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

11 In the Matter of the Accusation Against:

Case No. 5073

12 **LAURA ASHLEY GREER**
13 **1969 Chalon Glen Court**
Livermore, CA 94550

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **118641**

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 December 27, 2011, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 118641 to Laura Ashley Greer (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought in
25 this Accusation and will expire on March 31, 2015, 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 (Code) unless otherwise indicated.

5 4. Code section 4300.1 states:

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

12 **STATUTORY PROVISIONS**

13 5. Code section 4300 states, in part:

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

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

18 (1) Suspending judgment.

19 (2) Placing him or her upon probation.

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

21 (4) Revoking his or her license.

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

24 6. Code section 4301 of the Code states, in part:

25 The board shall take action against any holder of a license who is guilty of
26 unprofessional conduct. . . . Unprofessional conduct shall include, but is not limited
27 to, any of the following:

28 . . .

(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

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

3 ...

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

6 ...

7 (l) The conviction of a crime substantially related to the qualifications,
8 functions, and duties of a licensee under this chapter. The record of conviction of . . .
9 a violation of the statutes of this state regulating controlled substances or dangerous
10 drugs shall be conclusive evidence of unprofessional conduct. . . . The board may
11 inquire into the circumstances surrounding the commission of the crime, in order to
12 fix the degree of discipline. . . . A plea or verdict of guilty or a conviction following a
13 plea of nolo contendere is deemed to be a conviction within the meaning of this
14 provision.

15 REGULATORY PROVISION

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

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

24 COST RECOVERY

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

28 DRUG

9. Hydrocodone is the generic name for the trade name drug Norco. It is a Schedule III
controlled substance (Health & Saf. Code §11056, subd. (e)(4)) and a dangerous drug (Bus. &
Prof. Code §4022).

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3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Violation of Drug Laws)**

5 10. Respondent's license is subject to disciplinary action because she violated California
6 statutes regulating controlled substances and dangerous drugs. (Bus. & Prof. Code §4301, subd.
7 (j).) The circumstances are as follows:

8 11. On or about November 30, 2013, in a criminal matter entitled *The People of the State*
9 *of California v. Laura Ashley Greer*, Case No. 145924-3, in Alameda Superior Court, Respondent
10 was convicted by plea of no contest for driving under the influence (Veh. Code § 23152, subd.
11 (a)) and unlawful possession of a controlled substance (Health & Saf. Code § 11350, subd, (b)),
12 misdemeanors. The court sentenced Respondent to serve one day in county jail, serve six months
13 in an outpatient drug treatment program, complete a drinking/drugged driver program, register as
14 a drug offender (Health & Saf. Code § 11590), and to comply with other terms and conditions.

15 12. The factual circumstances of the conviction are that on September 1, 2013, the
16 arresting officer observed Respondent fail to stop her car for pedestrians in a crosswalk and
17 exhibit signs of drug intoxication. The arresting officer found over 90 tablets of Norco in
18 Respondent's possession. Respondent admitted to ingesting Norco.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **((Unprofessional Conduct: Use of Drugs to a Dangerous Extent))**

21 13. Respondent's license is subject to disciplinary action because she used drugs to the
22 extent or in a manner as to be dangerous or injurious to herself and/or to the public. (Bus. & Prof.
23 Code §4301, subd. (h).) The circumstances are more particularly set forth in paragraphs 11 and
24 12, above.

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THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Substantially Related Conviction)

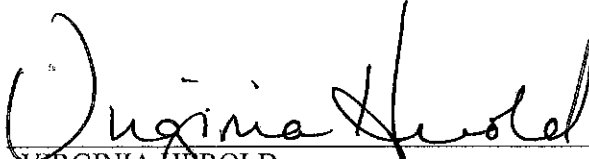
14. Respondent's license is subject to disciplinary action because she was convicted of a crime substantially related to the qualifications, functions, and duties of a pharmacy technician. (Bus. & Prof. Code §4301, subd. (l) and Cal. Code Regs., tit. 16, § 1770.) The circumstances are more particularly set forth in paragraphs 11 and 12, above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 118641, issued to Laura Ashley Greer
2. Ordering Laura Ashley Greer to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/3/14


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

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