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

12 In the Matter of the Accusation Against:

Case No. 5776

13 **ANNIKA MARIETH KARLSSON**
14 **39444 Diego Drive**
Temecula, CA 92591

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
16 **135756**

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 16, 2013, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 135756 to Annika Marieth Karlsson (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on September 30, 2017, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4300, subdivision (a) of the Code states "Every license issued may be suspended or revoked."

5. Section 4300.1 of the Code 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.

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STATUTORY PROVISIONS

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

7. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'

8. Section 4301 of the Code states:

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:

1 (h) The administering to oneself, of any controlled substance, or the use of any
2 dangerous drug or alcoholic beverages to the extent or in a manner as to be dangerous
3 or injurious to oneself, to a person holding a license under this chapter, or to any other
4 person or to the public the practice authorized by the license.

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

14 REGULATORY PROVISIONS

15 9. California Code of Regulations, title 16, section 1769, subdivision (b) states:

16 When considering the suspension or revocation of a facility or a personal
17 license on the ground that the licensee or the registrant has been convicted of a crime,
18 the board, in evaluating the rehabilitation of such person and his present eligibility for
19 a license will consider the following criteria:

- 19 (1) Nature and severity of the act(s) or offense(s).
- 20 (2) Total criminal record.
- 21 (3) The time that has elapsed since commission of the act(s) or offense(s).
- 22 (4) Whether the licensee has complied with all terms of parole, probation,
23 restitution or any other sanctions lawfully imposed against the licensee.
- 24 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

1 **COSTS**

2 11. 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 **FIRST CAUSE FOR DISCIPLINE**

9 **(January 15, 2016 Criminal Convictions for DUI on November 1, 2015)**

10 12. Respondent has subjected her license to discipline under sections 490 and 4301,
11 subdivision (I) of the Code in that she was convicted of crimes that are substantially related to the
12 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

13 a. On or about January 15, 2016, in a criminal proceeding entitled *People of the*
14 *State of California v. Annika Marieth Karlsson*, in Riverside County Superior Court, case number
15 SWM1505987, Respondent was convicted on her plea of guilty to violating Vehicle Code section
16 23152, subdivision (a), (driving under the influence of alcohol/drugs), and violating Vehicle Code
17 section 23152, subdivision (b), (driving with a blood alcohol concentration (BAC) of .08 percent
18 or higher), misdemeanors. Respondent admitted and the court found true the special allegation
19 that her blood alcohol concentration (BAC) was .20 percent or more, within the meaning of
20 Vehicle Code section 23538 (b).

21 b. As a result of the convictions, Respondent was granted summary probation for
22 three years, and committed to the custody of the Riverside County Sheriff for 36 days, with one
23 day credit for time served, which can be served in the work release program. Respondent was
24 ordered to attend and complete a first offender DUI program for nine months, enroll and complete
25 the MADD Victim Impact Panel Session, AA meetings, pay fees and fines, and comply with the
26 terms of DUI probation.

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1 c. The facts that led to the convictions are that on or about the evening of
2 November 1, 2015, the Riverside County Sheriff's responded to report of a possible drunk driver
3 who collided with a raised curb. Upon contact with Respondent, the officer asked Respondent to
4 step out of the vehicle. Respondent was unable to walk without swaying back and forth, and the
5 officer immediately noticed a strong smell of alcohol emitting from Respondent. Respondent
6 admitted to consuming alcohol earlier that day. Respondent submitted to field sobriety tests,
7 which she performed poorly. Based on her objective symptoms of intoxication, Respondent
8 provided two breathalyzer tests, which were analyzed with a .37 percent and .33 percent.
9 Respondent was then placed under arrest for driving under the influence of alcohol and/or drugs.
10 During booking, Respondent provided a blood sample which was subsequently analyzed with a
11 BAC of .36 percent.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Using Alcoholic beverages to the Extent or in a Manner as to be Dangerous or Injurious)**

14 13. Respondent has subjected her registration to discipline under section 4301,
15 subdivision (h) of the Code in that she used alcoholic beverages to the extent or in a manner as to
16 be dangerous or injurious to herself and to the public, in that she operated a motor vehicle on
17 November 1, 2015, while significantly impaired by alcohol, as described in paragraph 12, above.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct)**

20 14. Respondent has subjected her registration to disciplinary action under Code section
21 4301 for unprofessional conduct in that she engaged in activities described in paragraph 12,
22 above, which is incorporated herein by reference.

23 **PRAYER**

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

26 1. Revoking or suspending Pharmacy Technician Registration Number TCH 135756,
27 issued to Annika Marieth Karlsson;

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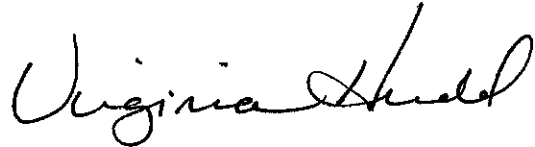
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2. Ordering Annika Marieth Karlsson to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: _____

4/20/16



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

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