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9	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFEA IDS	
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11		
12	In the Matter of the Accusation Against: Case No. 4962	
13	CRISTINA ALBERTOLLI TODD a.k.a. CRISTINA MARTHA TODD	
14	207 W. Main Street, Suite A Visalia, CA 93291 A C C U S A T I O N	
15	Pharmacist License No. 54293	
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.	
22	2. On or about April 14, 2003, the Board of Pharmacy issued Pharmacist License	
23	Number 54293 (License) to Cristina Albertolli Todd a.k.a. Cristina Martha Todd (Respondent).	
24	The License was in full force and effect at all times relevant to the charges brought herein and	
25	will expire on December 31, 2014, unless renewed.	
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Accusation

- JURISDICTION 3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated. 4. Section 4300 of the Code states: (a) Every license issued may be suspended or revoked. (b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods: (1) Suspending judgment. (2) Placing him or her upon probation. (3) Suspending his or her right to practice for a period not exceeding one year. (4) Revoking his or her license. (5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper. (c) The board may refuse a license to any applicant guilty of unprofessional
 - conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:
 - (1) Medical or psychiatric evaluation.
 - (2) Continuing medical or psychiatric treatment.
 - (3) Restriction of type or circumstances of practice.
 - (4) Continuing participation in a board-approved rehabilitation program.
 - (5) Abstention from the use of alcohol or drugs.
 - (6) Random fluid testing for alcohol or drugs.
 - (7) Compliance with laws and regulations governing the practice of pharmacy.
 - (d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

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(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

5. Section 4300.1 of the Code states:

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

6. Section 4301 of the Code states:

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

(h) The administering to oneself, of any controlled substance, or the use of any dangerous 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 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.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense 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.

2.7

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

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

- 8. Respondent is subject to disciplinary action under Code section 4301, subd. (1), in that Respondent was convicted of a crime substantially related to the practice of pharmacy. The circumstances are as follows:
- 9. On or about May 14, 2013, in a criminal proceeding entitled *The People of the State of California v. Cristina Martha Todd* in the Superior Court of California, County of Tulare, Case Number CR VCM 278471, Respondent was convicted by nolo contendere of violating Vehicle Code section 23152(b) [driving while having a 0.08% or higher blood alcohol]. The circumstances are as follows:
- a. On or about December 3, 2012, a Visalia Police Officer initiated a traffic stop and identified the driver as Respondent. Respondent appeared intoxicated. The police officer administered a series of field sobriety test which the Respondent was unable to complete. Respondent refused a preliminary alcohol test and was arrested for violating Vehicle Code sections 23152(a) and 23152(b). A blood test performed after her arrest revealed that Respondent had a blood alcohol content of 0.20% and also indicated Respondent had used marijuana.
- b. On or about May 14, 2013, Respondent was sentenced as follows: 8 days in jail; 3 years probation; attend a 6 month DWI school program; and \$2,038 fine.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

10. Respondent is subject to disciplinary action under section Code section 4301, subd.

(h), in that Respondent used a dangerous drug or alcoholic beverage to the extent or in a manner as to be dangerous or injurious to herself or to another other person or to the public, as described above in paragraph 9.

PRAYER 1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 2 and that following the hearing, the Board of Pharmacy issue a decision: 3 Revoking or suspending Pharmacist License Number 54293, issued to Cristina 1. 4 Albertolli Todd; 5 Ordering Cristina Albertolli Todd to pay the Board of Pharmacy the reasonable costs 2. 6 of the investigation and enforcement of this case, pursuant to Business and Professions Code 7 section 125.3; 8 3. Taking such other and further action as deemed necessary and proper. 9 10 11 5/17/14 DATED: 12 13 Board of Pharmacy Department of Consumer Affairs 14 State of California Complainant 15 16 SA2013113377 11301544.doc 17 18 19 20 21 22 23 24 25 26

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