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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. 5201

12 **KRISTEN JEAN SCHOELLER SUAREZ**
5238 Kaiser Ave.
13 Santa Barbara, CA 93110

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 5380

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about March 9, 1993, the Board issued Pharmacy Technician Registration
21 No. TCH 5380 to Kristen Jean Schoeller Suarez (Respondent). The Pharmacy Technician
22 Registration was in full force and effect at all times relevant to the charges brought herein and will
23 expire on June 30, 2016, unless renewed.

24 **JURISDICTION**

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

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1 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
2 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
3 to the extent that the use impairs the ability of the person to conduct with safety to the public the
4 practice authorized by the license.

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6 "(k) The conviction of more than one misdemeanor or any felony involving the use,
7 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
8 combination of those substances.

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

26 **REGULATORY PROVISION**

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

28 "For the purpose of denial, suspension, or revocation of a personal or facility license

1 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
2 crime or act shall be considered substantially related to the qualifications, functions or duties of a
3 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
4 licensee or registrant to perform the functions authorized by his license or registration in a manner
5 consistent with the public health, safety, or welfare."

6 **COST RECOVERY**

7 8. Section 125.3 provides that the Board may request the administrative law judge to
8 direct a licensee found to have committed a violation or violations of the licensing act to pay a
9 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

10 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

11 9. Ativan is the trade name for lorazepam, a Schedule IV controlled substance as defined
12 in Health and Safety Code section 11057, subdivision (d)(16).

13 10. Celexa is the trade name for citalopram hydrobromide, a dangerous drug pursuant to
14 section 4022.

15 11. Lamictal is the trade name for lamotrigine, a dangerous drug pursuant to section 4022.

16 12. Norco, a trade name for the combination drug of hydrocodone bitartrate (opioid
17 analgesic) and acetaminophen, is a Schedule III controlled substance as defined in Health and
18 Safety Code section 11056(e)(4) and a dangerous drug pursuant to section 4022

19 13. Opiates are Schedule I controlled substances as defined in Health and Safety Code
20 section 11054, subdivision (a)(b), and dangerous drugs pursuant to section 4022.

21 14. Seroquel is the trade name for quetiapine fumarate, a dangerous drug pursuant to
22 section 4022.

23 15. Synthroid is the trade name for levothyroxine sodium USP, a dangerous drug pursuant
24 to section 4022.

25 16. Trileptal is the trade name for oxcarbazepine, a dangerous drug pursuant to section
26 4022.

27 17. Zyprexa is the trade name for olanzapine, a dangerous drug pursuant to section 4022.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Convictions of Substantially Related Crimes)**

3 18. Respondent is subject to disciplinary action under sections 490 and 4301,
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that
5 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
6 of a licensee or registrant which to a substantial degree evidence his present or potential unfitness
7 to perform the functions authorized by his license or registration in a manner consistent with the
8 public health, safety, or welfare, as follows:

9 a. On or about November 26, 2012, Respondent was convicted of one amended
10 misdemeanor count of violating Vehicle Code section 23103/23103.5 [wet reckless] in a criminal
11 proceeding entitled *The People of the State of California v. Kristen Jean Suarez* (Super. Ct. Santa
12 Barbara County, 2012, No. 1423722). The Court placed Respondent on three (3) years probation,
13 and ordered her to complete a 12-Hour Alcohol Program.

14 b. The circumstances underlying the conviction are that on or about April 12, 2014, at
15 approximately 1024 hours, a traffic stop was initiated on Respondent after her vehicle was
16 observed drifting across the highway's broken yellow center line. Upon contact, Respondent was
17 observed to have shaking hands, rapid, slurred speech, and was unsteady on her feet. Respondent
18 admitted to taking prescribed medications of Tiliptrol (300 mg), Lamictal (200mg), Synthroid
19 (.5mg), and the prior evening taking Celexa (40mg), Zyprexa, and Seroquel. A subsequent drug
20 test revealed the presence of Opiates in her system.

21 c. On or about March 28, 2014, after pleading nolo contendere, Respondent was
22 convicted of one misdemeanor of violating Vehicle Code section 23152(e) [driving while under the
23 influence of a drug] in a criminal proceeding entitled *The People of the State of California v.*
24 *Kristen Jean Suarez* (Super. Ct. Santa Barbara County, 2014, No. 1444088). The Court
25 sentenced Respondent to 45 days jail, placed her on three (3) years probation, and ordered her to
26 complete an 18-Month Multiple Offender Program.

27 d. The circumstances underlying the conviction are that on or about August 16, 2013, at
28 approximately 1308 hours, Respondent was stopped for driving her vehicle on the wrong side of

1 the road. Upon contact with arresting officers, Respondent was unable to maintain focus, had
2 rapid and slurred speech, watery eyes, droopy eyelids and spoke with her head in a downward
3 relaxed position. Respondent admitted to taking four (4) medications prior to driving, including
4 Seroquel, Ativan, Zyprexa and Celexa.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Dangerous Use of Drugs)**

7 19. Respondent is subject to disciplinary action under section 4301, subdivision (h), on the
8 grounds of unprofessional conduct, in that Respondent used controlled substances and / or
9 dangerous drugs to the extent or in a manner as to be dangerous or injurious to herself or others.
10 Complainant refers to and by this reference incorporates the allegations set forth above in
11 paragraph 18, as though set forth fully.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Convictions Involving the Consumption of Dangerous Drugs)**

14 20. Respondent is subject to disciplinary action under sections 4301, subdivisions (k), on
15 the grounds of unprofessional conduct, in that Respondent sustained more than one conviction
16 involving the consumption of dangerous drugs. Complainant refers to, and by this reference
17 incorporates, the allegations set forth above in paragraph 18, as though fully set forth fully.

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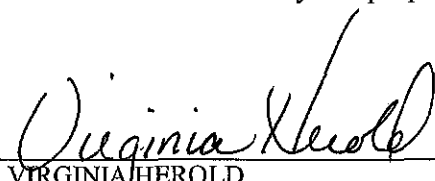
PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 5380, issued to Kristen Jean Schoeller Suarez;
2. Ordering Kristen Jean Schoeller Suarez to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

9/20/15



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

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