

1 XAVIER BECERRA
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 FRANK H. PACOE
Supervising Deputy Attorney General
State Bar No. 91740
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 703-5556
Facsimile: (415) 703-5480
6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5807

12 **BONNIE LYNN CASTLE**
8425 Lakewood Avenue
Cotati, CA 94931

A C C U S A T I O N

13 **Pharmacy Technician Registration No. TCH 43263**

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about August 1, 2002, the Board of Pharmacy issued Pharmacy Technician
21 Registration Number TCH 43263 to Bonnie Lynn Castle (Respondent). The Pharmacy
22 Technician Registration was in full force and effect at all times relevant to the charges brought
23 herein and will expire on April 30, 2018, unless renewed.

24 **JURISDICTION**

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

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

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

7 5. Section 4300 of the Business and Professions Code, in pertinent part, states:

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

9 "(b) The board shall discipline the holder of any license issued by the board, whose default
10 has been entered or whose case has been heard by the board and found guilty, by any of the
11 following methods:

12 "(1) Suspending judgment.

13 "(2) Placing him or her upon probation.

14 "(3) Suspending his or her right to practice for a period not exceeding one year.

15 "(4) Revoking his or her license.

16 "(5) Taking any other action in relation to disciplining him or her as the board in its
17 discretion may deem proper.

18 . . .

19 6. Section 4301 of the Business and Professions Code, in pertinent part, states:

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

23 . . .

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

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"(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.

. . .

7. Section 125.3 of the Business and Professions Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND

8. In November 2015, the Board of Pharmacy received information from Respondent's employer, St. Helena Hospital Pharmacy, that Respondent self-reported to be an alcoholic in relapse. The investigation revealed: (1) in June or July 2015, Respondent's supervisor received information that she had been re-assigned to non-dispensing duties because she was observed as

1 being shaky while working in the sterile injectable compounding room; (2) due to her relapse,
2 Respondent was unable to work from August 13, 2015 until she returned on September 4, 2015;
3 (3) Respondent was scheduled to work twenty days from September 4, 2015 to October 1, 2015,
4 however, Respondent called in sick six times during this period which exceeded the number of
5 allowed unexcused absences within a 12-month rolling period, and, as a result she was issued
6 both verbal and written warnings from her employer; and (4) on October 4, 2015, Respondent
7 called in sick again in the morning and she resigned in the evening via a telephone text message.

8 CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct – Self Administering Drugs/Alcohol)

10 9. Respondent is subject to disciplinary action under Business and Professions Code
11 section 4301(h) for unprofessional conduct in that she administering to oneself, of any controlled
12 substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner
13 as to be dangerous or injurious to oneself, to a person holding a license. The circumstances are as
14 follows:

15 a. On or about August 13, 2015, Respondent admitted to her supervisor that she was an
16 alcoholic in relapse and needed to seek detoxification treatment which resulted in her inability to
17 work as a pharmacy technician from August 13, 2015 until she returned to work on September 4,
18 2015.

19 b. On or about January 29, 2016, an officer from the Cotati Police Department contacted
20 Respondent regarding a domestic violence complaint at her residence. The officer administered a
21 Blood Alcohol Concentration (BAC) test to Respondent. Her BAC test results were .0149.
22 Respondent admitted to the officer that she had consumed alcoholic beverages earlier in the day in
23 violation of her probation. Subsequently, Respondent was arrested for battery on her spouse.

24 c. On or about November 6, 2016, an officer from the Santa Rosa Police Department
25 was dispatched to Memorial Hospital in Santa Rosa, CA regarding the report of a person in
26 custody for trespassing. When the officer made contact with Memorial Security, the officer
27 learned Respondent had been detained in handcuffs after she tested positive for
28 methamphetamines after being seen by doctors. Also, the officer learned Respondent had been

1 discharged from the hospital and was asked to leave more than seven times but kept coming back
2 inside the hospital and that Respondent was advised that if she came back again, the police would
3 be called and she would be arrested. Respondent left the hospital and then returned.

4 When the officer made contact with Respondent on a bench outside the emergency room
5 doors, the officer saw Respondent's hospital discharge papers next to her and noticed that the
6 papers showed a positive result for methamphetamines. Also, the officer observed Respondent
7 exhibiting jaw clenching behavior that is consistent with methamphetamine use. Respondent told
8 the officer that she was supposed to go back into the hospital and she complained of something on
9 her buttocks. The officer informed Respondent that she had been discharged by the hospital;
10 however, according to the officer, Respondent was unable to understand that she could not go
11 back into the hospital and that she was not having a medical emergency. The officer then
12 administered the Drug Abuse Recognition (DAR) seven step process to Respondent. Each of the
13 tests the officer administered showed a consistent result for someone under the influence of a
14 Central Nervous System (CNS) stimulant such as methamphetamine. Based on the DAR
15 results and the positive test from the hospital for methamphetamines, the officer placed
16 Respondent under arrest for being under the influence of methamphetamines. Respondent
17 admitted to the officer that she had used methamphetamines.

18 DISCIPLINARY CONSIDERATIONS

19 10. On or about November 12, 2013, the Board of Pharmacy issued Citation No. CI 2012
20 57183 to Respondent for unprofessional conduct. The underlying circumstances for the citation
21 are as follows:

22 a. Respondent violated Business and Professions Code § 4301(h) – The administering to
23 oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to
24 the extent or in a manner as to be dangerous or injurious to oneself. Specifically, on June 9, 2013,
25 Respondent was arrested for violating Vehicle Code Section 23152(a) - Driving Under the
26 Influence of Alcohol or Drugs and for violating Vehicle Code Section 23152(b) - Driving while
27 having a blood alcohol level of 0.08 percent or more.

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