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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. 4807

12 **STEPHANIE E. BECHLE**
13 **39829 Western Jay Way**
14 **Murrieta, CA 93277**

A C C U S A T I O N

15 **Pharmacy Technician Registration**
No. TCH 30272

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about August 18, 1999, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 30272 to Stephanie E. Bechle (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on November 30, 2014, 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 4300, subdivision (a) of the Code states "Every license issued may be
6 suspended or revoked."

7 5. Section 4300.1 of the Code states:

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

14 **STATUTORY PROVISIONS**

15 6. Section 482 of the Code states:

16 Each board under the provisions of this code shall develop criteria to
17 evaluate the rehabilitation of a person when:

18 (a) Considering the denial of a license by the board under Section 480; or

19 (b) Considering suspension or revocation of a license under Section 490.

20 Each board shall take into account all competent evidence of rehabilitation
21 furnished by the applicant or licensee.

22 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
23 revoke a license on the ground that the licensee has been convicted of a crime substantially related
24 to the qualifications, functions, or duties of the business or profession for which the license was
25 issued.

26 8. Section 493 of the Code states:

27 Notwithstanding any other provision of law, in a proceeding conducted by
28 a board within the department pursuant to law to deny an application for a license or
29 to suspend or revoke a license or otherwise take disciplinary action against a person
30 who holds a license, upon the ground that the applicant or the licensee has been
31 convicted of a crime substantially related to the qualifications, functions, and duties of
32 the licensee in question, the record of conviction of the crime shall be conclusive
33 evidence of the fact that the conviction occurred, but only of that fact, and

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1 the board may inquire into the circumstances surrounding the commission of the crime
2 in order to fix the degree of discipline or to determine if the conviction is substantially
3 related to the qualifications, functions, and duties of the licensee in question.

4 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,'
5 and 'registration.'

6 9. Section 4301 of the Code states:

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

11

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

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

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1 **REGULATORY PROVISIONS**

2 10. California Code of Regulations, title 16, section 1769, states:

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4 (b) When considering the suspension or revocation of a facility or a
5 personal license on the ground that the licensee or the registrant has been convicted of
6 a crime, the board, in evaluating the rehabilitation of such person and his present
7 eligibility for a license will consider the following criteria:

8 (1) Nature and severity of the act(s) or offense(s).

9 (2) Total criminal record.

10 (3) The time that has elapsed since commission of the act(s) or
11 offense(s).

12 (4) Whether the licensee has complied with all terms of parole,
13 probation, restitution or any other sanctions lawfully imposed against the licensee.

14 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

23 **COST RECOVERY**

24 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
28 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

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1 FIRST CAUSE FOR DISCIPLINE

2 **(May 30, 2013 Criminal Conviction for DUI and for Driving Under the Influence of Alcohol**
3 **With Blood Alcohol Concentration of 0.08% or More [0.31% BAC] on April 10, 2013)**

4 13. Respondent has subjected her registration to discipline under sections 490 and 4301,
5 subdivision (l) of the Code, in that she was convicted of a crime that is substantially related to the
6 qualifications, duties and functions of a pharmacy technician. The circumstances are as follows:

7 14. On or about May 30, 2013, in a criminal proceeding entitled *People of the State of*
8 *California v. Stephanie Elizabeth Bechle*, in the Superior Court of California, County of
9 Riverside, in Case No. SWM1302926, Respondent was convicted on her plea of guilty of violating
10 Vehicle Code sections 23152(a) (DUI), and 23152(b) (driving with a blood alcohol concentration
11 of 0.08 percent or more [0.31 percent BAC]), misdemeanors, with an admitted allegation pursuant
12 to Vehicle Code section 23578 of driving a motor vehicle while having a blood alcohol
13 concentration of 0.15 percent or more by weight.

14 15. As a result of the conviction, the Court placed Respondent on 36 months probation
15 and ordered her to serve 20 days in the Riverside County Jail, with one day credit for time served,
16 with the 19 remaining days to be served through the Work Release Program. The Court also
17 ordered Respondent to pay various fines and fees, not drive with any measurable amount of
18 alcohol in her blood or within 6 hours of consuming alcohol or drugs, submit to blood, breath or
19 urine tests as requested by arresting officer, not drive unless properly licensed nor without
20 insurance or valid registration, attend and satisfactorily complete a 9-month First Offender DUI
21 Program, attend 44 AA meetings or an approved alternative program, and enroll in and complete
22 the MADD Victim Impact Panel session.

23 16. The circumstances that led to the conviction are that on April 10, 2013, at
24 approximately 9:00 a.m., Murrieta Police Department Officers were dispatched to a call of a
25 disabled vehicle on Los Alamos Road and Hancock Avenue. Upon arrival, officers made contact
26 with the driver (Respondent) who told officers that she had run out of gasoline and was on her
27 way to a gas station from her residence in Murrieta. Officers smelled an odor of alcohol emitting
28 from her person and observed that Respondent's eyes were bloodshot and watery. Respondent

1 initially denied consuming alcohol and later admitted to drinking alcohol the night prior.
2 Respondent refused field sobriety tests and the officers determined that Respondent was too
3 intoxicated to safely operate a motor vehicle and placed her under arrest and transported to the
4 Murrieta Police Department where she submitted to a blood sample. Respondent was later
5 booked at the county jail. The blood sample analysis showed Respondent had a 0.31 percent
6 blood alcohol concentration.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct - Use of Alcohol in a Manner Dangerous to Self or Others)**

9 17. Respondent has subjected her registration to disciplinary action under section 4301,
10 subdivision (h) of the Code for unprofessional conduct in that on April 10, 2013, Respondent
11 operated a motor vehicle while substantially impaired by the use of alcoholic beverages, as detailed
12 at paragraphs 13-16, above, which are incorporated here by reference.

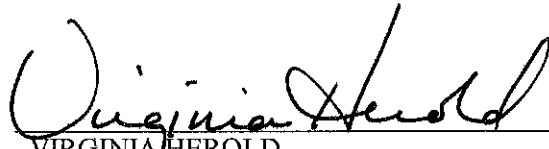
13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration Number TCH 30272
17 issued to Stephanie E. Bechle;
- 18 2. Ordering Stephanie E. Bechle to pay the Board of Pharmacy the reasonable costs of
19 the investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

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23
24 DATED: _____

10/21/13



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

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