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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. 5698

12 **STEPHANIE NICOLE PILCHER**
13 **2014 Bradford St.**
Stockton, CA 95205

ACCUSATION

14 **Pharmacy Technician Registration Number**
15 **No. 113837**

16 Respondent.

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about September 15, 2011, the Board issued Pharmacy Technician Registration
22 Number 113837 ("registration") to Stephanie Nicole Pilcher ("Respondent"). The registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 November 30, 2016, unless renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 4300 provides, in pertinent part, that
27 every license issued by the Board is subject to discipline, including suspension or revocation.

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4. Code section 4301.1 states:

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

STATUTORY PROVISIONS

5. Code section 4301 states, in pertinent part:

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

...

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

...

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

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

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1 **COST RECOVERY**

2 6. Code section 125.3 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.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of Crimes)**

8 7. Respondent is subject to discipline pursuant to Code section 4301(i), on the grounds
9 of unprofessional conduct, in that on or about September 11, 2015, Respondent was convicted of
10 crimes which are substantially related to the qualifications, functions, or duties of a pharmacy
11 technician, as follows:

12 a. In the case of *People v. Stephanie Nicole Pilcher* (Super. Ct. San Joaquin County,
13 Case No. ST065173A), Respondent was convicted by the Court on her plea of nolo contendere of
14 violating Vehicle Code section 23152(b) (driving a vehicle with a blood alcohol level of .08% or
15 higher), a misdemeanor, with an enhancement of Vehicle Code section 23578 (having a blood
16 alcohol level of .15% or higher). The circumstances of the crime were that on or about March 29,
17 2015, Respondent drove a vehicle while having a blood alcohol level of 0.26% and collided with
18 a parked vehicle.

19 b. In the case of *People v. Stephanie Nicole Pilcher* (Super. Ct. San Joaquin County,
20 Case No. ST065305A), Respondent was convicted by the Court on her plea of nolo contendere of
21 violating Vehicle Code section 23152(b) (driving a vehicle with a blood alcohol level of .08% or
22 higher), a misdemeanor. The circumstances of the crime were that on or about April 18, 2015,
23 Respondent drove a vehicle while having a blood alcohol level of 0.16% and nearly collided with
24 another vehicle while making a right hand turn.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Dangerous Use of Alcohol)

3 8. Respondent is subject to discipline pursuant to Code section 4301(h), on the grounds
4 of unprofessional conduct, in that Respondent consumed alcohol to the extent or in a manner as to
5 be dangerous or injurious to oneself and the public, in that on or about March 29 and April 18,
6 2015, Respondent drove a vehicle while under the influence of alcohol, as more particularly set
7 forth above in paragraph 7.

8 THIRD CAUSE FOR DISCIPLINE

9 (Conviction Involving the Use of Alcohol)

10 9. Respondent is subject to discipline pursuant to Code section 4301(k), on the grounds
11 of unprofessional conduct, in that on or about September 11, 2015, Respondent was convicted by
12 the Court of more than one misdemeanor involving the use, consumption, and self administration
13 of alcohol, as more particularly set forth above in paragraph 7.

14 PRAYER

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 113837,
- 18 issued to Stephanie Nicole Pilcher;
- 19 2. Ordering Stephanie Nicole Pilcher to pay the Board of Pharmacy the reasonable costs
- 20 of the investigation and enforcement of this case, pursuant to Business and Professions Code
- 21 section 125.3; and,
- 22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 5/3/16

Virginia Herold

24 VIRGINIA HEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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