	EDMUND G. BROWN JR., Attorney General of the State of California FRANK H. PACOE Supervising Deputy Attorney General JUSTIN R. SURBER, State Bar No. 226937 Deputy Attorney General 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 Telephone: (415) 355-5437 Facsimile: (415) 703-5480 Attorneys for Complainant BEFORE BOARD OF PH DEPARTMENT OF COM STATE OF CAL	ARMACY ISUMER AFFAIRS
)	In the Matter of the Accusation Against:	Case No. 3237
	CHRISTOPHER M. THOMPSON 884 Burbank Drive #7 Santa Clara, CA 95051	ACCUSATION
	Pharmacy Technician Registration No. TCH 58686	
	Respondent.	
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	Complainant alleges:	
	PARTI	ES
		it) brings this Accusation solely in her officia
	capacity as the Executive Officer of the Board of Pl	harmacy, Department of Consumer Affairs.
	2. On or about October 21, 200	4, the Board of Pharmacy issued Pharmacy
	Technician Registration Number TCH 58686 to Ch	ristopher M. Thompson (Respondent). The
	Pharmacy Technician Registration was in full force and effect at all times relevant to the charges	
4	brought herein and will expire on July 31, 2010, un	less renewed.
5	JURISDIC	TION
5	3. This Accusation is brought b	efore the Board of Pharmacy (Board),
7	Department of Consumer Affairs, under the author	ty of the following laws. All section
3	references are to the Business and Professions Cod	e unless otherwise indicated.
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1	4. Section 4300 of the Code states:
2	"(a) Every license issued may be suspended or revoked.
3	"(b) The board shall discipline the holder of any license issued by the board,
4	whose default has been entered or whose case has been heard by the board and found guilty, by
5	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 year.
9	"(4) Revoking his or her license.
10	"(5) Taking any other action in relation to disciplining him or her as the board in
11	its discretion may deem proper.
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13	5. Section 4301 of the Code states:
14	"The board shall take action against any holder of a license who is guilty of
15	unprofessional conduct or whose license has been procured by fraud or misrepresentation or
16	issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
17	following:
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19	"(f) The commission of any act involving moral turpitude, dishonesty, fraud,
20	deceit, or corruption, whether the act is committed in the course of relations as a licensee or
21	otherwise, and whether the act is a felony or misdemeanor or not.
22	••••
23	"(h) The administering to oneself, of any controlled substance, or the use of any
24	dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
25	injurious to oneself, to a person holding a license under this chapter, or to any other person or to
26	the public, or to the extent that the use impairs the ability of the person to conduct with safety to
27	the public the practice authorized by the license.
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"(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

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"(1) The conviction of a crime substantially related to the qualifications, functions, 4 5 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled 6 7 substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 8 9 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order 1011 to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the 12 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty 13 or a conviction following a plea of nolo contendere is deemed to be a conviction within the 14 meaning of this provision. The board may take action when the time for appeal has elapsed, or 15 the judgment of conviction has been affirmed on appeal or when an order granting probation is 16 made suspending the imposition of sentence, irrespective of a subsequent order under Section 17 18 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, 19 20 or indictment."

Section 490 of the Code provides, in pertinent part, that a board may
 suspend or revoke a license on the ground that the licensee has been convicted of a crime
 substantially related to the qualifications, functions, or duties of the business or profession for
 which the license was issued.

California Code of Regulations, title 16, section 1770, states:
"For the purpose of denial, suspension, or revocation of a personal or facility
license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions
Code, a crime or act shall be considered substantially related to the qualifications, functions or

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duties of a licensee or registrant if to a substantial degree it evidences present or potential 1 unfitness of a licensee or registrant to perform the functions authorized by his license or 2 registration in a manner consistent with the public health, safety, or welfare." 3 4

COSTS

5 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or 6 7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. 8

DRUG INVOLVED

Librium is the brand name of Chlordiazepoxide. Chlordiazepoxide is a 9. 10 Schedule IV controlled substance pursuant to Health and Safety Code section 11057(d). 11

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FACTUAL BACKGROUND

10. On or about November 30, 2005, before the Santa Clara Superior Court, 13 Case No. CC508841, Respondent was convicted on a plea of nolo contendere of violating 14 Vehicle Code 23153(b), driving with a blood alcohol level of .08% or higher and concurrently 15 performing an act that causes bodily injury to another. The circumstances leading to 16 17 Respondent's conviction are as follows:

On or about October 24, 2005, Respondent was involved in a rear-end 18 11. automobile accident that caused injury to another. Respondent displayed visible signs of 19 intoxication including slurred speech, watery, bloodshot eyes, and an unsteady gait at the scene 20 of the accident. Respondent admitted to drinking alcohol and taking Librium prior to driving. 21

22 12. On or about June 14, 2006, before the Santa Clara Superior Court, Case No. CC632434, Respondent was convicted on a plea of nolo contendere of violating Vehicle 23 Code 23152(a), driving under the influence of alcohol. Respondent admitted his prior conviction 24 in Santa Clara Superior Court, Case No. CC508841. The circumstances leading to Respondent's 25 26 conviction are as follows:

On or about June 9, 2006, Respondent was involved in an automobile 27 13. accident. Respondent left the scene of the accident without exchanging his information with the 28

other driver. Respondent returned to the scene and claimed that he was unaware that he was in
an accident. Respondent smelled of alcoholic beverages, had red, watery, bloodshot eyes.
Respondent was unsteady on his feet and staggered from side to side. Respondent was lethargic
and displayed signs of intoxication in a field sobriety test. Respondent admitted he had been
drinking alcohol and was "over the limit." Respondent further admitted he took Librium prior to
driving. Respondent was on probation in Santa Clara Superior Court, Case No. CC508841 when
the accident occurred.

8 14. On or about July 8, 2008, before the Santa Clara Superior Court, Case No.
9 CC807293, Respondent was convicted on a plea of nolo contendere of violating Vehicle Code
10 23152(b), driving with blood alcohol level of .08% or higher. Respondent was also found to be
11 in violation of the probation granted in Santa Clara Superior Court, Case No. CC 632434 and
12 Santa Clara Superior Court, Case No. CC 508841. The circumstances leading to Respondent's
13 conviction are as follows:

On or about May 30, 2008, Respondent was involved in an automobile 15. 14 accident. Respondent admitted the accident was his fault and that he had been drinking alcoholic 15 beverages prior to the accident. Respondent smelled of alcoholic beverages and swayed from 16 sided to side. Respondent showed other visible signs of intoxication including watery eyes, and 17 slow, slurred speech. Respondent voluntarily submitted to a preliminary alcohol screening. 18 Respondent submitted two breath samples which revealed alcohol contents of .12% and .13%. 19 Respondent was on probation in Santa Clara Superior Court, Case No. CC 632434 and Santa 20 Clara Superior Court, Case No. CC 508841 when the accident occurred. 21

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct- Dangerous Use of Alcohol and Drugs)

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24 16. Respondent is subject to disciplinary action under section 4301(h) of the
25 Code in that Respondent used alcohol and drugs to an extent that was injurious to himself and
26 others. The circumstances are described in paragraphs 11, 13, and 15, above.

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1	SECOND CAUSE FOR DISCIPLINE
2	(Unprofessional Conduct-Convictions Relating to Alcohol)
3	17. Respondent is subject to disciplinary action under section 4301(k) of the
4	code in that Respondent was convicted of more than one misdemeanor involving the
5	consumption of alcoholic beverages. The circumstances of Respondents' convictions are
6	described in paragraphs 10, 12, and 14, above.
7	THIRD CAUSE FOR DISCIPLINE
8	(Unprofessional Conduct- Conviction of Substantially Related Offense)
9	18. Respondent is subject to disciplinary action under sections 490 and 4301(l)
1`0	of the code in that Respondent was convicted of crimes that are substantially related to
11	qualifications, functions, and duties of a licensed pharmacy technician. The circumstances of
12	Respondents convictions are described in paragraphs 10, 12, and 14, above.
13	FOURTH CAUSE FOR DISCIPLINE
14	(Unprofessional Conduct- Acts of Moral Turpitude)
15	19. Respondent is subject to disciplinary action under section 4301(f) of the
16	code in that Respondent was involved in acts of moral turpitude. The circumstances are
17	described in paragraphs 11, 13, and 15, above.
18	DISCIPLINARY CONSIDERATIONS
19	20. To determine the degree of discipline, if any, to be imposed on
20	Respondent, Complainant alleges that in or about 1992 Respondent was convicted of driving
21	under the influence of alcohol or drugs or both.
22	21. To determine the degree of discipline, if any, to be imposed on
23	Respondent, Complainant alleges that in or about 1987 Respondent was convicted of driving
24	under the influence of alcohol or drugs or both.
25	PRAYER
26	WHEREFORE, Complainant requests that a hearing be held on the matters herein
27	alleged, and that following the hearing, the Board of Pharmacy issue a decision:
28	1. Revoking or suspending Pharmacy Technician Registration Number TCH
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58686, issued to Christopher Merrill Thompson Christopher Merrill Thompson. Ordering Christopher Merrill Thompson to pay the Board of Pharmacy the 2. reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; Taking such other and further action as deemed necessary and proper. 3. DATED: VIRGINIA HERO Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant