

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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. 4662

12 **KRYSTINNA B. JOHNSRUD**
13 **311 Carlina Ct.**
Roseville, CA 95747

A C C U S A T I O N

14 **Pharmacy Technician No. TCH 69407**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about June 14, 2006, the Board of Pharmacy issued Pharmacy Technician
22 Number TCH 69407 to Krystinna B. Johnsrud (Respondent). The Pharmacy Technician was in
23 full force and effect at all times relevant to the charges brought herein and will expire on May 31,
24 2014, unless renewed.

25 **JURISDICTION**

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

1 4. Section 4300 of the Code states in pertinent part:

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

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

6 “(1) Suspending judgment.

7 “(2) Placing him or her upon probation.

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

9 “(4) Revoking his or her license.

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

12 5. Section 4300.1 of the Code states:

13 “The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
14 of law or by order or decision of the board or a court of law, the placement of a license on a
15 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
16 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
17 against, the licensee or to render a decision suspending or revoking the license.”

18 6. Section 4301 of the Code states in pertinent part:

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

22 “...
23

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

27 “(h) The administering to oneself, of any controlled substance, or the use of any dangerous
28 drug or of alcoholic beverages to the extent or in a 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

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the
2 practice authorized by the license.

3 “(j) The violation of any of the statutes of this state, or any other state, or of the United
4 States regulating controlled substances and dangerous drugs.

5 “(l) The conviction of a crime substantially related to the qualifications, functions, and duties
6 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
7 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
8 substances or of a violation of the statutes of this state regulating controlled substances or
9 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
10 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

11 The board may inquire into the circumstances surrounding the commission of the crime, in order to
12 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
13 dangerous drugs, to determine if the conviction is of an offense substantially related to the
14 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
15 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
16 of this provision. The board may take action when the time for appeal has elapsed, or the
17 judgment of conviction has been affirmed on appeal or when an order granting probation is made
18 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
19 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
20 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
21 indictment.

22 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
23 violation of or conspiring to violate any provision or term of this chapter or of the applicable
24 federal and state laws and regulations governing pharmacy, including regulations established by the
25 board or by any other state or federal regulatory agency.”

26 7. Section 4022 of the Code states:

27 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in
28 humans or animals, and includes the following:

1 Respondent further admitted she embezzled the drug for her own personal use, stating she was
2 addicted and consumed between 30-40 pills per day. Respondent stated she believed she stole
3 approximately 21,852 hydrocodone pills. The estimated loss for this theft is \$17,000.00.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Substantially Related Criminal Conviction)**

6 13. Respondent is subject to disciplinary action under section 4301, subdivision (l) in that
7 on or about March 29, 2013, in Placer County Superior Court in the case entitled *People v.*
8 *Krystinna Beverly Johnsrud*, case number 62-118876, Respondent was convicted after her plea of
9 no contest of violating Penal Code section 487, subdivision (a), a misdemeanor, (grand theft by
10 embezzlement in an amount exceeding \$950.00). The circumstances are stated in paragraph 12,
11 above.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Violation of Laws Governing Controlled Substances)**

14 14. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
15 section 4301, subdivision (j), in that between the dates of January 1, 2012 and December 21, 2012,
16 Respondent violated laws governing controlled substances. Respondent violated Health and
17 Safety Code section 11350, subdivision (a), and Code section 4060 by unlawfully possessing the
18 controlled substance hydrocodone. The circumstances are stated in paragraph 12, above.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Unlawful Self-Administration of Controlled Substances)**

21 15. Respondent is subject to disciplinary action under section 4301, subdivision (h) in that
22 between the dates of January 1, 2012 and December 21, 2012, Respondent unlawfully self-
23 administered hydrocodone to an extent or in a manner to be dangerous or injurious to herself or
24 others. The circumstances are stated in paragraph 12, above.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Dishonest, Fraudulent, Corrupt, and Deceitful Acts)**

27 16. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that
28 between the dates of January 1, 2012, and December 21, 2012, while employed and on duty as a

1 pharmacy technician at the CVS Pharmacy store in Rocklin, California, Respondent committed
2 dishonest, fraudulent, corrupt, and deceitful acts by embezzling approximately 21,852
3 hydrocodone pills, a controlled substance. The circumstances are stated in paragraph 12, above.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Violation of Laws Governing Pharmacy)**

6 17. Respondent is subject to disciplinary action under section 4301, subdivision (o), in that
7 between the dates of January 1, 2012 and December 21, 2012, Respondent committed acts in
8 violation of the laws governing pharmacy, as set forth in paragraphs 12 through 16, above.

9 **PRAYER**

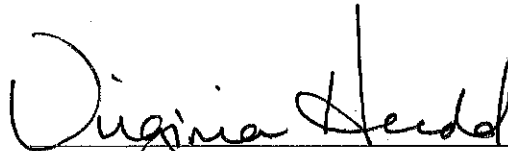
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Pharmacy issue a decision:

12 1. Revoking or suspending Pharmacy Technician Number TCH 69407, issued to
13 Krystinna B. Johnsrud;

14 2. Ordering Krystinna B. Johnsrud to pay the Board of Pharmacy the reasonable costs of
15 the investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3;

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

18
19
20 DATED: 12/2/13



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