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

11 In the Matter of the Accusation Against:

Case No. 4575

12 **WENDY LYNN WILCOX**
13 **7215 Goldboro Lane**
14 **Riverside, CA 92506-6106**

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
18877

16 Respondent.

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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.

22 2. On or about April 5, 1996, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 18877 to Wendy Lynn Wilcox (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 October 31, 2013, unless renewed.

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1 **JURISDICTION**

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

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

9 5. Section 4300, subdivision (a) of the Code states "Every license issued may be
10 suspended or revoked."

11 **STATUTORY PROVISIONS**

12 6. Section 4301 of the Code states:

13 The board shall take action against any holder of a license who is
14 guilty of unprofessional conduct or whose license has been procured by
15 fraud or misrepresentation or issued by mistake. Unprofessional conduct
shall include, but is not limited to, any of the following:

16 ...

17 (c) Gross negligence.

18 ...

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

22 **COSTS**

23 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case, in addition the Board may include investigation and enforcement costs in
27 any stipulated settlement.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Gross Negligence)**

3 8. Respondent has subjected her registration to discipline under sections 4301,
4 subdivision (c) of the Code in she was grossly negligent in that she arrived at work as a pharmacy
5 technician while under the influence of alcohol. The circumstances are as follows:

6 a. On May 8, 2012, at approximately 8:10 a.m. Respondent arrived at the Kaiser
7 Permanente Pharmacy in Riverside, California where she was employed as a pharmacy
8 technician. Respondent clocked into work and began her shift. Respondent's supervisors noticed
9 the smell of alcohol coming from Respondent's breath. Upon questioning Respondent admitted
10 to having consumed alcohol earlier that morning. Respondent was ordered to take a for cause
11 drug/alcohol test. Respondent's blood alcohol was found to be 0.17 g/dl, which is equivalent to a
12 Blood Alcohol Concentration by weight of 0.17.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct – Dangerous Use of Alcohol)**

15 9. Respondent has subjected her registration to disciplinary action under section 4301,
16 subdivision (h) of the Code in that on or about May 8, 2012, Respondent consumed alcohol to the
17 extent or in a manner dangerous to herself or the public, as detailed in paragraph 15, above.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacy Technician Registration Number TCH 18877,
22 issued to Wendy Lynn Wilcox;

23 2. Ordering Wendy Lynn Wilcox to pay the Board of Pharmacy the reasonable costs of
24 the investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3;

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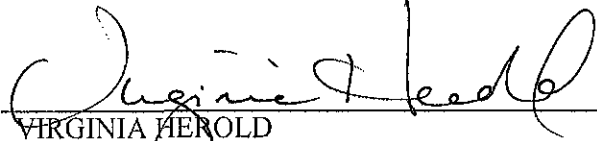
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3. Taking such other and further action as deemed necessary and proper.

DATED:

7/22/13



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

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