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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. 5920
12 NATALIE RAE BRYAN	
13 14998 Oak Ranch Dr.	
13 Visalia, CA 93292	ACCUSATION
14 Pharmacy Technician Registration No. TCH	
15 149233	
16 Respondent.	

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about June 30, 2015, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 149233 to Natalie Rae Bryan (Respondent). The Pharmacy Technician
24 Registration expired on August 31, 2016, and has not been renewed.

25 **JURISDICTION**

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

or not. ***

1
2 (i) Except as otherwise authorized by law, knowingly selling, furnishing,
3 giving away, or administering, or offering to sell, furnish, give away, or
4 administer, any controlled substance to an addict.

5 (j) The violation of any of the statutes of this state, of any other state, or of
6 the United States regulating controlled substances and dangerous drugs. ***

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

28 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
abetting the violation of or conspiring to violate any provision or term of this
chapter or of the applicable federal and state laws and regulations governing
pharmacy, including regulations established by the board or by any other
state or federal regulatory agency. ***

7. Section 4022 of the Code states

"Dangerous drug" or "dangerous device" means any drug or device unsafe
for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits
dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this
device to sale by or on the order of a _____," "Rx only," or words of
similar import, the blank to be filled in with the designation of the
practitioner licensed to use or order use of the device.

1 (c) Any other drug or device that by federal or state law can be lawfully
2 dispensed only on prescription or furnished pursuant to Section 4006.

3 8. Section 4060 of the Code states, in pertinent part:

4 No person shall possess any controlled substance, except that furnished to a
5 person upon the prescription of a physician, dentist, podiatrist, optometrist,
6 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
7 pursuant to a drug order issued by a certified nurse-midwife pursuant to
8 Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
9 physician assistant pursuant to Section 3502.1, or naturopathic doctor
10 pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph
11 (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5)
12 of, subdivision (a) of Section 4052. This section shall not apply to the
13 possession of any controlled substance by a manufacturer, wholesaler,
14 pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
15 veterinarian, naturopathic doctor, certified nurse-midwife, nurse
16 practitioner, or physician assistant, when in stock in containers correctly
17 labeled with the name and address of the supplier or producer...

18 COST RECOVERY

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

25 DRUG CLASSIFICATIONS

26 10. Heroin is a Schedule I controlled substance as designated by Health & Safety Code
27 section 11054, subdivision (c)(11), and a dangerous drug within the meaning of Code Section 4022
28 in that it can only be obtained by a valid prescription.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

11 Respondent is subject to disciplinary action under Section 4301, subdivision (1), in that
12 Respondent was convicted of a crime that is substantially related to the qualifications, functions
13 and duties of a pharmacy technician.

1 12. Specifically, on or about January 17, 2017, in the criminal proceeding entitled *People*
2 *of the State of California v. Natalie Rae Bryan*, Lassen County Superior Court Case No. CH033957,
3 Respondent plead guilty to having violated Penal Code § 182(a)(1), conspiracy to introduce
4 controlled substances into a state prison in violation of Penal Code § 4573, a felony. On or about
5 March 7, 2017, the Lassen County Superior Court sentenced Respondent to ninety (90) days in the
6 Lassen County Adult Detention Facility with credit for three days served, three (3) years' formal
7 probation involving several terms and conditions, and various fines and fees. The underlying
8 circumstances are as follows.

9 13. On or about March 25, 2016, officers with the California Department of Corrections
10 and Rehabilitation's ("CDCR") Investigative Services Unit ("ISU") initiated an investigation
11 regarding the introduction of controlled substances into High Desert State Prison ("HDSP").
12 Among other things, this investigation consisted of monitoring several telephone conversations by
13 and between HDSP inmates and civilians. The investigation revealed information suggesting that
14 one such inmate ("IM-H") was conspiring with his girlfriend and approved visitor, Respondent, to
15 introduce controlled substances into HDSP through a visiting session scheduled for the weekend
16 of April 16-17, 2016.

17 14. On April 16, 2017, Respondent arrived at HDSP in order to visit IM-H. Upon her
18 arrival, ICU officers detained Respondent and served her with a search warrant allowing for the
19 search of her person. That search revealed no controlled substances. However, during the interview
20 that ensued, Respondent admitted to having previously introduced controlled substances into the
21 prison for financial gain. Respondent further admitted to having obtained heroin for the purpose
22 of introducing the same into the prison on this occasion also, but that she had had a change of heart,
23 and left the heroin at her Tulare, California residence. Respondent consented to a search of her
24 residence that was jointly conducted forthwith by officers of CDCR's Fresno Special Service Unit
25 and the Tulare Police Department. During that search, Respondent aided those officers by directing
26 them telephonically to the location of the heroin. The search revealed three (3) bindles containing
27 heroin, in total, 29.5 grams. Based on the prison telephone calls that were monitored and
28 transcribed, the interview of Respondent and the admissions she had made, and the discovery of

1 the heroin at Respondent's residence, Respondent was arrested for conspiring to introduce
2 controlled substances into HDSP.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

5 15. Respondent is subject to disciplinary action for unprofessional conduct under Section
6 4301, subdivision (f), in that Respondent committed acts involving moral turpitude, dishonesty,
7 fraud, deceit, or corruption, as follows: As alleged in greater detail in paragraphs 12-14 above,
8 Respondent obtained and conspired to introduce controlled substances (heroin) into HDSP for
9 financial gain. Respondent also admitted to having previously introduced controlled substances
10 into HDSP for financial gain.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Offering to Sell, Furnish, Give Away, or Administer Controlled Substances to an Addict)**

13 16. Respondent is subject to disciplinary action for unprofessional conduct under Section
14 4301, subdivision (i), in that Respondent offered to sell, furnish, give away, or administer controlled
15 substances to an addict as follows: As alleged in greater detail in paragraphs 12-14 above,
16 Respondent obtained and conspired to introduce controlled substances (heroin) into HDSP for
17 financial gain. Respondent also admitted to having previously introduced controlled substances
18 into HDSP for financial gain.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Violation of the Laws Regulating Controlled Substances)**

21 17. Respondent is subject to disciplinary action for unprofessional conduct under Section
22 4301, subdivision (j), in that Respondent violated state and/or federal laws regulating controlled
23 substances as follows: As alleged in greater detail in paragraphs 12-14 above, Respondent obtained
24 and conspired to introduce controlled substances (heroin) into HDSP for financial gain.
25 Respondent also admitted to having previously introduced controlled substances into HDSP for
26 financial gain.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Pharmacy Law)**

3 18. Respondent is subject to disciplinary action for unprofessional conduct under Section
4 4301, subdivision (o), in that Respondent violated or attempted to violate, directly or indirectly,
5 provisions or terms of the Pharmacy Law (Bus. & Prof. Code § 4300, et seq.), including Section
6 4301, subdivisions (f), (i), (j) and (l), and Section 4060. This occurred when, as alleged in greater
7 detail in paragraphs 12-14 above, Respondent obtained and conspired to introduce controlled
8 substances (heroin) into HDSP for financial gain. Respondent also admitted to having previously
9 introduced controlled substances into HDSP for financial gain.

10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacy Technician Registration Number TCH 149233,
14 issued to Natalie Rae Bryan;
- 15 2. Ordering Natalie Rae Bryan to pay the Board of Pharmacy the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3; and,
- 18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: _____

11/2/17



21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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