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7 *Attorneys for Complainant*

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

10
11 In the Matter of the First Amended Statement
of Issues Against:

Case No. 4356

12 **KRYSTINA NICOLE WILSON**

**SECOND AMENDED STATEMENT OF
ISSUES**

13
14 **Pharmacy Technician Applicant**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Second Amended Statement of Issues
20 solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of
21 Consumer Affairs. This Second Amended Statement of Issues replaces in its entirety First
22 Amended Statement of Issues No. 4356, filed on December 7, 2012.

23 2. On or about September 14, 2011, the Board of Pharmacy, Department of Consumer
24 Affairs received an application for a/an Pharmacy Technician from Krystina Nicole Wilson
25 (Respondent). On or about September 12, 2011, Krystina Nicole Wilson certified under penalty
26 of perjury to the truthfulness of all statements, answers, and representations in the application.
27 The Board denied the application on April 27, 2012.

28 ///

JURISDICTION

1
2 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.3. Section 125.3
5 of the Code states, in pertinent part, that the Board may request the administrative law judge to
6 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
7 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8 4. Section 480 of the Code states, in pertinent part:

9 (a) A board may deny a license regulated by this code on the grounds that the applicant has
10 one of the following:

11

12 (3) (A) Done any act that if done by a licentiate of the business or profession in question,
13 would be grounds for suspension or revocation of license.

14

15 5. Section 4301 of the Code states, in pertinent part:

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

19

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 impairs the ability of the person to conduct with safety to the public the practice
24 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.

28

1 6. Section 4060 of the Code states, in pertinent part:

2 No person shall possess any controlled substance, except that furnished to a person upon
3 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
4 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
5 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
6 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
7 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
8 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

9

10 **DRUGS**

11 7. Cocaine is a dangerous drug as defined in section 4022 of the Code and a schedule II
12 controlled substance and narcotic as defined by section 11055(b)(6) of the Health and Safety
13 Code.

14 8. Ecstasy is a dangerous drug as defined in section 4022 of the Code and a schedule I
15 controlled substance and narcotic as defined by section 11054(d) of the Health and Safety Code.

16 **FIRST CAUSE FOR DENIAL OF APPLICATION**

17 **(Committed Acts Which if Done by a Licentiate Would Constitute Cause for Discipline)**

18 9. Applicant's application is subject to denial pursuant to Code section 480 subdivision
19 (a)(3)(A), in that Applicant committed acts which if done by a licentiate constitute cause for
20 discipline pursuant to Code section 4301, subdivision (j). The circumstances are that on or about
21 March 4, 2006, Respondent was in possession of controlled substances, cocaine and ecstasy, in
22 violation of section 4060 of the Code.

23 **SECOND CAUSE FOR DENIAL OF APPLICATION**

24 **(Use of Alcohol in a Manner Dangerous to Oneself, Others and the Public)**

25 10. Applicant's application is subject to denial pursuant to Code section 480 subdivision
26 (a)(3)(A), in that Applicant committed acts which if done by a licentiate constitute cause for
27 discipline pursuant to Code section 4301, subdivision (h). The circumstances are that on or about
28 December 7, 2012, Respondent used alcohol to the extent or in a manner as to be dangerous or

1 injurious to herself, or to any other person or to the public, as follows:

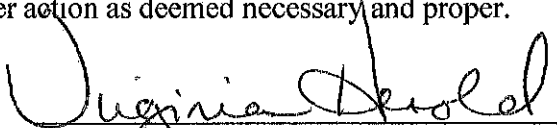
2 11. On or about December 7, 2012, at approximately 1:20 a.m., Chico Police Officer
3 Rodden was on patrol when he heard the sound of squealing tires and observed a silver sedan
4 making a U-turn. The vehicle cut across two east bound lanes of traffic and began traveling west.
5 Officer Rodden heard the sedan's tires squealing during the U-turn, and initiated a traffic stop.
6 Respondent was identified as the driver and had three passengers with her. Officer Rodden asked
7 Respondent to step out of the car and noticed that she had bloodshot and watery eyes. Officer
8 Rodden explained to Respondent the reason for the traffic stop and Respondent stated that she did
9 not recall making an illegal U-turn or screeching her tires. Respondent stated that she had been at
10 a local bar, had one beer two hours earlier, and was driving home when the officer stopped her.
11 Respondent performed a series of field sobriety tests in a manner that demonstrated impairment,
12 and registered a .144 % blood alcohol content on the preliminary alcohol screening device.

13 **PRAYER**

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

- 16 1. Denying the application of Krystina Nicole Wilson for a Pharmacy Technician;
17 2. Taking such other and further action as deemed necessary and proper.

18 DATED: 2/19/13

19 
20 VIRGINIA HEROLD
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 Complainant

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

11 In the Matter of the First Amended Statement
of Issues Against:

Case No. 4356

12 **KRYSTINA NICOLE WILSON**

**FIRST AMENDED STATEMENT OF
ISSUES**

13
14 **Pharmacy Technician Applicant**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this First Amended Statement of Issues solely
20 in her official capacity as the Executive Officer of the Board of Pharmacy, Department of
21 Consumer Affairs. This First Amended Statement of Issues replaces in its entirety Statement of
22 Issues No. 4356, filed on October 9, 2012.

23 2. On or about September 14, 2011, the Board of Pharmacy, Department of Consumer
24 Affairs received an application for a/an Pharmacy Technician from Krystina Nicole Wilson
25 (Respondent). On or about September 12, 2011, Krystina Nicole Wilson certified under penalty
26 of perjury to the truthfulness of all statements, answers, and representations in the application.
27 The Board denied the application on April 27, 2012.

28 ///

1 JURISDICTION

2 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.3. Section 125.3
5 of the Code states, in pertinent part, that the Board may request the administrative law judge to
6 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
7 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8 4. Section 480 of the Code states, in pertinent part:

9 (a) A board may deny a license regulated by this code on the grounds that the applicant has
10 one of the following:

11

12 (3) (A) Done any act that if done by a licentiate of the business or profession in question,
13 would be grounds for suspension or revocation of license.

14

15 5. Section 4301 of the Code states, in pertinent part:

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

19

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

22

23 6. Section 4060 of the Code states, in pertinent part:

24 No person shall possess any controlled substance, except that furnished to a person upon
25 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
26 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
27 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
28 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,

1 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
2 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

3

4 **DRUGS**

5 7. Cocaine is a dangerous drug as defined in section 4022 of the Code and a schedule II
6 controlled substance and narcotic as defined by section 11055(b)(6) of the Health and Safety
7 Code.

8 8. Ecstasy is a dangerous drug as defined in section 4022 of the Code and a schedule I
9 controlled substance and narcotic as defined by section 11054(d) of the Health and Safety Code.

10 **CAUSE FOR DENIAL OF APPLICATION**

11 **(Committed Acts Which if Done by a Licentiate Would Constitute Cause for Discipline)**

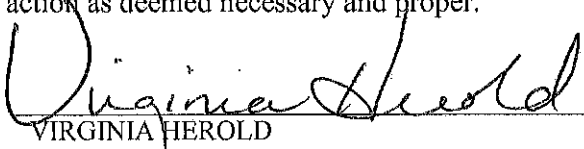
12 9. Applicant's application is subject to denial pursuant to Code section 480 subdivision
13 (a)(3)(A), in that Applicant committed acts which if done by a licentiate constitute cause for
14 discipline pursuant to Code section 4301, subdivision (j). The circumstances are that on or about
15 March 4, 2006, Respondent was in possession of controlled substances, cocaine and ecstasy, in
16 violation of section 4060 of the Code.

17 **PRAYER**

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

- 20 1. Denying the application of Krystina Nicole Wilson for a Pharmacy Technician;
21 2. Taking such other and further action as deemed necessary and proper.

22 DATED: 12/7/12

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

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8 **BEFORE THE**
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. 4356

13 **KRYSTINA NICOLE WILSON**

STATEMENT OF ISSUES

14 **Pharmacy Technician Applicant**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about September 14, 2011, the Board of Pharmacy, Department of Consumer
22 Affairs received an application for a/an Pharmacy Technician from Krystina Nicole Wilson
23 (Respondent). On or about September 12, 2011, Krystina Nicole Wilson certified under penalty
24 of perjury to the truthfulness of all statements, answers, and representations in the application.

25 The Board denied the application on April 27, 2012.

26 **JURISDICTION**

27 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.3. Section 125.3
2 of the Code states, in pertinent part, that the Board may request the administrative law judge to
3 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 4. Section 480 of the Code states, in pertinent part:

6 (a) A board may deny a license regulated by this code on the grounds that the applicant has
7 one of the following:

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9 (3) (A) Done any act that if done by a licentiate of the business or profession in question,
10 would be grounds for suspension or revocation of license.

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12 5. Section 4301 of the Code states, in pertinent part:

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

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

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DRUGS

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CAUSE FOR DENIAL OF APPLICATION

(Committed Acts Which if Done by a Licentiate Would Constitute Cause for Discipline)

9. Applicant's application is subject to denial pursuant to Code section 480 subdivision (a)(3)(A), in that Applicant committed acts which if done by a licentiate constitute cause for discipline pursuant to Code section 4301, subdivision (j).

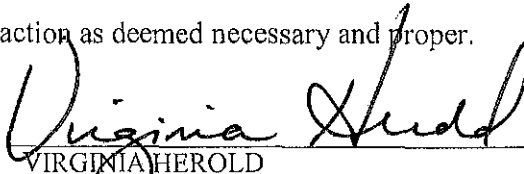
PRAYER

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

1. Denying the application of Krystina Nicole Wilson for a Pharmacy Technician;
2. Taking such other and further action as deemed necessary and proper.

DATED: _____

10/9/12



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

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STATEMENT OF ISSUES

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4 Code.

5 8. Ecstasy is a dangerous drug as defined in section 4022 of the Code and a schedule I
6 controlled substance and narcotic as defined by section 11054(d) of the Health and Safety Code.

7 CAUSE FOR DENIAL OF APPLICATION

8 **(Committed Acts Which if Done by a Licentiate Would Constitute Cause for Discipline)**

9 9. Applicant's application is subject to denial pursuant to Code section 480 subdivision
10 (a)(3)(A), in that Applicant committed acts which if done by a licentiate constitute cause for
11 discipline pursuant to Code section 4301, subdivision (j).

12 PRAYER

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

- 15 1. Denying the application of Krystina Nicole Wilson for a Pharmacy Technician;
16 2. Taking such other and further action as deemed necessary and proper.

17 DATED: 10/9/12

Virginia Herold

18 VIRGINIA HEROLD
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant

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