per week or month  
24 directed by the board or its designee, which shall typically be at least one per week. Respondent  
25 shall continue regular attendance and submit signed and dated documentation confirming  
26 attendance with each quarterly report for the duration of probation. Failure to attend or submit  
27 documentation thereof shall be considered a violation of probation.

28 Where respondent is enrolled in the PRP, participation as required in a recovery group

1 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any  
2 deviation from participation requirements for the PRP-approved group shall be considered a  
3 violation of probation.

4 **25. Work Site Monitor**

5 Within ten (10) days of the effective date of this decision, respondent shall identify a work  
6 site monitor, for prior approval by the board or its designee, who shall be responsible for  
7 supervising respondent during working hours. Respondent shall be responsible for ensuring that  
8 the work site monitor reports in writing to the board monthly or on another schedule as directed  
9 by the board or its designee. Should the designated work site monitor suspect at any time during  
10 the probationary period that respondent has abused alcohol or drugs, he or she shall notify the  
11 board immediately.

12 In the event of suspected abuse, the monitor shall make at least oral notification within one  
13 (1) business day of the occurrence, and shall be followed by written notification within two (2)  
14 business days of the occurrence. If, for any reason, including change of employment, respondent  
15 is no longer able to be monitored by the approved work site monitor, within ten (10) days  
16 respondent shall designate a new work site monitor for approval by the board or its designee.  
17 Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure  
18 monthly reports are submitted to the board by the monitor, shall be considered a violation of  
19 probation.

20 Within thirty (30) days of being approved by the board or its designee, the work site  
21 monitor shall sign an affirmation that he or she has reviewed the terms and conditions of  
22 respondent's disciplinary order and agrees to monitor respondent. The work site monitor shall at  
23 least:

- 24 1) Have regular face-to-face contact with respondent in the work environment, at least  
25 once per week or with greater frequency if required by the board or its designee;  
26 2) Interview other staff in the office regarding respondent's behavior, if applicable; and  
27 3) Review respondent's work attendance.

28 The written reports submitted to the board or its designee by the work site monitor shall

1 include at least the following information: respondent's name and license number; the monitor's  
2 name, license number (if applicable) and work site location; the date(s) the monitor had face-to-  
3 face contact with respondent; the staff interviewed, if applicable; an attendance report; notes on  
4 any changes in respondent's behavior or personal habits; notes on any indicators that may lead to  
5 substance abuse; and the work site monitor's signature.

6 Respondent shall complete the required consent forms and sign an agreement with the work  
7 site monitor and the board to allow the board to communicate with the work site monitor.

8 **26. No Ownership or Management of Licensed Premises**

9 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
10 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
11 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
12 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
13 days following the effective date of this decision and shall immediately thereafter provide written  
14 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
15 documentation thereof shall be considered a violation of probation.

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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert Keith Weinberg, Esq.. I understand the stipulation and the effect it will have on my Pharmacist License. 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: \_\_\_\_\_  
CHRISTOPHER STEVEN TONEY  
*Respondent*

I have read and fully discussed with Respondent Christopher Steven Toney the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_  
ROBERT KEITH WEINBERG, ESQ.  
*Attorney for Respondent*

**ENDORSEMENT**

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

DATED: \_\_\_\_\_  
Respectfully submitted,  
ROB BONTA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General

SUMMER D. HARO  
Deputy Attorney General  
*Attorneys for Complainant*



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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert Keith Weinberg, Esq.. I understand the stipulation and the effect it will have on my Pharmacist License. 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: 8/21/2023   
CHRISTOPHER STEVEN TONEY  
*Respondent*


I have read and fully discussed with Respondent Christopher Steven Toney the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 8-21-23   
ROBERT KEITH WEINBERG, ESQ.  
*Attorney for Respondent*

**ENDORSEMENT**

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

DATED: August 21, 2023

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
DAVID E. BRICE  
Supervising Deputy Attorney General  
  
SUMMER D. HARO  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation Number 7299**

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 SUMMER D. HARO  
Deputy Attorney General  
4 State Bar No. 245482  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7510  
Facsimile: (916) 327-8643  
7 E-mail: Summer.Haro@doj.ca.gov  
*Attorneys for Complainant*  
8

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

13 In the Matter of the Accusation Against:

Case No. 7299

14 **CHRISTOPHER STEVEN TONEY**  
18810 Marks Lane  
15 Cottonwood, CA 96022

**ACCUSATION**

16 **Pharmacist License No. RPH 70070**

17 Respondent.

18  
19 **PARTIES**

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

22 2. On or about October 11, 2013, the Board of Pharmacy issued Pharmacist License  
23 Number RPH 70070 to Christopher Steven Toney (Respondent). The Pharmacist License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on October  
25 31, 2023, unless renewed.

26 **JURISDICTION**

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

1 indicated.

2 4. 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  
6 found 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  
9 year.

10 (4) Revoking his or her license.

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

12 **STATUTORY PROVISIONS**

13 5. Code section 4022 states:

14 “Dangerous drug” or “dangerous device” means any drug or device unsafe  
15 for self-use in humans or animals, and includes the following:

16 (a) Any drug that bears the legend: “Caution: federal law prohibits  
17 dispensing without prescription,” “Rx only,” or words of similar import.

18 (b) Any device that bears the statement: “Caution: federal law restricts this  
19 device to sale by or on the order of a ,” “Rx only,” or words of similar import, the  
20 blank to be filled in with the designation of the practitioner licensed to use or order  
21 use of the device.

22 (c) Any other drug or device that by federal or state law can be lawfully  
23 dispensed only on prescription or furnished pursuant to Section 4006.

24 6. Code section 4301 states, in pertinent part:

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

28 ...

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

...

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

3 ...

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

8 ...

9 7. Code section 4327 states: "Any person who, while on duty, sells, dispenses or  
10 compounds any drug while under the influence of any dangerous drug or alcoholic beverages  
11 shall be guilty of a misdemeanor."

12 8. Health and Safety Code section 11170 states: "No person shall prescribe, administer,  
13 or furnish a controlled substance for himself."

14 **COST RECOVERY**

15 9. Code section 125.3 states, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licentiate found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

19 **DRUG CLASSIFICATIONS**

20 10. Marijuana, also known as "cannabis" and "marihuana," is a Schedule I Controlled  
21 Substance pursuant to Health & Safety Code section 11054 subdivisions (d)(13) and (d)(20), and  
22 United States Code, title 21, section 812, subdivision (c)(10). "THC" stands for  
23 tetrahydrocannabinol, which is the psychoactive ingredient in marijuana.

24 11. Diazepam, is a Schedule IV Controlled Substance pursuant to Health & Safety Code  
25 section 11057, subdivision (d)(9). Benzodiazepines, e.g. desmethyldiazepam, oxazepam, and  
26 temazepam, are metabolites of diazepam. "Valium" is a brand name for diazepam.

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**FACTUAL ALLEGATIONS**

12. From approximately May 2016 until October 8, 2021, Respondent worked as a pharmacist at the Shasta Regional Medical Center Pharmacy (SRMC), located in Redding, California. On or about May 9, 2016, Respondent signed an Employee Acknowledgement confirming that he had received a copy of the SRMC Employee Handbook, which included a section entitled Drug-Free Work Environment that provided the following:

- a. Possession, distribution, use or sale of alcohol or any illegal drug while on duty (including any meal or rest breaks) or on the Facility premises, or while operating a vehicle or equipment owned or leased by the Facility, or reporting to work under the influence of such substances is strictly prohibited. Misusing prescription medication and reporting to work under its influence is also forbidden.
- b. Marijuana remains a Schedule I drug under the Federal Controlled Substances Act and, thus, its use is a violation of this policy regardless of any state medical or recreational marijuana law.

13. Additionally, SRMC's Pharmacy Manual included an Impaired Employee policy which provided that:

SRMC is committed to maintaining a safe and healthy work environment and will not tolerate having any licensed employee in the pharmacy known to be chemically, mentally, or physically impaired to the extent it affects his or her ability to practice the profession or occupation authorized by his or her license or known to have engaged in the theft, diversion, or self-use of dangerous drugs.

14. On or about September 4, 2021, while Respondent was working at SRMC, pharmacy technician K.B. observed that Respondent was extremely incoherent and delayed in his responses, including: (1) being slow in answering phone calls that he was told multiple times were on hold for him, (2) staring blankly at the computer screen throughout the day, and (3) leaving the pharmacy unattended by taking two 30-minute breaks between 1700 hours and 2000 hours.

15. On or about September 6, 2021, while Respondent was working at SRMC, pharmacy technicians K.B., and R.B., observed that Respondent arrived to work approximately 45 minutes late, that when the other pharmacist went on break Respondent stared at the computer for 15 minutes without answering phones or doing anything on the computer, and that Respondent went on break after being onsite for only one hour. The pharmacy technicians also observed (1) that

1 during conversations Respondent's speech was muffled and that he did not make any sense, (2)  
2 that Respondent refused to speak with a nurse who wanted to review a patient's medications from  
3 the Emergency Room, and (3) that Respondent did not check medications that needed to be re-  
4 filled, even after being asked multiple times to check them, so that the registered nurses could  
5 take the medications to patients. On this day, K.B. and R.B. also observed that Respondent again  
6 left the pharmacy unattended to take two 30-minute breaks between 1700 hours and 2000 hours.  
7 During the times that Respondent was absent, the Emergency Room called four times because  
8 there was a code in the Emergency Room and Respondent was not in the pharmacy to respond.  
9 On or about September 7, 2021, K.B. notified the pharmacist-in-charge (PIC) of these  
10 observations. The PIC instructed staff to monitor Respondent for any re-occurrent behavior, and  
11 to contact him if they observed any such behavior.

12 16. On or about September 24, 2021, while working at SRMC Respondent relieved  
13 pharmacist R.C. so that Pharmacist R.C. could go on break at 0955 hours. While R.C. was on  
14 break, pharmacy technician R.B. observed Respondent appearing to fall asleep, and when she  
15 asked Respondent to change a Precedex to a D5W Pre-mixed drip, Respondent was slow to  
16 respond and took over ten minutes to change the requested order. R.B. also observed that a  
17 pharmacist was requested on the phone from the hospital's "short-stay" and that Respondent had  
18 to be reminded twice to answer the phone which "rang-back" after being on hold for too long.  
19 When R.C. returned from break at 1012 hours, R.B. informed him that Respondent appeared to be  
20 falling asleep and that the orders awaiting pharmacist verification were filling up. R.C. observed  
21 Respondent falling asleep at his computer terminal. When R.C. logged into the pharmacy  
22 computer system and observed (1) that medications had not been verified since he left for break,  
23 (2) that the verification page had filled up to more than a page, and (3) that a faxed medication  
24 order had not been entered or verified. R.C. instructed R.B. to contact the PIC to report  
25 Respondent's behavior, which she did.

26 17. On or about September 24, 2021, the PIC contacted M.F., the Director of Human  
27 Resources at SRMC, regarding Respondent's behavior. M.F. took Respondent to an outside lab  
28 for a drug test. The drug test results were positive for THC and benzodiazepines.





1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Working as a Pharmacist while Under the Influence of a Dangerous Drug)**

3 22. Respondent is subject to disciplinary action under Code section 4327, by and through  
4 Code section 4301, subdivision (o), for working as a pharmacist while under the influence of a  
5 dangerous drug, in that in September 2021, Respondent was under the influence of diazepam  
6 while working as a pharmacist, as set forth more particularly above in paragraphs 10 through 20.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Violation of Statutes Regulating Controlled Substances)**

9 23. Respondent is subject to disciplinary action under Code section 4301, subdivisions (j)  
10 and (o), for violating the statutes regulating controlled substances, in that in September 2021,  
11 Respondent self-administered marijuana, a Schedule I Controlled Substance, in violation of  
12 Health and Safety Code section 11170, and worked as a as a pharmacist while under the influence  
13 of a dangerous drug, in violation of Code section 4327, set forth more particularly above in  
14 paragraphs 10 through 20.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct)**

17 24. Respondent is subject to disciplinary action under Code section 4301, for  
18 unprofessional conduct, in that Respondent violated SRMC's policies for a Drug-Free Work  
19 Environment and for Impaired Employees by using marijuana, by being under the influence of  
20 dangerous drugs and controlled substances while working at SRMC, and in that Respondent made  
21 statements to the Board's Inspector that were inconsistent with Respondent's employment  
22 records, as more particularly set forth above in paragraphs 10 through 20.

23 **PRAYER**

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

- 26 1. Revoking or suspending Pharmacist License Number RPH 70070, issued to  
27 Christopher Steven Toney;
- 28 2. Ordering Christopher Steven Toney to pay the Board of Pharmacy the reasonable

1 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
2 Code section 125.3; and,

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

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DATED: 11/15/2022

Sodergren, Anne@DCA  
Anne@DCA  
Digitally signed by Sodergren, Anne@DCA  
Date: 2022.11.15 19:56:54 -08'00'  
ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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