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

11 In the Matter of the Accusation Against:

Case No. 4401

12 **RAVI V. DHRUV**  
1585 Yosemite Drive  
13 Los Angeles, CA 90041

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

14 Pharmacy Technician Registration No. TCH  
15 88006

16 Respondent.

17  
18 Complainant alleges:

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 (Board).  
22 2. On or about March 22, 2010, the Board issued Pharmacy Technician Registration No.  
23 TCH 88006 to Ravi V. Dhruv (Respondent). The Pharmacy Technician Registration was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on May 31,  
25 2015, unless renewed.

26 **JURISDICTION**

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

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

5       ....

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

11       ....

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

14       "(l) The conviction of a crime substantially related to the qualifications, functions, and  
15 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
16 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
17 substances or of a violation of the statutes of this state regulating controlled substances or  
18 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
19 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
20 The board may inquire into the circumstances surrounding the commission of the crime, in order  
21 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
22 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
23 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
24 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
25 of this provision. The board may take action when the time for appeal has elapsed, or the  
26 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
27 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
28 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment."

3 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
4 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
5 federal and state laws and regulations governing pharmacy, including regulations established by  
6 the board or by any other state or federal regulatory agency."

### 7 **REGULATORY PROVISION**

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

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

### 15 **DRUG STATUTES**

16 9. Health and Safety Code section 11170 states that "[n]o person shall prescribe,  
17 administer, or furnish a controlled substance for himself."

18 10. Health and Safety Code section 11173, subdivision (a), states that "[n]o person shall  
19 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
20 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
21 or subterfuge; or (2) by the concealment of a material fact."

22 11. Health and Safety Code section 11350, subdivision (a), states:

23 "Except as otherwise provided in this division, every person who possesses (1) any  
24 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of  
25 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or  
26 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section  
27 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic  
28

1 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian  
2 licensed to practice in this state, shall be punished by imprisonment in the state prison.”

3 12. Health and Safety Code section 11377, subdivision (a), states:

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

#### 14 **COST RECOVERY**

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

#### 19 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

20 14. **Alprazolam**, is a Schedule IV controlled substance pursuant to a semi synthetic drug  
21 Health and Safety Code section 11057(d)(1) and is a dangerous drug pursuant to Business and  
22 Professions Code section 4022.

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

#### 26 **FIRST CAUSE FOR DISCIPLINE**

##### 27 **(Convictions of Substantially-Related Crimes)**

28 16. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,

1 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
2 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially  
3 related to the qualifications, functions, or duties of a registered pharmacy technician which to a  
4 substantial degree evidences his present or potential unfitness to perform the functions authorized  
5 by his registration in a manner consistent with the public health, safety, or welfare, as follows:

6 a. On or about April 05, 2011, after pleading *nolo contendere*, Respondent was  
7 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a)  
8 [driving while under the influence of alcohol and / or drugs], in the criminal proceeding entitled  
9 *The People of the State of California v. Ravi Vikram Dhruv* (Super. Ct. Los Angeles County,  
10 2011, No. IMP01686). The court sentenced Respondent to serve 13 days in jail or pay a fine, and  
11 placed him on probation for a period of 36 months. The circumstances surrounding the  
12 conviction are that on or about February 04, 2011, Los Angeles Police Officers responded to a  
13 radio traffic call involving a motor vehicle collision. The officers arrived at the scene and  
14 identified the Respondent sitting on the driver's side in the vehicle which had collided with a  
15 parked vehicle. The officers detected an odor of marijuana emitting from the inside of the  
16 vehicle, and observed Respondent to have slurred speech, dry mouth, bloodshot watery eyes,  
17 confused, referring to random numbers in the middle of sentences, and unsteady gait. Respondent  
18 admitted to officers that he had three or four beers earlier in the day. The officers searched  
19 Respondent and recovered a glass vial containing a green leafy substance determined to be  
20 Marijuana from Respondent's left side pant pocket. Respondent stated to the officers that he had  
21 also smoked two "blunts" prior to the collision, referring to Marijuana. Respondent later agreed  
22 to a series of field sobriety tests which he failed to complete satisfactorily. A urine test was  
23 performed on February 4, 2011 and Respondent tested positive for Benzodiazepines, Marijuana  
24 Metabolite, Opiates, and PCP. Respondent was subsequently convicted of violating Vehicle  
25 Code section 23152, subdivision (a).

26 b. On or about March 28, 2007, after pleading guilty, Respondent was convicted of one  
27 misdemeanor count of violating Vehicle Code section 20002, subdivision (a) [hit and run:  
28 property damage], in the criminal proceeding entitled *The People of the State of California v.*

1 *Ravi Vikram Dhruv* (Super. Ct. Los Angeles County, 2006, No. 6GN06112-01). The court placed  
2 Respondent on probation for a period of 36 months, and fined him. The circumstances  
3 surrounding the conviction are that on or about October 31, 2006, Respondent was involved in an  
4 auto accident, causing damage to another person's property and failed to locate, notify the owner  
5 or person of the property with his name and address, in a conspicuous place on the property or  
6 vehicle, violating Vehicle Code section 20002, subdivision (a).

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Unlawful Possession of a Controlled Substance)**

9 17. Respondent is subject to disciplinary action under sections 4300 and 4301,  
10 subdivision (o), on the grounds of unprofessional conduct, in that on October 7, 2011, and  
11 February 04, 2011, Respondent was found to be in possession of a controlled substance and  
12 dangerous drug, without a valid prescription as follows:

13 a. On or about October 07, 2011, a Carson City Sheriff's Department Officer responded  
14 to a call at a public market place, where the building security officer was detaining Respondent  
15 for being under the influence of alcohol and / or drugs. The security officer searched Respondent  
16 and recovered two "Alprazolam" pills wrapped in paper from Respondent's front left pants  
17 pocket. Respondent stated to the officers that he did not have a prescription for the pills and had  
18 bought the pills from a gentleman while waiting in line to get into the public market place. The  
19 officer observed Respondent to have a strong smell of an alcoholic beverage emitting from his  
20 breath and person. The officer also observed Respondent to have watery glassy eyes, slurred  
21 speech, confused, and appeared disheveled. The Respondent subsequently arrested for violating  
22 Health and Safety Code section 11377, subdivision (a) and Penal Code section 647, subdivision  
23 (f).

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Dangerous Use of Alcohol and / or Drugs)**

26 18. Respondent is subject to disciplinary action under sections 4300 and 4301,  
27 subdivision (h), on the grounds of unprofessional conduct, in that Respondent did use alcohol and  
28 drugs in a dangerous manner on October 7, 2011 and February 04, 2011, violating the state

1 statute. Complainant refers to, and by this reference incorporates, the allegations set forth above  
2 in paragraph 16, subparagraphs (a) and (b), and paragraph 17, subparagraph (a), inclusive, as  
3 though set forth fully.

#### 4 **FOURTH CAUSE FOR DISCIPLINE**

##### 5 **(Violating Drug Statutes)**

6 19. Respondent is subject to disciplinary action under sections 4300 and 4301,  
7 subdivision (j), on the grounds of unprofessional conduct, for violating provisions of the Health  
8 and Safety Code as follows:

9 a. Section 11377, subdivision (a), by possessing controlled substances without a valid  
10 prescription.

11 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
12 paragraph 16, subparagraphs (a) and (b), and paragraph 17, subparagraph (a), inclusive, as though  
13 set forth fully.

#### 14 **FIFTH CAUSE FOR DISCIPLINE**

##### 15 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit and / or Corruption)**

16 20. Respondent is subject to disciplinary action under sections 4300 and 4301,  
17 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts and  
18 was convicted of crimes involving moral turpitude, dishonesty, fraud, deceit, and / or corruption.  
19 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
20 paragraph 16, subparagraphs (a) and (b), and paragraph 17, subparagraph (a), inclusive, as though  
21 set forth fully.

#### 22 **SIXTH CAUSE FOR DISCIPLINE**

##### 23 **(Violation of Pharmacy Act)**

24 21. Respondent is subject to disciplinary action under section 4301, subdivision (o), on  
25 the grounds of unprofessional conduct, in that Respondent committed acts and was convicted of  
26 crimes that violated the Pharmacy Act. Complainant refers to, and by this reference incorporates,  
27 the allegations set forth above in paragraph 16, subparagraphs (a) and (b), and paragraph 17,  
28 subparagraph (a), inclusive, 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:

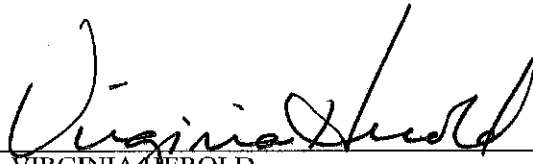
1. Revoking or suspending Pharmacy Technician Registration No. TCH 88006, issued to Respondent Ravi V. Dhruv;

2. Ordering Respondent Ravi V. Dhruv 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

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

DATED: \_\_\_\_\_

10/21/13



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

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