

1. KAMALA D. HARRIS
Attorney General of California
2. KENT D. HARRIS
Supervising Deputy Attorney General
3. DAVID E. BRICE
Deputy Attorney General
4. State Bar No. 269443
1300 I Street, Suite 125
5. P.O. Box 944255
Sacramento, CA 94244-2550
6. Telephone: (916) 324-8010
Facsimile: (916) 327-8643
7. *Attorneys for Complainant*

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. 5432

12. **DANIEL AARON LOSSNER**
13. **103 Margaret Lane**
14. **Grass Valley, CA 95945**

ACCUSATION

14. **Pharmacy Technician Registration No. TCH 88530**

15. 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 ("Board"), Department of Consumer Affairs.

21. 2. On or about January 7, 2009, the Board issued Pharmacy Technician Registration
22. Number TCH 88530 to Daniel Aaron Lossner ("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 March 31, 2016, unless renewed.

25. **JURISDICTION**

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

28. ///

1 12. On or about May 2, 2014, a Board inspector met with Respondent at Raley's
2 Pharmacy Store #213 located in Grass Valley, California. Respondent admitted that one day,
3 while working at Walgreens (Store #10881), he went to lunch and consumed "some beers".
4 Someone smelled alcohol on his breath after he returned to work. The store manager sent
5 Respondent for a breath test, and the test came back positive for alcohol.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Use of Alcoholic Beverages to an Extent or in a Manner**

8 **Dangerous or Injurious to Oneself and Others)**

9 13. Respondent is subject to disciplinary action pursuant to Code section 4301,
10 subdivision (h), for unprofessional conduct, in that on or about August 15, 2012, Respondent used
11 alcoholic beverages to an extent or in a manner dangerous or injurious to himself and others
12 and/or to the extent that such use impaired his ability to conduct his pharmacy technician duties
13 safely, as set forth above.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Violations of the Pharmacy Law)**

16 14. Respondent is subject to disciplinary action pursuant to Code section 4301,
17 subdivision (o), for unprofessional conduct, in that on or about August 15, 2012, Respondent
18 violated or attempted to violate, directly or indirectly, a provision or term of the Pharmacy Law
19 (Bus. & Prof. Code § 4300, et seq.), specifically, Code section 4327, as follows: Respondent,
20 while on duty as a pharmacy technician at Walgreens Store #10881, sold, dispensed and/or
21 compounded drugs while under the influence of alcoholic beverages, as set forth above.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 88530,
26 issued to Daniel Aaron Lossner;

27 ///

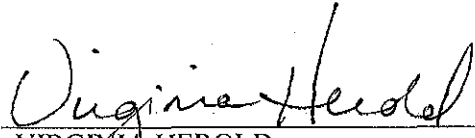
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Ordering Daniel Aaron Lossner 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: 7/1/15



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

SA2015102959