

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-1299
Facsimile: (415) 703-5480

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3240

11 AMANDA LYNN KRULL
12 77698 Malone Circle
13 Palm Desert, CA 92211

A C C U S A T I O N

14 Pharmacy Technician License No. TCH 60171

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about January 13, 2005, the Board of Pharmacy issued Pharmacy
22 Technician License Number TCH 60171 to Amanda Lynn Krull (Respondent). The Pharmacy
23 Technician License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on March 31, 2010, unless renewed.

25 JURISDICTION

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

1 4. Section 4011 of the Code provides that the Board shall administer and
2 enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled
3 Substances Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the
5 Board may be suspended or revoked.

6 6. Section 118(b) of the Code provides, in pertinent part, that the suspension,
7 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
8 proceed with a disciplinary action during the period within which the license may be renewed,
9 restored, reissued or reinstated. Section 4402(a) of the Code provides that any pharmacist license
10 that is not renewed within three years following its expiration may not be renewed, restored, or
11 reinstated and shall be canceled by operation of law at the end of the three-year period. Section
12 4402(e) of the Code provides that any other license issued by the Board may be canceled by the
13 Board if not renewed within 60 days after its expiration, and any license canceled in this fashion
14 may not be reissued but will instead require a new application to seek reissuance.

15 STATUTORY AND REGULATORY PROVISIONS

16 7. Section 4301 of the Code provides, in pertinent part, that the Board shall
17 take action against any holder of a license who is guilty of “unprofessional conduct,” defined to
18 include, but not be limited to, any of the following:

19 (h) The administering to oneself, of any controlled substance, or the use of any
20 dangerous drug or alcoholic beverage to the extent or in a manner as to be dangerous or injurious
21 to oneself, to any other person or to the public, or to the extent that the use impairs the ability of
22 the person to conduct with safety to the public the practice authorized by the license.

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

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

1 8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any
2 dangerous drug or dangerous device except upon the prescription of an authorized prescriber.

3 9. Section 4060 of the Code provides, in pertinent part, that no person shall
4 possess any controlled substance, except that furnished upon a valid prescription/drug order.

5 10. Health and Safety Code section 11170 provides that no person shall
6 prescribe, administer, or furnish a controlled substance for himself or herself.

7 11. Health and Safety Code section 11357, in pertinent part, makes it unlawful
8 for any person to possess **marijuana** or concentrated cannabis.

9 12. Section 125.3 of the Code provides, in pertinent part, that the Board may
10 request the administrative law judge to direct a licentiate found to have committed a violation of
11 the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

12 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

13 13. Section 4021 of the Code provides that a “controlled substance” is any
14 substance listed in Division 10, Chapter 2 (Section 11053 et seq.) of the Health and Safety Code.

15 14. Section 4022 of the Code states, in pertinent part:

16 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for
17 self-use, except veterinary drugs that are labeled as such, and includes the following:

18 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
19 without prescription,’ ‘Rx’ only,’ or words of similar import.

20
21 “(c) Any other drug or device that by federal or state law can be lawfully
22 dispensed only on prescription or furnished pursuant to Section 4006.”

23 15. **Marijuana** is a Schedule I controlled substance as designated by Health
24 and Safety Code section 11054(d)(13), and a dangerous drug as designated by Business and
25 Professions Code section 4022. It is a hallucinogenic drug.

26 FACTUAL BACKGROUND

27 16. On or about January 21, 2008, Respondent ingested (smoked) **marijuana**.
28 The next day, she tested positive for **marijuana** in a drug screening by her employer, Walgreens.

1 FIRST CAUSE FOR DISCIPLINE

2 (Self-Administration of Controlled Substance)

3 17. Respondent is subject to discipline under section 4301(h) of the Code, in
4 that Respondent, as described in paragraph 16, administered one or more controlled substances to
5 herself, including **marijuana**.

6 SECOND CAUSE FOR DISCIPLINE

7 (Furnishing of Controlled Substance)

8 18. Respondent is subject to discipline under section 4301(j) and/or (o) and/or
9 section 4059 of the Code in that Respondent, as described in paragraph 16 above, furnished to
10 herself or another without a valid prescription, and/or conspired to furnish, and/or assisted or
11 abetted furnishing of, a controlled substance.

12 THIRD CAUSE FOR DISCIPLINE

13 (Possession of Controlled Substance)

14 19. Respondent is subject to discipline under section 4301(j) and/or (o) and/or
15 section 4060 of the Code, and/or Health and Safety Code section 11357, in that Respondent, as
16 described in paragraph 16 above, possessed, conspired to possess, and/or assisted in or abetted
17 possession of **marijuana** or concentrated cannabis, a controlled substance.

18 FOURTH CAUSE FOR DISCIPLINE

19 (Self-Administration/Use of Controlled Substance)

20 20. Respondent is subject to discipline under section 4301(j) and/or (o) of the
21 Code, and/or Health and Safety Code section 11170, in that Respondent, as described in
22 paragraph 16 above, self-administered/used, conspired to self-administer/use, and/or assisted
23 in/abetted self-administration/use, of a controlled substance, without prescription.

24 SEVENTH CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct)

26 21. Respondent is subject to discipline under section 4301 of the Code in that
27 Respondent, as described in paragraphs 16 to 20 above, engaged in unprofessional conduct.

28 ///

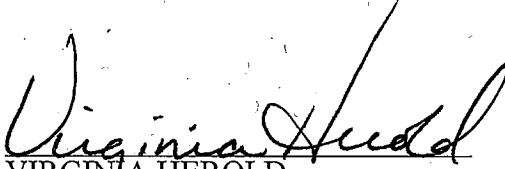
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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:

- A. Revoking or suspending Pharmacy Technician License Number TCH 60171, issued to Amanda Lynn Krull (Respondent);
- B. Ordering Respondent to pay the Board reasonable costs of investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- C. Taking such other and further action as is deemed necessary and proper.

DATED: 6/5/09


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