

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 ARTHUR D. TAGGART
Supervising Deputy Attorney General
4 State Bar No. 083047
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5339
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **RHONDA LEE COATS a.k.a.**
13 **RHONDA LEE NELSON**
14 **P.O. Box 1838**
15 **Mariposa, CA 95338**
16 **Pharmacy Technician Registration**
17 **No. TCH 51846,**

Case No. 3085

A C C U S A T I O N

Respondent.

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about December 17, 2003, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 51846 to Rhonda Lee Coats a.k.a. Rhonda Lee Nelson (Respondent).
24 Respondent's license will expire on July 31, 2011, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

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4. Section 4300 of the Code states, in pertinent part:

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

“(b) The board shall discipline the holder of any license issued by the board whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

“(1) Suspending judgment

“(2) Placing him or her upon probation

“(3) Suspending his or her right to practice for a period not exceeding one year

“(4) Revoking his or her license

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

5. Section 4301 of the Code states:

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

“(f) The commission of any act involving moral turpitude, dishonesty, fraud, 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.

* * *

“(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.

* * *

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

* * *

1 “(l) The conviction of a crime substantially related to the qualifications,
2 functions, and duties of a licensee under the Pharmacy Law.” (Bus. & Prof. Code,
3 §§ 4000, et seq.

4 6. Business and Professions Code section 4060 of the Code states, in pertinent part:

5 “‘No person shall possess any controlled substance, except that furnished to
6 a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or
7 furnished pursuant to a drug order issued by a certified nurse-midwife”

8 7. Health and Safety Code section 11350 states:

9 “(a) Except as otherwise provided in this division, every person who
10 possesses (1) any controlled substance specified in subdivisions (b) and (c), or
11 paragraph (1) of subdivision (f) of Section 11054, specified in paragraphs (14),
12 (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or
13 (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any
14 controlled substance classified in Schedule III, IV, or V which is a narcotic drug,
15 unless upon the written prescription of a physician, dentist, podiatrist, or
16 veterinarian licensed to practice in this state, shall be punished by imprisonment in
17 the state prison.”

18 8. Health and Safety Code section 11357 states:

19 “(a) Except as authorized by law, every person who possesses any
20 concentrated cannabis shall be punished by imprisonment in the county jail for a
21 period of not more than one year or by a fine of not more than five hundred dollars
22 (\$500), or by both such fine and imprisonment, or shall be punished by
23 imprisonment in the state prison.”

24 9. Health and Safety Code section 11377 states:

25 “(a) Except as otherwise provided by law . . . , every person who
26 possesses any controlled substance which is (1) classified in Schedule III, IV, or
27 V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section
28 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified
in paragraph 11 of subdivision (c) of section 11056, (4) specified in paragraph (2)
or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e),
or (f) of Section 11055, unless upon the prescription of a physician, dentist,
podiatrist, or veterinarian, licensed to practice in the state, shall be punished by
imprisonment in a county jail for a period of not more than one year or in a state
prison.”

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10. California Code of Regulations, title 16, section 1772, states:

“For the purpose of denial, suspension, or revocation of a personal or facility license . . . , a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.”

DRUGS

11. (a) “Methamphetamine” is a Schedule II controlled substance as designated by Health and Safety Code section 11055(d) (2).

(b) “Marijuana” is a Schedule I controlled substance as designed by Health and Safety Code section 11054(d)(13).

FIRST CAUSE FOR DISCIPLINE

(Moral Turpitude or Corruption)

12. Respondent is subject to disciplinary action pursuant to Code section 4301, in that she violated Code section 4301, subdivision (f), by engaging in the following acts:

a. On or about May 8, 2006, Respondent was stopped by a Mariposa County Deputy Sheriff who found a quantity of Methamphetamine and Marijuana in her backpack during a search.

b. Respondent was under the influence of Methamphetamine at the time her backpack was searched by the Deputy Sheriff.

SECOND CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance)

13. Respondent is subject to disciplinary action pursuant to Code sections 4301, subdivision (j), on the basis of the following violations:

a. Respondent violated Code section 4060 and Health and Safety Code section 11377(a) by possessing Methamphetamine as set forth in paragraph 12(a) and (b) above.

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b. Respondent violated Code section 4060 and Health and Safety Code sections 11350, subdivision (a), and 11357, subdivision (a), by possessing Marijuana as set forth in paragraph 12(a) above.

THIRD CAUSE FOR DISCIPLINE

(Self-Administration of a Controlled Substance)

14. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (j), in that she violated Code section 4301, subdivision (h), by engaging in the acts set forth in paragraph 13 above.

FOURTH CAUSE FOR DISCIPLINE

(Substantially Related Crimes or Acts)

15. Respondent is subject to disciplinary action pursuant to Code section 4301, for violating Code section 4301, subdivision (l), as set forth in the following:

(a) On or about November 9, 2004, Respondent pled guilty in the Superior Court for the County of Mariposa to a misdemeanor violation of California Penal Code section 273a(b), in that she did, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully and unlawfully inflict on a child of sixteen (16) years, unjustifiable physical pain or mental suffering or injure, cause, or permit such child to suffer.

(b) Said conviction involved a physical altercation between her sixteen-year-old son and herself in which she struck her son with a closed fist under the eye.

FIFTH CAUSE FOR DISCIPLINE

(Moral Turpitude or Corruption)

16. Respondent is subject to disciplinary action pursuant to Code 4301, in that she violated Code section 4301, subdivision (f), by engaging in the acts set forth in paragraph 15 above.

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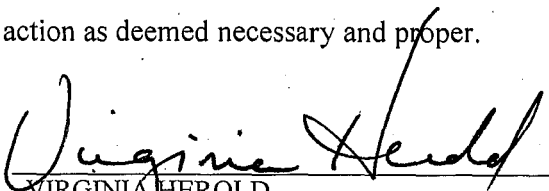
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PRAYER

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 Pharmacy Technician Registration Number TCH 51846, issued to Rhonda Lee Coats a.k.a. Rhonda Lee Nelson.
2. Ordering Rhonda Lee Coats a.k.a. Rhonda Lee Nelson 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: 1/26/10


VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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