

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

In the Matter of the Accusation Against:

Case No. 3619

AIMEE ARTZ
448 Granite Hills Street
Simi Valley, CA 93065

Pharmacy Technician Registration No. TCH
36226

Respondent.

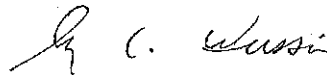
DECISION AND ORDER

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 October 31, 2012.

It is so ORDERED on October 1, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHAEL BROWN
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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 Accusation Against:

Case No. 3619

12 **AIMEE NATALIE ARTZ**
448 Granite Hills Street
13 Simi Valley, CA 93065
Pharmacy Technician Registration No. TCH
14 36226

OAH No. 2012031083
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

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17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney
23 General.

24 2. Respondent Aimee Natalie Artz (Respondent) is represented in this proceeding by
25 attorney Ronald Gold, whose address is: 20058 Ventura Blvd., #59, Woodland Hills, CA 91364.

26 3. On or about March 30, 2001, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 36226 to Aimee Natalie Artz (Respondent). The Pharmacy Technician
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1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 3619 and will expire on November 30, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3619 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on November 9, 2011.
7 Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 3619 is attached as exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 3619. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
14 Order.

15 7. Respondent is fully aware of her legal rights in this matter, including the right to a
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 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 3619.

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1 10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
 2 and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary
 3 Order below.

4 CONTINGENCY

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

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

17 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
 18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
 19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
 20 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
 21 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
 22 writing executed by an authorized representative of each of the parties.

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

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 36226 issued to Respondent Aimee Natalie Artz (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. Certification Prior to Resuming Work

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. Pending the Board adoption of decision, Respondent may continue working and take the certification test. Respondent shall not resume working as a pharmacy technician until notified by the board after the effective date of decision. Failure to achieve certification within one (1) year shall be considered a violation of probation.

During suspension, respondent shall not enter any pharmacy area or any portion of any 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 devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the board.

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.

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

- 1 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
- 2 substances laws
- 3 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 4 criminal complaint, information or indictment
- 5 a conviction of any crime
- 6 discipline, citation, or other administrative action filed by any state or federal agency
- 7 which involves respondent's Pharmacy Technician Registration or which is related to
- 8 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
- 9 billing, or charging for any drug, device or controlled substance.

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

11 **3. Report to the Board**

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

20 **4. Interview with the Board**

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

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1 **5. Cooperate with Board Staff**

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

5 **6. Notice to Employers**

6 During the period of probation, respondent shall notify all present and prospective
7 employers of the decision in case number 3619 and the terms, conditions and restrictions imposed
8 on respondent by the decision, as follows:

9 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
10 respondent undertaking any new employment, respondent shall cause her direct supervisor,
11 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
12 tenure of employment) and owner to report to the board in writing acknowledging that the listed
13 individual(s) has/have read the decision in case number 3619 and the terms and conditions
14 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
15 supervisor(s) submit timely acknowledgement(s) to the board.

16 If respondent works for or is employed by or through a pharmacy employment service,
17 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
18 of the terms and conditions of the decision in case number 3619 in advance of the respondent
19 commencing work at each pharmacy. A record of this notification must be provided to the board
20 upon request.

21 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
22 (15) days of respondent undertaking any new employment by or through a pharmacy employment
23 service, respondent shall cause her direct supervisor with the pharmacy employment service to
24 report to the board in writing acknowledging that she has read the decision in case number 3619
25 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
26 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

27 Failure to timely notify present or prospective employer(s) or to cause that/those
28 employer(s) to submit timely acknowledgements to the board shall be considered a violation of

1 probation.

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

7 **7. Reimbursement of Board Costs**

8 As a condition precedent to successful completion of probation, respondent shall pay to the
9 board its costs of investigation and prosecution in the amount of \$2,000.00. Respondent shall be
10 permitted to pay these costs in a payment plan approved by the Board. Respondent shall make
11 Payment of the Board's costs in this matter shall be paid in full on or before six (6) months prior
12 to end of the probation term. Failure to pay costs by the deadline(s) as directed shall be
13 considered a violation of probation.

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

16 **8. Probation Monitoring Costs**

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

21 **9. Status of License**

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

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

1 **10. License Surrender While on Probation/Suspension**

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

10 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician
11 license to the board within ten (10) days of notification by the board that the surrender is
12 accepted. Respondent may not reapply for any license, permit, or registration from the board for
13 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
14 applicable to the license sought as of the date the application for that license is submitted to the
15 board.

16 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
17 **Employment**

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

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

25 **12. Tolling of Probation**

26 Except during periods of suspension, respondent shall, at all times while on probation, be
27 employed as a pharmacy technician in California for a minimum of 10 hours per calendar month.
28 Any month during which this minimum is not met shall toll the period of probation, i.e., the

1 period of probation shall be extended by one month for each month during which this minimum is
2 not met. During any such period of tolling of probation, respondent must nonetheless comply
3 with all terms and conditions of probation.

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

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

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

18 13. Violation of Probation

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

24 If respondent violates probation in any respect, the board, after giving respondent notice
25 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
26 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
27 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
28 a petition to revoke probation or an accusation is filed against respondent during probation, the

1 board shall have continuing jurisdiction, and the period of probation shall be automatically
2 extended until the petition to revoke probation or accusation is heard and decided.

3 **14. Completion of Probation**

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

6 **15. Ownership of Licensed Premises**

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

14 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

15 Should Respondent test positive for alcohol, dangerous drugs or other controlled substances
16 during a random drug screening, Respondent shall begin regular Respondent shall begin regular
17 attendance at a recognized and established substance abuse recovery support group in California,
18 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
19 or its designee. Respondent must attend at least one group meeting per week unless otherwise
20 directed by the board or its designee. Respondent shall continue regular attendance and submit
21 signed and dated documentation confirming attendance with each quarterly report for the duration
22 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
23 probation.

24 **17. Random Drug Screening**

25 Respondent, at her own expense, shall participate in random testing, including but not
26 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
27 screening program as directed by the board or its designee. Respondent may be required to
28 participate in testing for the entire probation period and the frequency of testing will be

1 determined by the board or its designee. At all times respondent shall fully cooperate with the
2 board or its designee, and shall, when directed, submit to such tests and samples for the detection
3 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
4 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
5 of probation. Upon request of the board or its designee, respondent shall provide documentation
6 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
7 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
8 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
9 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
10 shall be considered a violation of probation and shall result in the automatic suspension of work
11 by respondent. Respondent may not resume work as a pharmacy technician until notified by the
12 board in writing.

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

21 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
22 Subject to the above restrictions, respondent may continue to own or hold an interest in any
23 licensed premises in which she holds an interest at the time this decision becomes effective unless
24 otherwise specified in this order.

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

26 **18. Work Site Monitor**

27 Within ten (10) days of the effective date of this decision, respondent shall identify a work
28 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 considered a violation of probation.

9 **19. Abstain from Drugs and Alcohol Use**

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

21 **20. Prescription Coordination and Monitoring of Prescription Use**

22 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
23 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
24 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
25 history [with the use of alcohol, controlled substances, and/or dangerous drugs, and/or of mental
26 illness, and/or of gambling addiction] and who will coordinate and monitor any prescriptions for
27 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
28 practitioner shall be provided with a copy of the board's [accusation or petition to revoke

1 probation] and decision. A record of this notification must be provided to the board upon request.
2 Respondent shall sign a release authorizing the practitioner to communicate with the board about
3 respondent's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or
4 psychiatrist shall report to the board on a quarterly basis for the duration of probation regarding
5 respondent's compliance with this condition. If any substances considered addictive have been
6 prescribed, the report shall identify a program for the time limited use of any such substances.
7 The board may require that the single coordinating physician, nurse practitioner, physician
8 assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive
9 medicine. Should respondent, for any reason, cease supervision by the approved practitioner,
10 respondent shall notify the board immediately and, within thirty (30) days of ceasing treatment,
11 submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist
12 of respondent's choice to the board or its designee for its prior approval. Failure to timely submit
13 the selected practitioner or replacement practitioner to the board for approval, or to ensure the
14 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

15 If at any time an approved practitioner determines that respondent is unable to practice
16 safely or independently as a pharmacist, the practitioner shall notify the board immediately by
17 telephone and follow up by written letter within three (3) working days. Upon notification from
18 the board or its designee of this determination, respondent shall be automatically suspended and
19 shall not resume practice until notified by the board that practice may be resumed.

20 During suspension, respondent shall not enter any pharmacy area or any portion of the
21 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
22 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
23 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
24 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
25 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
26 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
27 and controlled substances. Respondent shall not resume practice until notified by the board.

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1 During suspension, respondent shall not engage in any activity that requires the
2 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
3 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
4 designated representative for any entity licensed by the board.

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

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

9 ACCEPTANCE

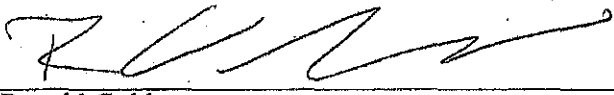
10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorney, Ronald Gold. I understand the stipulation and the effect it will
12 have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
14 Decision and Order of the Board of Pharmacy.

15
16 DATED: 8-27-12

17 
AIMEE NATALIE ARTZ
Respondent

18 I have read and fully discussed with Respondent Aimee Natalie Artz the terms and
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
20 I approve its form and content.

21 DATED: 8-27-12

22 
Ronald Gold
Attorney for Respondent

23 ENDORSEMENT

24 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
25 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

26 ///


27 ///

28 ///

1 Dated: August 21, 2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General

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5 MICHAEL BROWN
6 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3619

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 KIMBERLEY J. BAKER-GUILLEMET
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300 So. Spring Street, Suite 1702
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Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:
11 **AIMEE NATALIE ARTZ**
12 **448 Granite Hills Street**
13 **Simi Valley, CA 93065**
Pharmacy Technician Registration No. TCH
36226
14
15 Respondent.

Case No. 3619

A C C U S A T I O N

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about March 30, 2001, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 36226 to Aimee Natalie Artz (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on November 30, 2012, unless 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.

STATUTORY PROVISIONS

1
2 4. Section 490 of the Code states:

3 "(a) In addition to any other action that a board is permitted to take against a licensee, a
4 board may suspend or revoke a license on the ground that the licensee has been convicted of a
5 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
6 or profession for which the license was issued.

7 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
8 discipline a licensee for conviction of a crime that is independent of the authority granted under
9 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
10 of the business or profession for which the licensee's license was issued.

11 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
12 conviction following a plea of nolo contendere. Any action that a board is permitted to take
13 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
14 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
15 made suspending the imposition of sentence, irrespective of a subsequent order under the
16 provisions of Section 1203.4 of the Penal Code."

17 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
18 surrender or cancellation of a license shall not deprive the Board, Registrar or Director of
19 jurisdiction to proceed with a disciplinary action during the period within which the license may
20 be renewed, restored, reissued or reinstated.

21 6. Section 4301 of the Code states:

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

25

26 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
27 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
28 oneself, to a person holding a license under this chapter, or to any other person or to the public, or

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the
2 practice authorized by the license.

3

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

6

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

24 **REGULATORY PROVISIONS**

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

26 "For the purpose of denial, suspension, or revocation of a personal or facility license
27 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
28 crime or act shall be considered substantially related to the qualifications, functions or duties of a

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by his license or registration in a manner
3 consistent with the public health, safety, or welfare."

4 **COST RECOVERY**

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

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Substantially Related Conviction)**

11 9. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
12 (I), of the Code, in conjunction with California Code of Regulation, title 16, section 1770, in that
13 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
14 of a licensed pharmacy technician, as follows:

15 a. On or about October 9, 2009, after pleading guilty, Respondent was convicted of one
16 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving with a
17 blood-alcohol content level greater than or equal to .08%], and one felony count of violating
18 Health and Safety Code section 11350, subdivision (a) [possession of a controlled substance], in
19 the criminal proceeding entitled *People of the State of California v. Atmee Natalie Artz* (Super.
20 Ct. Ventura County, 2009, No. 2009009632). Respondent was sentenced to 48 hours in jail with
21 credit for 48 hours actual time served, ordered to pay fine and placed on formal probation for a
22 period of 3 years with terms and conditions.

23 b. The circumstances surrounding the conviction are that on or about March 14, 2009, a
24 California Highway Patrol officer conducted an enforcement stop of Respondent's vehicle. As
25 the officer made contact with Respondent, he could smell the odor of an alcoholic beverage
26 emitting from the vehicle. Respondent admitted to the officers that she had consumed an
27 alcoholic beverage earlier that evening. While speaking to Respondent, the officer noticed that
28 her eyes were red and watery. In addition, Respondent was unable to satisfactorily perform the

1 Field Sobriety Tests as they had been demonstrated to her. Respondent submitted to breath tests
2 which yielded results of 0.10% and 0.10% respectively. During an inventory search of
3 Respondent's vehicle, one of the officers located two small baggies and a small glass vial
4 containing a white powdery substance inside of a fanny pack that contained a credit card and
5 AAA card with Respondent's name on them. A Drug Recognition officer responded to the scene
6 to assist. Based on his training and experience, he determined that the white powdery substance
7 was cocaine.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Dangerous Use of Alcohol)**

10 10. Respondent is subject to disciplinary action under section 4301, subdivision (h) of the
11 Code in that she used dangerous drugs or alcoholic beverages to the extent or in a manner as to be
12 dangerous or injurious to herself or to the public. Complainant refers to, and by this reference
13 incorporates, the allegations set forth in paragraph 9, subparagraphs (a) and (b), as though set forth
14 fully.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Violation of Statute Regulating Controlled Substances)**

17 11. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the
18 Code in that she violated statutes of this state regulating controlled substances and dangerous
19 drugs. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraph
20 9, subparagraphs (a) and (b), as though set forth fully.

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PRAYER

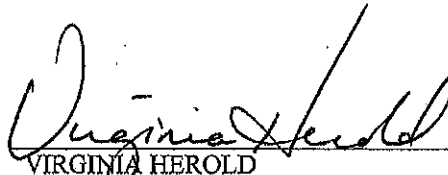
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 36226, issued to Aimee Natalie Artz;

2. Ordering Aimee Natalie Artz 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; and

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

DATED: 10/28/11



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

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