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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. 4912

12 **SUZANNE MARIE HATHAWAY**
13 **3513 Paul Street**
Anderson, California 96007

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **85560**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about August 27, 2008, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 85560 to Suzanne Marie Hathaway (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on May 31, 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
4 default has been entered or whose case has been heard by the board and found guilty,
by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

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

8 (4) Revoking his or her license.

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

11 5. Section 4301 of the Code states, in pertinent part:

12 The board shall take action against any holder of a license who is guilty of unprofessional
13 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

14 Unprofessional conduct shall include, but is not limited to, any of the following:

15

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

18

19 6. Health and Safety Code section 11357 states, in pertinent part:

20 (a) Except as authorized by law, every person who possesses any concentrated
21 cannabis shall be punished by imprisonment in the county jail for a period of not more
22 than one year or by a fine of not more than five hundred dollars (\$500), or by both
such fine and imprisonment, or shall be punished by imprisonment pursuant to
subdivision (h) of Section 1170 of the Penal Code.

23 (b) Except as authorized by law, every person who possesses not more than 28.5
24 grams of marijuana, other than concentrated cannabis, is guilty of an infraction
punishable by a fine of not more than one hundred dollars (\$100).

25 (c) Except as authorized by law, every person who possesses more than 28.5 grams of
26 marijuana, other than concentrated cannabis, shall be punished by imprisonment in a
county jail for a period of not more than six months or by a fine of not more than five
hundred dollars (\$500), or by both such fine and imprisonment.

27

1 7. Section 4060 of the Code states, in pertinent part:

2 No person shall possess any controlled substance, except that furnished to a person
3 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
4 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order
5 issued by a certified nurse midwife pursuant to Section 2746.51, a nurse practitioner
6 pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or
7 naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either
8 subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph
9 (5) of, subdivision (a) of Section 4052.

10 8. Section 4300.1 of the Code states:

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

16 **COST RECOVERY**

17 9 Section 125.3 of the Code states, in pertinent part, that the Board may request the
18 administrative law judge to direct a licensee found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 **DRUGS**

22 10. Marijuana is a Schedule I controlled substance as designated by Health and Safety
23 Code section 11054, subdivision (d)(13).

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Possession of a Controlled Substance)**

26 11. Respondent is subject to disciplinary action under section 4301, subdivision (j), in
27 that she violated state statutes regulating controlled substances and dangerous drugs, as follows:

28 12. On or about March 26, 2013, while working as a pharmacy technician at Walgreens in
 Redding, California, Respondent tested positive for marijuana during a random drug test. Per her
 own admission, Respondent used marijuana approximately two weeks prior to the drug test, in
 violation of Health and Safety Code section 11357.

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