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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. 5690

12 **STACI ROSENKRANZ**  
13 6475 Sard Street  
Alta Loma, CA 91701

**A C C U S A T I O N**

14 Pharmacy Technician Registration  
15 No. TCH 98971

16 Respondent.

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 (Board), Department of Consumer Affairs.

22 2. On or about June 10, 2010, the Board issued Pharmacy Technician Registration No.  
23 TCH 98971 to Staci Rosenkranz (Respondent). The Pharmacy Technician Registration was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on January  
25 31, 2016, unless renewed.

26 **JURISDICTION**

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

1 4. Section 4300 provides in pertinent part, that every license issued by the Boards is  
2 subject to discipline, including suspension or revocation.

3 5. Section 4300.1 states:

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

### 9 STATUTORY PROVISIONS

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

13 7. Section 4301 states, in pertinent part:

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 "(g) Knowingly making or signing any certificate or other document that falsely represents  
19 the existence or nonexistence of a state of facts.

20 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
21 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
22 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
23 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
24 practice authorized by the license.

25 . . . .

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

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

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

21           8. Section 4060 states:

22           "No person shall possess any controlled substance, except that furnished to a person upon  
23 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
24 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
25 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
26 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
27 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
28 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not

1 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
2 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
3 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
4 ~~labeled with the name and address of the supplier or producer.~~

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

### 8 REGULATORY PROVISIONS

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

10 "For the purpose of denial, suspension, or revocation of a personal or facility license  
11 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
12 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
13 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
14 licensee or registrant to perform the functions authorized by his license or registration in a manner  
15 consistent with the public health, safety, or welfare."

### 16 COST RECOVERY

17 10. Section 125.3 provides, in pertinent part, that the Board may request the  
18 administrative law judge to direct a licentiate found to have committed a violation or violations of  
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
20 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
21 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
22 included in a stipulated settlement.

### 23 11. CONTROLLED SUBSTANCE/DANGEROUS DRUG

24 "Alprazolam," is a Schedule IV controlled substance pursuant to Health and Safety Code  
25 section 11057, subdivision (d) and is a dangerous drug pursuant to section 4022.

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**FIRST CAUSE FOR DISCIPLINE**

**(Conviction of a Substantially Related Crime)**

12. Respondent is subject to disciplinary action under section 4301, subdivision (l), in conjunction with, California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that the Respondent was convicted of a crime substantially related to the qualifications, functions, and duties of a pharmacy technician, as follows:

a. On or about July 19, 2012, after pleading guilty, Respondent was convicted of one misdemeanor count of violating Penal Code section 647, subdivision (f) [public intoxication] in the criminal proceeding entitled *The People of the State of California v. Staci Rosenkranz* (Super. Ct. San Bernardino County, 2012, No. MVA1200691). The Court placed Respondent on 36 months probation, with terms and conditions.

b. The circumstances surrounding the conviction are that on or about February 3, 2012, Fontana Police officers were dispatched to a commercial business regarding a possible domestic incident. On arrival, officers observed Respondent to have a strong odor of alcohol coming from her breath. Her eyes were bloodshot, watery and she was slurring her speech. A records check revealed an outstanding warrant and Respondent was placed under arrest. During a search of Respondent's purse, the officers found a pill bottle containing Alprazolam pills, that were not prescribed to her.

**SECOND CAUSE FOR DISCIPLINE**

**(Alcohol Related Convictions)**

13. Respondent is subject to disciplinary action under section 4301, subdivision (k), on the grounds of unprofessional conduct, in that, on or about July 19, 2012, Respondent sustained a second criminal conviction involving the consumption of alcoholic beverages. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12, as though fully set forth herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 14. Respondent is subject to disciplinary action under section 4301, subdivision (h), on  
4 the grounds of unprofessional conduct, in that, on or about February 3, 2012, Respondent used  
5 alcoholic beverages to an extent or in a manner dangerous or injurious to herself, any person, or  
6 the public. Complainant refers to, and by this reference incorporates, the allegations set forth  
7 above in paragraph 12, as though fully set forth herein.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Illegal Possession of a Controlled Substance/Dangerous Drug)**

10 15. Respondent is subject to disciplinary action under section 4301, subdivision (j) for  
11 violating section 4060, on the grounds of unprofessional conduct, in that Respondent was found  
12 to be in possession of a controlled substance/dangerous drug without a valid prescription.  
13 Complainant refers to, and by reference incorporates, the allegations set forth above in paragraph  
14 12, as though set forth fully.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Knowingly Made a False Statement of Fact)**

17 16. Respondent is subject to disciplinary action under section 4301, subdivision (g), in  
18 that Respondent knowingly made a false statement of fact when she failed to disclose her July 19,  
19 2012 conviction for public intoxication on her license renewal application. Complainant refers to  
20 and by this reference incorporates the allegations set forth above in paragraph 12, as though set  
21 forth fully.

22 **DISCIPLINE CONSIDERATIONS**

23 17. To determine the degree of discipline, if any, to be imposed on Respondent,  
24 Complainant alleges, as follows:

25 a. On or about May 11, 2010, after pleading nolo contendere, Respondent was convicted  
26 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving  
27 while having 0.08% or more, by weight, of alcohol in her blood] in the criminal proceeding  
28 entitled *The People of the State of California v. Staci Borson Rosenkranz* (Super. Ct. L.A.

1 County, 2010, No. 0JB03546). The Court sentenced Respondent to serve four days in jail and  
2 placed her on 3 years probation, with terms and conditions. The circumstances surrounding the  
3 conviction are that on or about March 1, 2010, Glendora Police officers contacted Respondent  
4 during a traffic enforcement stop where she displayed symptoms of intoxication. While at the  
5 scene, Respondent submitted to a Preliminary Alcohol Screening test that resulted in a blood  
6 alcohol content level of 0.17% on the first and second readings.

7 b. On or about August 14, 2007, after pleading guilty, Respondent was convicted of one  
8 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while  
9 having 0.08% or more, by weight, of alcohol in her blood] in the criminal proceeding entitled *The*  
10 *People of the State of California v. Staci Borson Rosenkranz* (Super. Ct. Orange County, 2007,  
11 No. 07HF0251). The Court ordered Respondent to attend and complete a six month level two  
12 first offender alcohol program and a Mother's Against Drunk Driving Victim's Impact Panel and  
13 placed her on 3 years probation with terms and conditions. The circumstances surrounding the  
14 conviction are that on or about January 10, 2007, Respondent drove a vehicle while having a  
15 blood alcohol content level of 0.18%. During a search of Respondent's vehicle, officer found a  
16 bottle with a variety of blue and tan pills. The 9 ½ blue pills with the marking GG258 were  
17 confirmed as Xanax and 21 tan oblong pills with Zoflot stamps were confirmed to be Zoloft. The  
18 other 8 light blue tablets were tested and received a positive result for methamphetamine/MDMA  
19 and phentermine.

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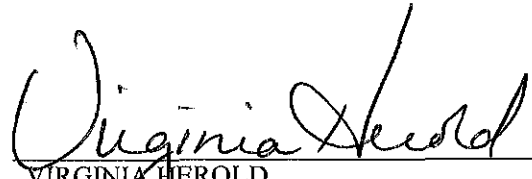
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**PRAYER**

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

1. ~~Revoking or suspending Pharmacy Technician Registration No. TCH 98971, issued to Staci Rosenkranz;~~
2. Ordering Staci Rosenkranz 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: 1/22/16

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

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