1 2 3 4 5 6	EDMUND G. BROWN JR. Attorney General of California GREGORY J. SALUTE Supervising Deputy Attorney General DESIREE TULLENERS Deputy Attorney General State Bar No. 157464 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2578 Facsimile: (213) 897-2804		
7	Attorneys for Complainant		
8	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
9 10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against:	Case No. 3378	
12	TINA PEACHES COLLINS	ACCUSATION	
13	aka TINA MANTECA 13407 Kornblum Avenue, #20 Hawthorne, CA 90250	ACCUSATION	
1415	Pharmacy Technician License No. TCH 49633		
16	Respondent.		
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18	Complainant alleges:		
19	PARTIES		
20	1. Virginia Herold (Complainant) brings this Accusation solely in her official		
21	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
22	2. On or about September 8, 2003, the Board of Pharmacy (Board) issued		
23	Pharmacy Technician License No. TCH 49633 to Tina Peaches Collins, also known as Tina		
24	Manteca (Respondent). The Pharmacy Technician License was in full force and effect at all		
25	times relevant to the charges brought herein and will expire on February 28, 2011, unless		
26	renewed.		
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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
 - 5. Section 490 states, in pertinent part:
- "(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- (b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.
- (c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."
 - 6. Section 4060 states, in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a

physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer."

- 7. Section 4300 states, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.
 - 8. Section 4301 states, in pertinent part:

"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.

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(l) The conviction of a crime substantially related to the qualifications, functions, 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 substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. . . A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision."

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1770, states, in pertinent part:

"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 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."

COST RECOVERY

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

CONTROLLED SUBSTANCES

11. "Hydrocodone 7.5mg/Acetaminophen 750mg" is a Schedule III controlled substance as defined in Health and Safety Code section 11056, subdivision (e)(4), and is categorized as a dangerous drug pursuant to section 4022.

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially Related Crimes)

12. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,

Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a pharmacy technician. Either one of the convictions is an independent reason for disciplinary action.

- a. On or about February 23, 2006, after pleading *nolo contendere*, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while having a 0.08% or higher blood alcohol] in the criminal proceeding entitled *The People of the State of California v. Tina Peaches Collins* (Super. Ct. Los Angeles County, 2006, No. 6MP00809). Respondent was placed on probation for three years with terms and conditions.
- b. The circumstances surrounding the conviction are that on or about November 12, 2005, Respondent drove a vehicle while having 0.08% and more, by weight, of alcohol in her blood.
- c. On or about January 29, 2009, after pleading *nolo contendere*, Respondent was convicted of one misdemeanor count of violating Penal Code section 484, subdivision (a) [theft] in the criminal proceeding entitled *The People of the State of California v. Tina Peaches Collins* (Super. Ct. Los Angeles County, 2009, No. 8IG04681). Respondent was sentenced to one day in Los Angeles County Jail and placed on probation for three years with terms and conditions.
- d. The circumstances surrounding the conviction are that on or about November 29, 2007, Respondent stole Hydrocodone from her employer at the Walgreen's Pharmacy in Inglewood, California.

SECOND CAUSE FOR DISCIPLINE

(Use or Self-Administration of Controlled Substances)

- 13. Respondent is subject to disciplinary action under section 4301, subdivisions (h) and (j), in that, Respondent used or self-administered controlled substances, as follows:
- a. On or about November 12, 2005, Respondent was arrested for driving while having a 0.08% or higher blood alcohol. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12, subparagraphs (a-b), as though fully set forth herein.

b. On or about November 29, 2007, Respondent was observed by the District Loss Prevention Supervisor on circuit television video to be taking Hydrocodone tablets. On or about November 30, 2007, during an interview by the District Loss Prevention Supervisor, Respondent signed a written statement admitting to stealing approximately 510 tablets of Hydrocodone over the course of five months for a knee injury that she had sustained in a car accident. Respondent was subsequently arrested by the Inglewood Police Officers for petty theft.

THIRD CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance without a Valid Prescription)

14. Respondent is subject to disciplinary action under sections 4301, subdivision (j) and 4060, in that, on or about November 29, 2007, Respondent was found to be in possession of a controlled substance without a valid prescription. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12, subparagraphs (c-d), as though fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(Dishonest Acts)

15. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that, Respondent committed dishonest acts by stealing controlled substance from her employer. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12, subparagraphs (c-d), as though set forth fully.

PRAYER

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

- 1. Revoking or suspending Pharmacy Technician License No. TCH 49633, issued to Respondent;
- 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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1	3. Taking such other and further action as deemed necessary and proper.	
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3	DATED: 12/30/09) majorin Henry	
4	VIRGINIA HEROLD Executive Officer	
5	Board of Pharmacy Department of Consumer Affairs State of California	
6	State of California Complainant	
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Accusation