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

10 In the Matter of the Accusation Against:

Case No. 5182

11 **VICTORIA LYNN BROWN**
12 **728 I Street, # D**
13 **Antioch, CA 94509**

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
131420

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 (Board), Department of Consumer Affairs.

21 2. On or about March 21, 2013, the Board issued Pharmacy Technician Registration
22 Number TCH 131420 to Victoria Lynn Brown (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and will
24 expire on April 30, 2016, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the following laws.
27 All section references are to the Business and Professions Code unless otherwise indicated.

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1 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
2 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
3 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
4 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
5 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply
6 to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
7 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
8 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
9 labeled with the name and address of the supplier or producer.

10 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician
11 assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
12 devices."

13 7. Code section 4301 states:

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

17 "...

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

21 "...

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

24 "...

25 "(l) The conviction of a crime substantially related to the qualifications, functions, and duties
26 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
27 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
28 substances or of a violation of the statutes of this state regulating controlled substances or

1 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
2 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
3 The board may inquire into the circumstances surrounding the commission of the crime, in order to
4 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
5 dangerous drugs, to determine if the conviction is of an offense substantially related to the
6 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
7 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
8 of this provision. The board may take action when the time for appeal has elapsed, or the
9 judgment of conviction has been affirmed on appeal or when an order granting probation is made
10 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
11 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
12 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
13 indictment.

14 "..."

15 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
16 violation of or conspiring to violate any provision or term of this chapter or of the applicable
17 federal and state laws and regulations governing pharmacy, including regulations established by the
18 board or by any other state or federal regulatory agency.

19 "..."

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

23 DANGEROUS DRUGS/CONTROLLED SUBSTANCES

24 9. Code Section 4022 states:

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

27 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
28 prescription," "Rx only," or words of similar import.

1 bag. Prison official's searched Respondent's car and found, in pertinent part, a Walgreen's
2 prescription bottle with the patient's name blacked out that contained 91 generic hydrocodone
3 pills, a Kaiser Permanente prescription bottle with Respondent's name that contained 16 full
4 generic hydrocodone pills, 2 partial generic hydrocodone pills, and 5 brand Vicodin pills, and a
5 digital scale. Respondent admitted to corresponding with her inmate husband regarding the
6 delivery of the contraband.

7 FIRST CAUSE FOR DISCIPLINE

8 (Criminal Conviction)

9 14. Respondent is subject to disciplinary action under Code sections 4301, subdivision (l),
10 and/or 490, in that on or about January 27, 2014, she was convicted of a substantially related
11 offense, as set forth in paragraph 12, above.

12 SECOND CAUSE FOR DISCIPLINE

13 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

14 15. Respondent is subject to discipline under Code sections 4301, subdivision (f), in that
15 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as
16 set forth in paragraphs 12 and 13, above.

17 THIRD CAUSE FOR DISCIPLINE

18 (Unlawful Possession of Controlled Substances)

19 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
20 and/or (o), and/or section 4060, in that she had at least 91 generic Hydrocodone pills that did not
21 belong to her, as set forth in paragraph 13, above.

22 FOURTH CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct)

24 17. Respondent is subject to disciplinary action under Code section 4301, in that she acted
25 unprofessionally, as set forth in paragraphs 12 and 13, above.

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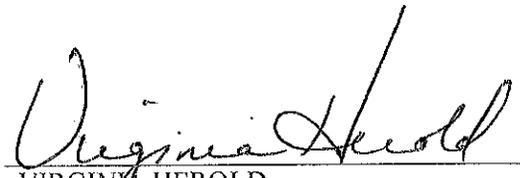
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 131420, issued to Victoria Lynn Brown;
2. Ordering Victoria Lynn Brown 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/11/14



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

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