

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-5794  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4118

13 **ANN MARIE CARROLL**  
22800 Creekside Court  
14 Tehachapi, CA 93561

**A C C U S A T I O N**

15 **Pharmacy Technician License No. TCH**  
16 **33519**

17 Respondent.

18  
19  
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about June 15, 2000, the Board of Pharmacy issued Pharmacy Technician  
26 License Number TCH 33519 to Ann Marie Carroll (Respondent). The Pharmacy Technician  
27 License was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on January 31, 2012, unless renewed.

1 JURISDICTION

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

5 4. Section 4300 of the Code permits the Board to take disciplinary action to suspend or  
6 revoke a license issued by the Board.

7 5. Section 4301 of the Code states:

8 "The board shall take action against any holder of a license who is guilty of unprofessional  
9 conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

10 ...

11 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
12 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
13 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
14 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
15 practice authorized by the license."

16 ...

17 "(j) The violation of any of the statutes of this state, or any other state, or of the United  
18 States regulating controlled substances and dangerous drugs.

19 ...

20 "(p) Actions or conduct that would have warranted denial of a license."

21 6. Section 4327 of the Code states that "[a]ny person who, while on duty, sells,  
22 dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic  
23 beverages shall be guilty of a misdemeanor."

24 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
25 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
26 disciplinary action during the period within which the license may be renewed, restored, reissued  
27 or reinstated.

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1 8. California Code of Regulations, title 16, section 1770, states:

2 "For the purpose of denial, suspension, or revocation of a personal or facility license  
3 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
4 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
5 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
6 licensee or registrant to perform the functions authorized by his license or registration in a manner  
7 consistent with the public health, safety, or welfare."

8 **COST RECOVERY**

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

13 **STATE DRUG STATUTES**

14 10. Health and Safety Code section 11170 states: "No person shall prescribe, administer,  
15 or furnish a controlled substance for himself."

16 11. Health and Safety Code section 11171 states: "No person shall prescribe, administer,  
17 or furnish a controlled substance except under the conditions and in the manner provided by this  
18 division."

19 12. Section 4022 of the Code prohibits the dispensing or furnishing of a dangerous drug  
20 or dangerous device, which is any drug or device that is unsafe for self-use in humans or animals,  
21 without a prescription or as legally authorized.

22 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

23 13. Marijuana is a Schedule I controlled substance as defined in Health and Safety Code  
24 section 11054, subdivision (d)(13) and a dangerous drug according to Business and Professions  
25 Code section 4022.

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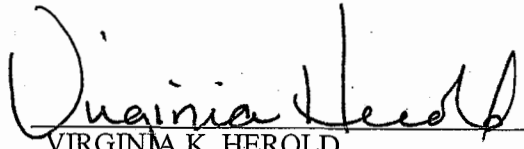
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1. Revoking or suspending Pharmacy Technician License Number TCH 33519, issued to Ann Marie Carroll;
2. Ordering Ann Marie Carroll to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/9/11



VIRGINIA K. HEROLD  
Executive Officer  
California State Board of Pharmacy  
State of California  
*Complainant*

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