# BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 3240

# AMANDA LYNN KRULL 77698 Malone Circle Palm Desert, CA 92211

Pharmacy Technician License No. TCH 60171

Respondent.

# **DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the

Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 28, 2010.

It is so ORDERED on December 29, 2009.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Genneth H. Scheel

KENNETH H. SCHELL Board President

1 2 3	EDMUND G. BROWN JR. Attorney General of California FRANK H. PACOE Supervising Deputy Attorney General JOSHUA A. ROOM	CECELVED BY CALLE BUARD OF PHARMACT 2009 SEP 30 AM 9: 27	
4 5	Deputy Attorney General State Bar No. 214663 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 Telephone: (415) 703-1299		
6 7	Facsimile: (415) 703-5480 Attorneys for Complainant	er the	
8 9	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10 11	In the Matter of the Accusation Against:	Case No. 3240	
12 13	AMANDA LYNN KRULL 77698 Malone Circle Palm Desert, CA 92211	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER	
13	Pharmacy Technician License No. TCH 60171		
15	Respondent.		
16 17	In the interest of a prompt and speedy settl	ement of this matter, consistent with the public	
18	interest and the responsibility of the Board of Ph	armacy of the Department of Consumer Affairs,	
19	the parties hereby agree to the following Stipulat	ed Settlement and Disciplinary Order which will	
20	be submitted to the Board for approval and adop	tion as the final disposition of the Accusation.	
21	PAR	TIES	
22	1. Virginia Herold (Complainant), Exe	cutive Officer of the Board of Pharmacy, brought	
23	this action solely in her official capacity and is re	epresented in this matter by Edmund G. Brown	
24	Jr., Attorney General of the State of California, b	by Joshua A. Room, Deputy Attorney General.	
25	2. Respondent Amanda Lynn Krull (Re	espondent) is represented in this proceeding by	
26	attorney T. Lance Archer, whose address is Arch		
27	170, Rancho Mirage, CA 92270 (telephone (760)	) 328-5002).	
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3. On or about January 13, 2005, the Board of Pharmacy issued Pharmacy Technician 1 License No. TCH 60171 to Amanda Lynn Krull (Respondent). The License was in full force and 2 effect at all times relevant to the charges brought in Accusation No. 3240 and will expire on 3 March 31, 2010, unless renewed. 4 JURISDICTION 5 Accusation No. 3240 was filed before the Board of Pharmacy (Board), Department 4. 6 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other 7 statutorily required documents were properly served on Respondent on June 12, 2009. 8 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation 9 No. 3240 is attached as exhibit A and incorporated herein by reference. 10 ADVISEMENT AND WAIVERS 11 5. Respondent has carefully read, fully discussed with counsel, and understands the 12 charges and allegations in Accusation No. 3240. Respondent has also carefully read, fully 13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary 14 Order. 15 Respondent is fully aware of her legal rights in this matter, including the right to a 6. 16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at 17 her own expense; the right to confront and cross-examine the witnesses against her; the right to 18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to 19 compel the attendance of witnesses and the production of documents; the right to reconsideration 20 and court review of an adverse decision; and all other rights accorded by the California 21 Administrative Procedure Act and other applicable laws. 22 Respondent voluntarily, knowingly, and intelligently waives and gives up each and 7. 23 every right set forth above. 24 CULPABILITY 25 Respondent admits the truth of each and every charge and allegation in Accusation 8. 26 No. 3240. 27 28 2

STIPULATED SETTLEMENT (Board of Pharmacy Case No. 3240)

9. Respondent agrees that her Pharmacy Technician License is subject to discipline and she agrees to be bound by the Board of Pharmacy (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

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### RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

**CONTINGENCY** 

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 9 understands and agrees that counsel for Complainant and the staff of the Board may communicate 10 directly with the Board regarding this stipulation and settlement, without notice to or participation 11 by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees 12 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the 13 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and 14 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for 15 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall 16 not be disqualified from further action by having considered this matter. 17

18 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that
the Board may, without further notice or formal proceeding, issue and enter the following
Disciplinary Order:

# **DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 60171 issued to
Respondent Amanda Lynn Krull (Respondent) is revoked. However, the revocation is stayed and
Respondent is placed on probation for two (2) years on the following terms and conditions.

# Certification Prior to Resuming Work

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Respondent shall be automatically suspended from working as a pharmacy technician until she is certified as defined by Business and Professions Code section 4202(a)(4) and provides satisfactory proof of certification to the board. Respondent shall not resume working as a pharmacy technician until notified by the board. Failure to achieve certification within one (1) year shall be considered a violation of probation. Respondent shall not resume working as a pharmacy technician until notified by the board.

During suspension, respondent shall not enter any pharmacy area or any portion of any 8 9 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and 10 devices or controlled substances are maintained. Respondent shall not do any act involving drug 11 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent 12 manage, administer, or assist any licensee of the board. Respondent shall not have access to or 13 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled. 14 substances. Respondent shall not resume work until notified by the board. 15

Subject to the above restrictions, respondent may continue to own or hold an interest in any
licensed premises by the board in which she holds an interest at the time this decision becomes
effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

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#### 2. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

a plea of guilty or nolo contendre in any state or federal criminal proceeding to any criminal complaint, information or indictment

 $\Box$  a conviction of any crime

discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's pharmacy technician license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

### 3. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its 7 designee. The report shall be made either in person or in writing, as directed. Among other 8 requirements, respondent shall state in each report under penalty of perjury whether there has 9 been compliance with all the terms and conditions of probation. Failure to submit timely reports 10 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency 11 in submission of reports as directed may be added to the total period of probation. Moreover, if 12 the final probation report is not made as directed, probation shall be automatically extended until 13 such time as the final report is made and accepted by the board. 14

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# 4. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
with the board or its designee, at such intervals and locations as are determined by the board or its
designee. Failure to appear for any scheduled interview without prior notification to board staff,
or failure to appear at two (2) or more scheduled interviews with the board or its designee during
the period of probation, shall be considered a violation of probation.

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#### Cooperate with Board Staff

Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of her probation. Failure to cooperate shall be considered a violation of probation.

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# Notice to Employers

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 3240 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 3240 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy of the terms and conditions of the decision in case number 3240 in advance of the respondent 10 commencing work at each pharmacy. A record of this notification must be provided to the board upon request. 12

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause her direct supervisor with the pharmacy employment service to 15 report to the board in writing acknowledging that she has read the decision in case number 3240 16 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board. 18

Failure to timely notify present or prospective employer(s) or to cause such employer(s) to 19 submit timely acknowledgements to the board shall be considered a violation of probation. 20

> "Employment" within the meaning of this provision shall include any full-time, part-time, temporary or relief service or pharmacy management service as a pharmacy technician or in any position for which a pharmacy technician license is a requirement or criterion for employment, whether the respondent is considered an employee. independent contractor or volunteer.

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# **Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, respondent shall pay to the 26 board its costs of investigation and prosecution in the amount of \$3,036.00, payable in full within 27 the first year of probation in four equal quarterly installments of \$759.00. There shall be no 28

deviation from this schedule absent prior written approval by the board or its designee. Failure to
 pay costs by the deadline(s) as directed shall be considered a violation of probation.

The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to reimburse the board its costs of investigation and prosecution.

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# Probation Monitoring Costs

Respondent shall pay any costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board on a schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

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# 9. Status of License

Respondent shall, at all times while on probation, maintain an active, current pharmacy
technician license with the board, including any period during which suspension or probation is
tolled. Failure to maintain an active, current license shall be considered a violation of probation.

If respondent's pharmacy technician license expires or is cancelled by operation of law or
otherwise at any time during the period of probation, including any extensions thereof due to
tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
terms and conditions of this probation not previously satisfied.

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# 10. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease work due to 19 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, 20 respondent may tender her pharmacy technician license to the board for surrender. The board or 21 its designee shall have the discretion whether to grant the request for surrender or take any other 22 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the 23 24 license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license 25 history with the board. 26

Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician
license to the board within ten (10) days of notification by the board that the surrender is

accepted. Respondent may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application is submitted to the board.

11. Notification of any Change in Name, Residence Address, Mailing Address or Employment

Respondent shall notify the board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving, the address of the new employer, the name of the supervisor and owner, and the work schedule if known. Respondent shall further notify the board in writing within ten (10) days of a change in name, residence address and mailing address, or phone number.

Failure to timely notify the board of any change in employer(s), name(s), address(es), or
phone number(s) shall be considered a violation of probation.

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# 12. Tolling of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 40 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation.

Should respondent, regardless of residency, for any reason (including vacation) cease
working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
respondent must notify the board in writing within ten (10) days of cessation of work and must
further notify the board in writing within ten (10) days of the resumption of the work. Any
failure to provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months.

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"Cessation of work" means calendar month during which respondent is not working for at least 40 hours as a pharmacy technician, as defined in Business and Professions Code section 4115. "Resumption of work" means any calendar month during which respondent is working as a pharmacy technician for at least 40 hours as a pharmacy technician as defined by Business and Professions Code section 4115.

#### **Violation of Probation** 13.

If respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent violates probation in any respect, the board, after giving respondent notice 10 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a 12 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the 14 board shall have continuing jurisdiction, and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided. 16

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#### **Completion of Probation** 14.

Upon written notice by the board indicating successful completion of probation, respondent's pharmacy technician license will be fully restored.

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#### No Ownership of Licensed Premises 15.

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

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16. **Random Drug Screening** 

Respondent, at her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug screening program as directed by the board or its designee. Respondent may be required to participate in testing for the entire probation period and frequency of testing will be determined by the board or its designee. At all times respondent shall fully cooperate with the board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct. Failure to timely submit to testing as directed shall be considered a violation of probation. Upon request of the board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and shall result in the automatic suspension of work by respondent. Respondent may not resume work until notified by the board in writing. 16

During suspension, respondent shall not enter any pharmacy area or any portion of or any 17 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other 18 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and 19 devices or controlled substances are maintained. Respondent shall not do any act involving drug 20 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent 21 manage, administer, or assist any licensee of the board. Respondent shall not have access to or 22 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled 23 substances. Respondent shall not direct, control or perform any aspect of the practice of 24 pharmacy. Respondent shall not resume work until notified by the board. 25

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#### Work Site Monitor 17.

Within ten (10) days of the effective date of this decision, respondent shall identify a work

Failure to comply with this suspension shall be considered a violation of probation.

site monitor, for prior approval by the board, who shall be responsible for supervising respondent 1 during working hours. Respondent shall be responsible for ensuring that the work site monitor 2 reports in writing to the board quarterly. Should the designated work site monitor determine at 3 any time during the probationary period that respondent has not maintained sobriety, she shall 4 notify the board immediately, either orally or in writing as directed. Should respondent change 5 employment, a new work site monitor must be designated, for prior approval by the board, within 6 ten (10) days of commencing new employment. Failure to identify an acceptable initial or 7 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be 8 9 considered a violation of probation.

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# 18. Notification of Departure

Prior to leaving the probationary geographic area designated by the board or its designee for a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in writing of the dates of departure and return. Failure to comply with this provision shall be considered a violation of probation.

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# 19. Abstain from Drugs and Alcohol Use

Respondent shall completely abstain from the possession or use of alcohol, controlled 16 substances, dangerous drugs and their associated paraphernalia except when the drugs are 17 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon 18 request of the board or its designee, respondent shall provide documentation from the licensed 19 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the 20 treatment of the respondent. Failure to timely provide such documentation shall be considered a 21 violation of probation. Respondent shall ensure that she is not in the same physical location as 22 individuals who are using illicit substances even if respondent is not personally ingesting the 23 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia 24 not supported by the documentation timely provided, and/or any physical proximity to persons 25 using illicit substances, shall be considered a violation of probation. 26

From:LAW OFFICE 7603285900 JUL/16/2009/THU 12:53 PM CA. DEPT. OF JUSTICE

IJ			05	11/2
FAX	No.	415	703	5583

11/2003 15:39 #382 P.013/020 583 P.014

1	ACCEPTANCE	
2	I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully	
3	discussed it with my attorney, T. Lance Archer. I understand the stipulation and the effect it will	
4	have on my Pharmacy Technician License. I enter into this Stipulated Settlement and	
5	Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the	
6	Decision and Order of the Board of Pharmaqy.	
7	DATED: 9/11/09 (medicing for the second seco	
8	Respondent	
.9.		
10	I have read and fully discussed with Respondent Amanda Lynn Krull the terms and	
11	conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.	
12	I approve its form and content.	
13	DATED: 9/10/09 TIANCE ARCHER	
14	Attorney for Respondent	
15		
16	ENDORSEMENT	
17	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully	
18	submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.	
19		
	Datad. Represtfully Submitted	
20	Dated: Respectfully Submitted,	
20 21	EDMUND G. BROWN JR. Attorney General of California	
	Edmund G. Brown Jr.	
21	EDMUND G. BROWN JR. Attorney General of California FRANK H. PACOE	
21 22	EDMUND G. BROWN JR. Attorney General of California FRANK H. PACOE Supervising Deputy Attorney General JOSHUA A. ROOM	
21 22 23	EDMUND G. BROWN JR. Attorney General of California FRANK H. PACOE Supervising Deputy Attorney General	
21 22 23 24	EDMUND G. BROWN JR. Attorney General of California FRANK H. PACOE Supervising Deputy Attorney General JOSHUA A. ROOM Deputy Attorney General	
21 22 23 24 25	EDMUND G. BROWN JR. Attorney General of California FRANK H. PACOE Supervising Deputy Attorney General JOSHUA A. ROOM Deputy Attorney General Attorneys for Complainant	
21 22 23 24 25 26	EDMUND G. BROWN JR. Attorney General of California FRANK H. PACOE Supervising Deputy Attorney General JOSHUA A. ROOM Deputy Attorney General	
21 22 23 24 25 26 27	EDMUND G. BROWN JR. Attorney General of California FRANK H. PACOE Supervising Deputy Attorney General JOSHUA A. ROOM Deputy Attorney General Attorneys for Complainant	

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3	discussed it with my attorney, T. Lance Archer. I understand the stipulation and the effect it will		
4	have on my Pharmacy Technician License. I enter into this Stipulated Settlement and		
5	Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the		
6	Decision and Order of the Board of Pharmacy.		
7	DATED:		
8	AMANDA LYNN KRULL Respondent		
9			
10	I have read and fully discussed with Respondent Amanda Lynn Krull the terms and		
11	conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.		
12	I approve its form and content.		
13	DATED:		
14	T. LANCE ARCHER Attorney for Respondent		
15			
16	ENDORSEMENT		
17	The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully		
18	submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.		
19	9/22/20		
20	Dated: $1/28/09$ Respectfully Submitted,		
21	EDMUND G. BROWN JR. Attorney General of California		
22	FRANK H. PACOE Supervising Deputy Attorney General		
23			
24	(Al-R-		
25	JOSHUA A. ROOM Deputy Attorney General		
26	Attorneys for Complainant		
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28	SF2008402810 40354881.doc		
	12		
	STIPULATED SETTLEMENT (Board of Pharmacy Case No. 324		

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# Exhibit A

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Accusation No. 3240

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		EDMUND G. BROWN JR., Attorney General of the State of California FRANK H. PACOE	т
•	3	Supervising Deputy Attorney General JOSHUA A. ROOM, State Bar No. 214663	
	4	Deputy Attorney General 455 Golden Gate Avenue, Suite 11000	
	5	San Francisco, CA 94102-7004 Telephone: (415) 703-1299 Facsimile: (415) 703-5480	
	6	Attorneys for Complainant	
	7	BEFORE 1	THE
	8	BOARD OF PHA DEPARTMENT OF CON	
	. 9	STATE OF CAL	
•	.10		
	11	In the Matter of the Accusation Against:	Case No. 3240
	12	AMANDA LYNN KRULL 77698 Malone Circle	ACCUSATION
•	13	Palm Desert, CA 92211	
•		Pharmacy Technician License No. TCH 60171	
•	14	Respondent.	
•	15	· <u></u>	
	16		
	17	Complainant alleges:	
	18	PARTIES	
	19	1. Virginia Herold (Complainant) brings this Accusation solely in her official	
	20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
	21	2. On or about January 13, 2005	, the Board of Pharmacy issued Pharmacy
	22	Technician License Number TCH 60171 to Amanda	a Lynn Krull (Respondent). The Pharmacy
	23	Technician License was in full force and effect at al	l times relevant to the charges brought herein
	24	and will expire on March 31, 2010, unless renewed.	
	25	JURISDICT	<u>FION</u>
	26	3. This Accusation is brought b	efore the Board of Pharmacy (Board),
	27	Department of Consumer Affairs, under the authori	ty of the following laws. All section
	<sup>.</sup> 28	references are to the Business and Professions Code	e (Code) unless otherwise indicated.

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4. Section 4011 of the Code provides that the Board shall administer and
 enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled
 Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300(a) of the Code provides that every license issued by the
Board may be suspended or revoked.

6. 6 Section 118(b) of the Code provides, in pertinent part, that the suspension. 7 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to 8 proceed with a disciplinary action during the period within which the license may be renewed. restored, reissued or reinstated. Section 4402(a) of the Code provides that any pharmacist license 9  $\cdot 10$ that is not renewed within three years following its expiration may not be renewed, restored, or reinstated and shall be canceled by operation of law at the end of the three-year period. Section 11 4402(e) of the Code provides that any other license issued by the Board may be canceled by the 12 13 Board if not renewed within 60 days after its expiration, and any license canceled in this fashion 14 may not be reissued but will instead require a new application to seek reissuance.

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#### STATUTORY AND REGULATORY PROVISIONS

16 7. Section 4301 of the Code provides, in pertinent part, that the Board shall
17 take action against any holder of a license who is guilty of "unprofessional conduct," defined to
18 include, but not be limited to, any of the following:

(h) The administering to oneself, of any controlled substance, or the use of any
dangerous drug or alcoholic beverage to the extent or in a manner as to be dangerous or injurious
to oneself, 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.

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

(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.

8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any 1 2 dangerous drug or dangerous device except upon the prescription of an authorized prescriber. 9. Section 4060 of the Code provides, in pertinent part, that no person shall 3 possess any controlled substance, except that furnished upon a valid prescription/drug order. 4 Health and Safety Code section 11170 provides that no person shall 5 10. prescribe, administer, or furnish a controlled substance for himself or herself. 6 7 11. Health and Safety Code section 11357, in pertinent part, makes it unlawful for any person to possess marijuana or concentrated cannabis. 8 9 12. - Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of 1011 the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement. CONTROLLED SUBSTANCES / DANGEROUS DRUGS 12 13 13. Section 4021 of the Code provides that a "controlled substance" is any 14 substance listed in Division 10, Chapter 2 (Section 11053 et seq.) of the Health and Safety Code. 15 Section 4022 of the Code states, in pertinent part: 14. "Dangerous drug' or 'dangerous device' means any drug or device unsafe for 16 17 self-use, except veterinary drugs that are labeled as such, and includes the following: 18 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing 19 without prescription,' 'Rx only,' or words of similar import. 20 21 "(c) Any other drug or device that by federal or state law can be lawfully 22 dispensed only on prescription or furnished pursuant to Section 4006." Marijuana is a Schedule I controlled substance as designated by Health 23 15. 24 and Safety Code section 11054(d)(13), and a dangerous drug as designated by Business and 25 Professions Code section 4022. It is a hallucinogenic drug. 26 FACTUAL BACKGROUND 27 16. On or about January 21, 2008, Respondent ingested (smoked) marijuana. 28 The next day, she tested positive for marijuana in a drug screening by her employer, Walgreens.

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	1	FIRST CAUSE FOR DISCIPLINE
	2	(Self-Administration of Controlled Substance)
	3	17. Respondent is subject to discipline under section 4301(h) of the Code, in
	4	that Respondent, as described in paragraph 16, administered one or more controlled substances to
	5	herself, including <b>marijuana</b> .
7.	6	SECOND CAUSE FOR DISCIPLINE
	7	(Furnishing of Controlled Substance)
	8	18. Respondent is subject to discipline under section 4301(j) and/or (o) and/or
	9	section 4059 of the Code in that Respondent, as described in paragraph 16 above, furnished to
· . '	10	herself or another without a valid prescription, and/or conspired to furnish, and/or assisted or
	11	abetted furnishing of, a controlled substance.
	12	THIRD CAUSE FOR DISCIPLINE
	13	(Possession of Controlled Substance)
	14	19. Respondent is subject to discipline under section 4301(j) and/or (o) and/or
	15	section 4060 of the Code, and/or Health and Safety Code section 11357, in that Respondent, as
	16	described in paragraph 16 above, possessed, conspired to possess, and/or assisted in or abetted
	17	possession of marijuana or concentrated cannabis, a controlled substance.
	18	FOURTH CAUSE FOR DISCIPLINE
	19	(Self-Administration/Use of Controlled Substance)
·	20	20. Respondent is subject to discipline under section 4301(j) and/or (o) of the
	21	Code, and/or Health and Safety Code section 11170, in that Respondent, as described in
	22	paragraph 16 above, self-administered/used, conspired to self-administer/use, and/or assisted
	23	in/abetted self-administration/use, of a controlled substance, without prescription.
	24	SEVENTH CAUSE FOR DISCIPLINE
	25	(Unprofessional Conduct)
	26	21. Respondent is subject to discipline under section 4301 of the Code in that
	27	Respondent, as described in paragraphs 16 to 20 above, engaged in unprofessional conduct.
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. 1	PRAYER
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein
3	alleged, and that following the hearing, the Board of Pharmacy issue a decision:
4	A. Revoking or suspending Pharmacy Technician License Number TCH
5	60171, issued to Amanda Lynn Krull (Respondent);
6	B. Ordering Respondent to pay the Board reasonable costs of investigation
7	and enforcement of this case, pursuant to Business and Professions Code section 125.3;
8	C. Taking such other and further action as is deemed necessary and proper.
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10	DATED: 6/5/09
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13	VIRGINIA HEROLD Executive Officer
14	Board of Pharmacy Department of Consumer Affairs
15	State of California Complainant
16	Complainait
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