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9 **BEFORE THE**
10 **BOARD OF PHARMACY**
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3501

13 **CATHY LOIS WHITE**
P.O. Box 991
14 Twain Harte, CA 95383

A C C U S A T I O N

15 Pharmacy Technician Registration No. TCH
16 15916

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about May 11, 1995, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 15916 to Cathy Lois White (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on January 31, 2011, unless renewed.

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1 8. Section 4300 provides in relevant part:

2 “(a) Every license issued may be suspended or revoked.”

3 9. Section 4301 provides in relevant part:

4 “The board shall take action against any holder of a license who is guilty of unprofessional
5 conduct. Unprofessional conduct shall include, but not be limited to, any of the following:

6 “(a) Gross immorality.

7 (f) The commission of any act involving moral turpitude,
8 dishonesty, fraud, deceit, or corruption, whether the act is
9 committed in the course of relations as a licensee or otherwise, and
10 whether the act is a felony or misdemeanor or not.

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

14 (l) The conviction of a crime substantially related to the
15 qualifications, functions, and duties of a licensee under this
16 chapter.

17 p) Actions or conduct that would have warranted denial of a
18 license.”
19

20 10. Section 11352(a) of the Health and Safety Code provides in relevant part.

21 (a) Except as otherwise provided in this division, every
22 person who transports, imports into this state, sells, furnishes,
23 administers, or gives away, or offers to transport, import into this
24 State, sell, furnish, administer, or give away, or attempts to import into this
25 State, sell, furnish, administer, or give away, or attempts to import into this
26 State or transport (1) any controlled substance specified in subdivision (b)

1 or (c) of Section 11055....unless upon the written prescription of a
2 physician, dentist, podiatrist, or veterinarian licensed...”

3
4 **COST RECOVERY**

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

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10 **CONTROLLED SUBSTANCE AT ISSUE**

11 12. Hydrocodone is a Schedule II controlled substance as designated by Health and
12 Safety Code section 11055, subsection (b)(1)(J).

13
14 **FIRST CAUSE FOR DISCIPLINE**
(Unprofessional Conduct)

15 13. Respondent is subject to disciplinary action under section 4301(a) in that
16 respondent transported, or sold or offered to sell the drug hydrocodone. The circumstances are as
17 follows:

18 14. On or about or between August 3, 2007 and March 3, 2008 respondent unlawfully
19 transported, imported, sold, furnished, administered and gave away or offered to perform all these
20 acts with the controlled substance Hydrocodone in or about the County of Santa Cruz, California.
21 On or about November 7, 2008, respondent was convicted by a plea of no contest to a violation of
22 Health and Safety Code section 11352(A), a felony, based on the facts set forth in this Paragraph.

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16. Paragraphs 13 and 14 are incorporated herein as though set forth at length. Respondent was convicted of a violation of Health and Safety Code section 11352(A), crime involving controlled substances.

17. Respondent is subject to disciplinary action under section 4301(l) in that respondent was convicted of a crime substantially related to the duties and qualifications of a pharmacist technician licensee. The circumstances are as follows:

18. Paragraphs 13 and 14 are incorporated herein as though set forth at length. Respondent's conviction of violating Health and Safety code section 11352(A) evidences present or potential unfitness to perform the functions of a licensee consistent with public health, safety or welfare.

19. Respondent is subject to disciplinary action pursuant to section 4301(p) in that respondent committed acts that would warrant denial of a license. The circumstances are as follows:

20. Paragraphs 13 and 14 are incorporated herein as though set forth at length. The acts leading to respondent's conviction evidences unfitness for licensure as a pharmacist technician and would warrant denial of a pharmacist technician's license.

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PRAYER

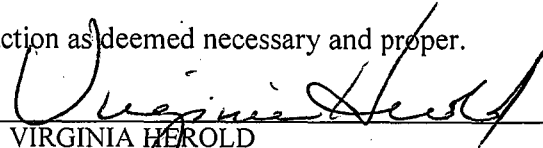
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 15916, issued to Cathy Lois White.

2. Ordering Cathy Lois White to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 3/16/10


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

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