

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 PHILLIP L. ARTHUR
Deputy Attorney General
4 State Bar No. 238339
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-0032
Facsimile: (916) 327-8643
7 E-mail: Phillip.Arthur@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:	Case No. 5562
12 AMBER NICOLE DENNA	
13 6353 Lucky John Rd.	
14 Paradise, CA 95969	ACCUSATION
15 Pharmacy Technician Registration No.	
16 116216	
17 Respondent.	

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19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about October 17, 2011, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number 116216 to Amber Nicole Denna (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on December 31, 2016, 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 unless otherwise indicated.

5 4. Section 4300 of the Code states, in pertinent part:

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

7 5. Section 4300.1 of the Code states:

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

13 **STATUTORY PROVISIONS**

14 6. Section 4022 of the Code states:

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

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

19 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale
20 by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled
21 in with the designation of the practitioner licensed to use or order use of the device.

22 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
23 prescription or furnished pursuant to Section 4006."

24 7. Section 4301 of the Code states, in pertinent part:

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

28 "...

1 13. In or about January 2015, the Pharmacist-in-Charge at Paradise Drug observed
 2 Respondent as being shaky and rigid with enlarged pupils and a look of stupor, and needing to
 3 lean against the counter to support herself while performing her duties as a pharmacy technician.
 4 The Pharmacist-in-Charge instructed another employee to take Respondent home. A few days
 5 later, Respondent told the Pharmacist-in-Charge that she took two tablets of Carisoprodol on the
 6 day of the incident and she attributed her symptoms to the ingestion of the Carisoprodol.

7 14. On or about March 10, 2015, the Pharmacist-in-Charge at Paradise Drug noticed
 8 Respondent slur her speech when answering the telephone. The Pharmacist-in-Charge observed
 9 Respondent as being dazed, unable to walk straight, and needing to support herself against the
 10 wall. The Pharmacist-in-Charge immediately relieved Respondent from work. The next day,
 11 Respondent told the Pharmacist-in-Charge that she took a tablet of Alprazolam.

12 15. On or about April 2, 2015, Respondent informed Inspector H. N. that when she took
 13 the Alprazolam on March 10, 2015, it “hit” her hard and made her “felt drunk” for about fifteen
 14 minutes.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct—Self-Administration of Controlled Substances in a Dangerous or**
 17 **Injurious Manner)**

18 16. Respondent is subject to disciplinary action under section 4301(h) of the Code in that
 19 on or about January 2015 and March 10, 2015, Respondent self-administered controlled
 20 substances to the extent or in a manner as to be dangerous or injurious to herself, to a person
 21 holding a license under this chapter, or to any other person or to the public, or to the extent that
 22 the use impaired the ability of Respondent to conduct with safety to the public the practice
 23 authorized by the license. The circumstances are described with more particularity in paragraphs
 24 13-15.

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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:

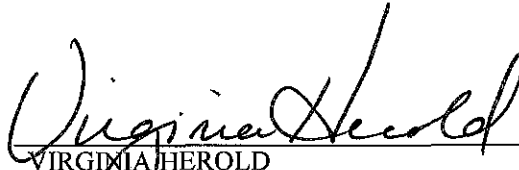
1. Revoking or suspending Pharmacy Technician Registration Number 116216, issued to Amber Nicole Denna;

2. Ordering Amber Nicole Denna 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:

10/20/15



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

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