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

11 In the Matter of the Accusation Against:

Case No. 3525

12 **JENNIFER ROBIN GRUNDY**
13 P.O. Box 594
Corning, California 96021

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH 13364**
15 Respondent.

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.

21 2. On or about July 15, 1994, the Board issued Pharmacy Technician Registration
22 Number TCH 13364 ("registration") to Jennifer Robin Grundy ("Respondent"). The registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 July 31, 2010, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 4202(d), states that the Board may
27 suspend or revoke a registration issued pursuant to this section on any ground specified in Code
28 section 4301.

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4. Code section 4300 states, in pertinent part:

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

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

5. Code 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, the following:

(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.”

6. Code section 4060 states:

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, a physician assistant pursuant to Section 3502.1, a 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. Health and Safety Code section 11379 states:

(a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every

1 person who transports, imports into this state, sells, furnishes, administers, or gives away,
2 or offers to transport, import into this state, sell, furnish, administer, or give away, or
3 attempts to import into this state or transport any controlled substance which is (1)
4 classified in Schedule III, IV, or V and which is not a narcotic drug, except subdivision (g)
5 of Section 11056, (2) specified in subdivision (d) of Section 11054, except paragraphs (13),
6 (14), (15), (20), (21), (22), and (23) of subdivision (d), (3) specified in paragraph (11) of
7 subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of
8 Section 11054, or (5) specified in subdivision (d) or (e), except paragraph (3) of subdivision
9 (e), or specified in subparagraph (A) of paragraph (1) of subdivision (f), of Section 11055,
10 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to
11 practice in this state, shall be punished by imprisonment in the state prison for a period of
12 two, three, or four years.

13 (b) Notwithstanding the penalty provisions of subdivision (a), any person who
14 transports for sale any controlled substances specified in subdivision (a) within this state
15 from one county to another noncontiguous county shall be punished by imprisonment in the
16 state prison for three, six, or nine years.

17 8. Health and Safety Code section 11377(a) states:

18 Except as authorized by law and as otherwise provided in subdivision (b) or Section
19 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the
20 Business and Professions Code, every person who possesses any controlled substance
21 which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2)
22 specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20)
23 of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4)
24 specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in
25 subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician,
26 dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by
27 imprisonment in a county jail for a period of not more than one year or in the state prison.

28 COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that a 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.

DRUGS

10. "Methamphetamine" is a Schedule II controlled substance as designated by Health
and Safety Code section 11055(d)(2).

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Transported and Possessed Controlled Substances)**

3 11. Respondent is subject to discipline under Code section 4301(j), on the grounds of
4 unprofessional conduct, in that on or about June 18, 2009, while a licensed Pharmacy Technician,
5 Respondent did the following:

6 a. Respondent transported Methamphetamine, a controlled substance, in violation of Health
7 and Safety Code section 11379.

8 b. Respondent possessed Methamphetamine, a controlled substance, in violation of Health
9 and Safety Code section 11377(a) and Code section 4060.

10 **PRAYER**

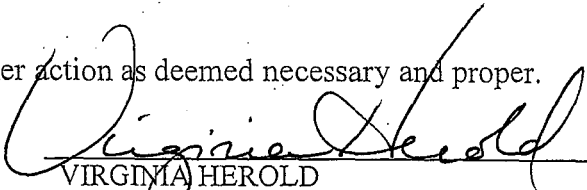
11 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Pharmacy issue a decision:

13 1. Revoking or suspending Pharmacy Technician Registration Number TCH 13364,
14 issued to Jennifer Robin Grundy;

15 2. Ordering Jennifer Robin Grundy to pay the Board of Pharmacy the reasonable costs
16 of the investigation and enforcement of this case, pursuant to Business and Professions Code
17 section 125.3; and,

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

19 DATED: 5/6/10


20 VIRGINIA HEROLD
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 Complainant

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