1	
1	Edmund G. Brown Jr.
2	Attorney General of California KAREN B. CHAPPELLE
3	Supervising Deputy Attorney General ANTONIO LOPEZ, JR.
4	Deputy Attorney General State Bar No. 206387
5	300 So. Spring Street, Suite 1702
	Los Angeles, CA 90013 Telephone: (213) 897-2536
6	Facsimile: (213) 897-2804 Attorneys for Complainant
7	BEFORE THE
8	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
9	STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation Against: Case No. 3676
12	KRISTA LYNN FORREST P.O. Box 658
13	Oceano, CA 93475 Pharmacy Technician Registration No. TCH
14	12072
15	Respondent.
16	
17	Complainant alleges:
18	Comptandit anogos.
19	PARTIES
20	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22	2. On or about March 8, 1994, the Board of Pharmacy issued Pharmacy Technician
· 23	Registration Number TCH 12072 to Krista Lynn Forrest (Respondent). The Pharmacy
24	Technician Registration was in full force and effect at all times relevant to the charges brought
25	herein and will expire on September 30, 2011, unless renewed.
26	
27	
28	
	1
	Accusatio

11	
1	JURISDICTION
2	3. This Accusation is brought before the Board of Pharmacy (Board), Department of
2	Consumer Affairs, under the authority of the following laws. All section references are to the
3 4	Business and Professions Code unless otherwise indicated.
	4. Section 118, subdivision (b), of the Code provides that the
5	suspension/expiration/surrender/cancellation of a license shall not deprive the
.6	
7	Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
8	within which the license may be renewed, restored, reissued or reinstated.
9	STATUTORY PROVISIONS
10	5. Section 490 of the Code states:
11	"(a) In addition to any other action that a board is permitted to take against a licensee, a
12	board may suspend or revoke a license on the ground that the licensee has been convicted of a
13	crime, if the crime is substantially related to the qualifications, functions, or duties of the business
14	or profession for which the license was issued.
15	"(b) Notwithstanding any other provision of law, a board may exercise any authority to
16	discipline a licensee for conviction of a crime that is independent of the authority granted under
17	subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
18	of the business or profession for which the licensee's license was issued.
19	"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
20	conviction following a plea of nolo contendere. Any action that a board is permitted to take
21	following the establishment of a conviction may be taken when the time for appeal has elapsed, or
22	the judgment of conviction has been affirmed on appeal, or when an order granting probation is
23	made suspending the imposition of sentence, irrespective of a subsequent order under the
24	provisions of Section 1203.4 of the Penal Code."
25	6. Section 4300 of the Code states in pertinent part:
26	"(a) Every license issued may be suspended or revoked.
27	
28	
	2
	Accusation

1	"(b) The board shall discipline the holder of any license issued by the board, whose default
2	has been entered or whose case has been heard by the board and found guilty, by any of the
3	following methods:
4	"(1) Suspending judgment.
5	"(2) Placing him or her upon probation.
6	"(3) Suspending his or her right to practice for a period not exceeding one year.
7	"(4) Revoking his or her license.
8	"(5) Taking any other action in relation to disciplining him or her as the board in its
9	discretion may deem proper."
10	7. Section 4301 of the Code states in pertinent part:
11	"The board shall take action against any holder of a license who is guilty of unprofessional
12	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
13	Unprofessional conduct shall include, but is not limited to, any of the following:
14	
15	"(h) The administering to oneself, of any controlled substance, or the use of any dangerous
16	drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
17	oneself, to a person holding a license under this chapter, or to any other person or to the public, or
18	to the extent that the use impairs the ability of the person to conduct with safety to the public the
19	practice authorized by the license.
20	•••••
21	"(1) The conviction of a crime substantially related to the qualifications, functions, and
22	duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
23	(commencing with Section 801) of Title 21 of the United States Code regulating controlled
24	substances or of a violation of the statutes of this state regulating controlled substances or
25	dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
26	record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
27	The board may inquire into the circumstances surrounding the commission of the crime, in order
28	to fix the degree of discipline or, in the case of a conviction not involving controlled substances
	3
	Accusation

 \bigcirc

 \bigcirc

.

/

1	or dangerous drugs, to determine if the conviction is of an offense substantially related to the
2	qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
3	a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
4	of this provision. The board may take action when the time for appeal has elapsed, or the
5	judgment of conviction has been affirmed on appeal or when an order granting probation is made
6	suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
7	the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
8	guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
9	indictment."
10	REGULATORY PROVISION
11	8. California Code of Regulations, title 16, section 1770, states:
12	"For the purpose of denial, suspension, or revocation of a personal or facility license
13	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
14	crime or act shall be considered substantially related to the qualifications, functions or duties of a
15	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
16	licensee or registrant to perform the functions authorized by his license or registration in a manner
17	consistent with the public health, safety, or welfare."
18	DANGEROUS DRUGS/CONTROLLED SUBSTANCES
19	9. Oxymorphone is a controlled substance pursuant to Health and Safety Code section
20	11055, subdivision (b)(1)(O), and a dangerous drug pursuant to Code section 4022.
21	10. Methadone is a controlled substance pursuant to Health and Safety Code section
22	11055, subdivision (c)(14), and a dangerous drug pursuant to Code section 4022.
23	11. Diazepam is a controlled substance pursuant to Health and Safety Code section
24	11057, subdivision (d)(9), and a dangerous drug pursuant to Code section 4022.
25	12. Lorazepan is a controlled substance pursuant to Health and Safety Code section
26	11057, subdivision (d)(16), and a dangerous drug pursuant to Code section 4022.
27	13. Zolpidem is a controlled substance pursuant to Health and Safety Code section
28	11057, subdivision (d)(32), and a dangerous drug pursuant to Code section 4022.
	4

 \bigcirc

.

П	
1	<u>COST RECOVERY</u>
2	14. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3	administrative law judge to direct a licentiate found to have committed a violation or violations of
4	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5	enforcement of the case.
6	FIRST CAUSE FOR DISCIPLINE
7	(Criminal Convictions)
8	15. Respondent is subject to disciplinary action pursuant to Code sections 490, and 4301
9	subdivision (l), in conjunction with California Code of Regulations section 1770, in that
10	Respondent was convicted of crimes substantially related to the qualifications, functions and
11	duties of a licensed pharmacy technician. The circumstances are as follows:
12	a. On or about September 4, 2007, in a proceeding entitled State of California v. Krista
13	Forrest, (Super. Ct. of California, Cty. of San Luis Obispo, 2007, Case No. M403452),
14	Respondent pled no contest and was convicted of violating Vehicle Code section 23103(a) [Wet
15	Reckless Driving] a misdemeanor. Respondent was placed on three years probation, ordered to
16	pay a fine of \$825.00 and attend a wet reckless program. The circumstances giving rise to the
17	conviction are that on or about May 25, 2007, Respondent, while driving her vehicle collided
18	with a parked vehicle and then fled the scene. Officers contacted Respondent at her home.
19	Respondent admitted she was involved in the traffic collision. The officer noted that Respondent
20	appeared lethargic, unsteady on her feet and her words were slow. Respondent admitted
21	ingesting prescription medications, specifically Opana (Oxymorphone-opiate). The officer
22	located Diazepam, Celebrex, Lyrica. Respondent further admitted ingesting Lyrica and
23	Cymbalta. Respondent was unable to complete the field sobriety tests given by the officer.
24	b. On or about January 28, 2009, in a proceeding entitled State of California v. Krista
25	Forrest, (Super. Ct. of California, Cty. of San Luis Obispo, 2007, Case No. M423792),
26	Respondent pled no contest and was convicted of violating Vehicle Code section 23152(b)
27	[Driving with a Blood Alcohol level of .08 or higher], a misdemeanor. Respondent was placed or
28	five (5) years probation, ordered to serve 30 days in jail, ordered to pay a fine of \$2091, and
	5 .
	Accusation

1	
	· · · · · · · · · · · · · · · · · · ·
1	attend a second offender drinking driver program. The circumstances giving rise to the
2	conviction are that on or about September 22, 2008, Respondent, drove her vehicle up on the
3	sidewalk. Upon making contact with Respondent, officers noticed she had great difficulty exiting
4	her vehicle, she was confused and had to lean against her vehicle for support. Respondent was
5	unable to perform the field sobriety tests. Officers recovered Methadone, Propoxyphene,
6	Zolpidem, and Lorazepam from the Respondent.
7	c. As a result of Respondent's September 22, 2008 arrest for driving under the
8	influence, Respondent violated her probation related to Case No. M403452. Respondent's
9	probation in that case was extended until January 28, 2010 and Respondent was ordered to spend
10	ten (10) days in jail.
11	SECOND CAUSE FOR DISCIPLINE
12	(Use of a Controlled Substance in Manner Dangerous to Self or Others)
13	16. Respondent is subject to disciplinary action pursuant to Code section 4301
14	subdivision (h), in that Respondent used controlled substances and or dangerous drugs in a
15	manner dangerous or injurious to herself and the public. Complainant's allegations, as set forth
16	in paragraph 11, subparagraphs (a) and (b), are incorporated by reference, as though fully set
17	forth.
18	
19	
20	///
21	
22	
23	///
24	
25	
26	///
27	///
28	///
	6
ļ	Accusation

 $\left(\begin{array}{c} \\ \end{array}\right)$

.

1	
1	PRAYER
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3	and that following the hearing, the Board of Pharmacy issue a decision:
4	1. Revoking or suspending Pharmacy Technician Registration Number TCH 12072,
5	issued to Krista Lynn Forrest;
6	2. Ordering Krista Lynn Forrest to pay the Board of Pharmacy the reasonable costs of
7	the investigation and enforcement of this case, pursuant to Code section 125.3; and
8	3. Taking such other and further action as deemed necessary and proper.
9	
10	
11	aboli ()
12	DATED: <u>7/28/10</u> (<u>noina Austa</u> VIRGINIA MEROLD
13	Executive Officer Board of Pharmacy
14	Department of Consumer Affairs State of California
15	Complainant
16	LA2010501475
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
	7 Accusation
J	Accusation

.