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8	BEFORE THE BOARD OF PHARMACY	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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	In the Matter of the Accusation Against: Case N	Io. 3304
11	CYNTHIA MARIE CRIST	
12	1702 Ventura StreetA C CSuisun, CA 94585	USATION
. 13	Pharmacy Technician License No. TCH 20695	
14	Respondent.	
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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 November 7, 1996, the Board of Pharmacy issued Pharmacy	
22	Technician License Number TCH 20695 to Cynthia Marie Crist (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 December 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	28 references are to the Business and Professions Code (Code) unless otherwise indicated.	
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4. Section 4011 of the Code provides that the Board shall administer and
 enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled
 Substances Act [Health & Safety Code, § 11000 et seq.].

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

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

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STATUTORY PROVISIONS

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

(h) The administering to oneself, of any controlled substance, or the use of any
dangerous drug or alcoholic beverage to the extent or in a manner as to be dangerous or injurious
to oneself, 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, of any other state, or of the
United States regulating controlled substances and dangerous drugs.

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

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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 prescribe, administer, or furnish a controlled substance for himself or herself. 4 5 10. Health and Safety Code section 11364, in pertinent part, makes it unlawful to possess an opium pipe or other paraphernalia used to inject or smoke controlled substances. 6 7 11. Health and Safety Code section 11377, in pertinent part, makes it unlawful 8 to possess any controlled substance in Schedule II, subdivision (d), without a prescription. 9 12. Health and Safety Code section 11550, in pertinent part, makes it unlawful 10 for any person to use or be under the influence of any controlled substance in Schedule II (Health 11 and Safety Code section 11055), subdivision (d)(1) or (d)(2), or any narcotic drug in Schedules 12 III-V, except when administered by or under the direction of an authorized licensee. 13 13. Section 125.3 of the Code provides, in pertinent part, that the Board may 14 request the administrative law judge to direct a licentiate found to have committed a violation of 15 the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement. 16 CONTROLLED SUBSTANCES / DANGEROUS DRUGS 14. Section 4021 of the Code states: 17 "Controlled substance' means any substance listed in Chapter 2 (commencing 18 19 with Section 11053) of Division 10 of the Health and Safety Code." 20 15. Section 4022 of the Code states, in pertinent part: 21 "Dangerous drug' or 'dangerous device' means any drug or device unsafe for 22 self-use, except veterinary drugs that are labeled as such, and includes the following: 23 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing 24 without prescription,' 'Rx only,' or words of similar import. 25 "(c) Any other drug or device that by federal or state law can be lawfully 26 dispensed only on prescription or furnished pursuant to Section 4006." 27 /// 28

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	1	16. Methamphetamine is a Schedule II controlled substance as designated by	
	2	Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and	
	3	Professions Code section 4022. It is a stimulant drug.	
	4	FACTUAL BACKGROUND	
	5	17. On or about December 31, 2007, Respondent was contacted by Vacaville	
	. 6	Police. A search of her person and belongings turned up a glass pipe with a usable amount of	
	7	methamphetamine still inside. Respondent admitted to acquiring the methamphetamine for	
·	8	personal use, and Respondent told police that she smoked all but the amount left in the pipe (two	
	9	hits worth) approximately 48 hours prior. Respondent was placed under arrest on suspicion of	
	10	violating Health and Safety Code section 11377 (Possession of Controlled Substance) and Health	
	11	and Safety Code section 11364 (Possession of Opium Pipe/Drug Paraphernalia).	
	12		
•	13	FIRST CAUSE FOR DISCIPLINE	
·	14	(Self-Administration of Controlled Substance)	
	15	18. Respondent is subject to discipline under section 4301(h) of the Code, in	
• •	16	that Respondent, as described in paragraph 17 above, self-administered methamphetamine, a	
	17	controlled substance, on or about December 29, 30, or 31, 2007.	
	18	SECOND CAUSE FOR DISCIPLINE	
	19	(Possession of Controlled Substance)	
	20	19. Respondent is subject to discipline under section 4301(j) and/or (o) and/or	
	21	section 4060 of the Code, and/or Health and Safety Code section 11377 in that Respondent, as	
	22	described in paragraph 17 above, possessed, conspired to possess, and/or assisted in or abetted	
	23	possession of methamphetamine, a controlled substance, without a prescription.	
	24	THIRD CAUSE FOR DISCIPLINE	
	25	(Possession of Drug Paraphernalia)	
• .	26	20. Respondent is subject to discipline under section 4301(j) and/or (o), and/or	
	27	Health and Safety Code section 11364, in that Respondent, as described in paragraph 17 above,	
	28	possessed, conspired to possess, and/or assisted in or abetted possession of drug paraphernalia.	
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1	FOURTH CAUSE FOR DISCIPLINE	
2	(Self-Administration/Use of Controlled Substance)	
3	21. Respondent is subject to discipline under section 4301(j) and/or (o) of the	
4	Code, and/or Health and Safety Code section(s) 11170 and/or 11550, in that Respondent, as	
5	described in paragraph 17 above, self-administered/used, conspired to self-administer/use, and/or	
6.	assisted in/abetted self-administration/use of a controlled substance, without prescription.	
7	FIFTH CAUSE FOR DISCIPLINE	
8	(Unprofessional Conduct)	
9	22. Respondent is subject to discipline under section 4301 of the Code in that	
10	Respondent, as described in paragraphs 17-21 above, engaged in unprofessional conduct.	
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12	PRAYER	
13	WHEREFORE, Complainant requests that a hearing be held on the matters herein	
14	alleged, and that following the hearing, the Board of Pharmacy issue a decision:	
15	A. Revoking or suspending Pharmacy Technician License Number TCH	
16	20695, issued to Cynthia Marie Crist (Respondent);	
17	B. Ordering Respondent to pay the Board reasonable costs of investigation	
18	and enforcement of this case, pursuant to Business and Professions Code section 125.3;	
19	C. Taking such other and further action as is deemed necessary and proper.	
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21	DATED: <u>5/14/09</u>	
22	(incinin, Dud	
23	VIRGINIA HEROLD Executive Officer	
24	Board of Pharmacy Department of Consumer Affairs	
25	State of California Complainant	
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