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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. 3280

11 TRISTAN ANDREW TOLOSA
12 832 Antoinette Lane E.
South San Francisco, CA 94080

A C C U S A T I O N

13 Pharmacy Technician License No. TCH 50743

14 Respondent.

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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 September 11, 2003, the Board of Pharmacy issued Pharmacy
22 Technician License Number TCH 50743 to Tristan Andrew Tolosa (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 May 31, 2009, 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 8. Section 4060 of the Code provides, in pertinent part, that no person shall
2 possess any controlled substance, except that furnished upon a valid prescription/drug order.

3 9. Health and Safety Code section 11170 provides that no person shall
4 prescribe, administer, or furnish a controlled substance for himself or herself.

5 10. Health and Safety Code section 11377, in pertinent part, makes it unlawful
6 to possess any controlled substance in Schedule II, subdivision (d), without a prescription.

7 11. Health and Safety Code section 11550, in pertinent part, makes it unlawful
8 for any person to use or be under the influence of any controlled substance in Schedule II (Health
9 and Safety Code section 11055), subdivision (d)(1) or (d)(2), or any narcotic drug in Schedules
10 III-V, except when administered by or under the direction of an authorized licensee.

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

14 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

15 13. Section 4021 of the Code states:

16 “Controlled substance’ means any substance listed in Chapter 2 (commencing
17 with Section 11053) of Division 10 of the Health and Safety Code.”

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

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

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

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

26 15. **Methamphetamine** is a Schedule II controlled substance as designated by
27 Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and
28 Professions Code section 4022. It is a stimulant drug.

1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 20. Respondent is subject to discipline under section 4301 of the Code in that
4 Respondent, as described in paragraphs 16-19 above, engaged in unprofessional conduct.

5
6 PRAYER


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

9 A. Revoking or suspending Pharmacy Technician License Number TCH
10 50743, issued to Tristan Andrew Tolosa (Respondent);

11 B. Ordering Respondent to pay the Board reasonable costs of investigation
12 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

13 C. Taking such other and further action as is deemed necessary and proper.

14
15 DATED: 5/14/09

16 
17 VIRGINIA HEROLD
18 Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California
22 Complainant

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