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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. 5647

12 **OLGA ELAINE KOULOULIAS**  
13 **406 Kings Way**  
**Suisun City, CA 94585**

**ACCUSATION**

14 **Pharmacy Technician Registration No. TCH**  
15 **91559**

Respondent.

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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 March 22, 2010, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 91559 to Olga Elaine Kouloulis (Respondent). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on June 30, 2017, 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. Section 4011 of the Code provides that the Board shall administer and enforce both  
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
7 Act [Health & Safety Code, § 11000 et seq.].

8 5. Section 4300.1 of the Code states:

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

14 **STATUTORY PROVISIONS**

15 6. Section 4060 of the Code states:

16 "No person shall possess any controlled substance, except that furnished to a person upon  
17 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
18 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
19 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
20 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
21 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
22 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
23 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
24 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
25 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
26 labeled with the name and address of the supplier or producer.

27 ..."

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1           7.     Section 4301 of the Code provides, in relevant part:

2           “The board shall take action against any holder of a license who is guilty of unprofessional  
3 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

4 Unprofessional conduct shall include, but is not limited to, any of the following:

5           ...

6           “(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
7 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
8 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
9 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
10 practice authorized by the license.

11           ...

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

14           “(k) The conviction of more than one misdemeanor or any felony involving the use,  
15 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
16 combination of those substances.

17           “(l) The conviction of a crime substantially related to the qualifications, functions, and  
18 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
19 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
20 substances or of a violation of the statutes of this state regulating controlled substances or  
21 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
22 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
23 The board may inquire into the circumstances surrounding the commission of the crime, in order  
24 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
25 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
26 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
27 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
28 of this provision. The board may take action when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
2 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
3 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
4 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
5 indictment.

6 ...”

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

11 9. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
12 any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
13 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

14 10. Marijuana is a Schedule I controlled substance as designated by Health and Safety  
15 Code section 11054, subdivision (d)(13), and a dangerous drug as designated by Business and  
16 Professions Code section 4022.

17 11. Norco, Vicodin, Vicodin ES, Lortab, and Lorcet are among the brand names for  
18 compounds of varying dosages of acetaminophen (aka APAP) and hydrocodone, a Schedule III  
19 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4)  
20 and dangerous drug as designated by Business and Professions Code section 4022. The varying  
21 compounds are also known generically as Hydrocodone with APAP.

22 12. Alprazolam is a Schedule IV controlled substance as designated by Health and Safety  
23 Code section 11057, subdivision (d)(1), and a dangerous drug as designated by Business and  
24 Professions Code section 4022.

25 13. Cocaine is a Schedule I (in base/rock/crack form) or Schedule II controlled substance  
26 as designated by Health and Safety Code sections 11054, subdivision (f)(1) and 11055,  
27 subdivision (b)(6), and a dangerous drug as designated by Business and Professions Code section  
28 4022.

1 **COSTS**

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **FACTUAL BACKGROUND**

9 15. On or about December 23, 2009, the vehicle in which Respondent was traveling was  
10 pulled over by a police officer in Fairfield, California. During a search of the vehicle, the officer  
11 discovered marijuana in Respondent's purse. The officer issued a citation to Respondent for  
12 possession of marijuana in a vehicle.

13 16. On or about December 4, 2014 in Sacramento, California, Respondent, while driving  
14 her vehicle, ran a red light and collided with another vehicle. The driver and passenger of the  
15 other vehicle were injured as a result of the collision. Respondent then drove away from the  
16 scene and was later detained by a police officer. Upon approaching Respondent, the officer  
17 noticed that Respondent had red, watery eyes, an unsteady gait, and slurred speech. Respondent  
18 admitted to the officer that she had taken two (2) 325mg Norco pills. Respondent was then  
19 arrested for being under the influence of narcotics. It was later determined that Respondent had  
20 consumed the following drugs prior to the events of December 4, 2014: hydrocodone;  
21 alprazolam; cocaine; and benzoylecgonine (cocaine metabolite).

22 17. On or about July 30, 2015, in a criminal proceeding entitled *People v. Olga Elaine*  
23 *Kouloulias*, Case Number 15F00912, in Sacramento County Superior Court, Respondent, based  
24 on the conduct described above in paragraph 16, was convicted by her plea of nolo contendere of  
25 violating Vehicle Code section 23153, subdivision (e) (driving a vehicle while under the  
26 influence of a drug and committing an unlawful act that caused bodily injury to another), a  
27 misdemeanor. Imposition of sentence was suspended and Respondent was placed on five (5)  
28 years probation and ordered to serve 365 days in county jail.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Controlled Substances and Dangerous Drugs)**

3 18. Respondent is subject to disciplinary action under section 4301, subdivision (h) of the  
4 Code in that Respondent used controlled substances and dangerous drugs in a dangerous manner.  
5 The circumstances of Respondent's conduct are set forth above in paragraph 16.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Illegal Possession of Controlled Substances)**

8 19. Respondent is subject to disciplinary action under section 4060 and/or section 4301,  
9 subdivision (j) of the Code, and/or Health and Safety Code section 11350, in that Respondent  
10 possessed controlled substances without a prescription. The circumstances of Respondent's  
11 conduct are set forth above in paragraphs 15 and 16.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Criminal Conviction)**

14 20. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
15 490 of the Code in that Respondent was convicted of a crime substantially related to the  
16 qualifications, functions, and duties of a pharmacy technician. The circumstances of the  
17 conviction are set forth above in paragraphs 16 and 17.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Conviction of More Than One Misdemeanor Involving Dangerous Drugs and Alcohol)**

20 21. Respondent is subject to disciplinary action under section 4301, subdivision (k) in  
21 that Respondent was convicted of more than one misdemeanor involving the use, consumption, or  
22 self-administration of any dangerous drug or alcoholic beverage, or any combination of those  
23 substances. The circumstances of the convictions are set forth in paragraphs 16, 17, and 22.

24 **DISCIPLINE CONSIDERATIONS**

25 22. To determine the degree of discipline, if any, to be imposed on Respondent,  
26 Complainant alleges that on or about February 21, 2013, the Board issued a Citation and Fine  
27 (Citation No. CI 2012 54505) to Respondent for violating sections 4301, subdivision (h) (use of  
28 alcohol or a controlled substance and dangerous drug in a dangerous manner) and 4301,

1 subdivision (l) (conviction of a crime substantially related to the practice of pharmacy) of the  
2 Code. The circumstances of Citation No. CI 2012 54505 are as follows:

3 a. On or about October 24, 2012, the vehicle in which Respondent was traveling was  
4 pulled over by a highway patrol officer in Sacramento, California after the officer observed the  
5 vehicle swerving on the road. Upon approaching Respondent the officer smelled the strong odor  
6 of an alcoholic beverage emitting from Respondent and noticed that Respondent's eyes were red  
7 and watery and her speech was slow. Based on Respondent's objective signs of alcohol  
8 intoxication and the results of field sobriety tests, the officer placed Respondent under arrest for  
9 driving under the influence of alcohol. It was later determined that Respondent's blood alcohol  
10 level at the time of the incident was 0.16%.

11 b. On or about November 29, 2012, in a criminal proceeding entitled *People v. Olga*  
12 *Elaine Kouloulis*, Case Number 12T05810, in Sacramento County Superior Court, Respondent,  
13 based on the conduct described above in paragraph 22.a., was convicted by her guilty plea of  
14 violating Vehicle Code section 23152, subdivision (b) (driving under the influence of alcohol  
15 with a BAC of 0.08% or higher), a misdemeanor. Imposition of sentence was suspended and  
16 Respondent was placed on three (3) years probation.

17 **PRAYER**

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

20 1. Revoking or suspending Pharmacy Technician Registration Number TCH 91559  
21 issued to Olga Elaine Kouloulis;

22 2. Ordering Olga Elaine Kouloulis to pay the Board of Pharmacy the reasonable costs  
23 of the investigation and enforcement of this case pursuant to Business and Professions Code  
24 section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/20/16 Virginia Herold

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

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