

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

In the Matter of the Accusation Against:

Case No. 3664

PRISCILLA REESE
1051 Harbor Heights Drive #C
Harbor City, CA 90710

Pharmacy Technician License No. TCH 12265
Respondent.

DECISION AND ORDER

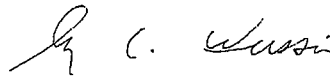
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 7, 2011.

It is so ORDERED on December 8, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
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2 GLORIA A. BARRIOS
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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3664

11 **PRISCILLA REESE**
12 **1051 Harbor Heights Drive #C**
13 **Harbor City, CA 90710**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 **Pharmacy Technician Registration No. TCH**
15 **12265**

16 Respondent.

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

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Edmund
23 G. Brown Jr., Attorney General of the State of California, by M. Travis Peery, Deputy Attorney
24 General.

25 2. Respondent Priscilla Reese (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 3. On or about March 18, 1994, the Board of Pharmacy issued Pharmacy Technician
28 Registration No. TCH 12265 to Priscilla Reese (Respondent). The Pharmacy Technician

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 3664 and will expire on June 30, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3664 was filed before the Board of Pharmacy (Board), Department
5 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on July 8, 2010. Respondent
7 timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 3664 is
8 attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 3664. Respondent has also carefully read, and understands the effects of this
12 Stipulated Settlement and Disciplinary Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 3664.

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

28 ///

1 **1. Certification Prior to Resuming Work**

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

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

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

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

20 **2. Obey All Laws**

21 Respondent shall obey all state and federal laws and regulations.

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

- 24 an arrest or issuance of a criminal complaint for violation of any provision of the
25 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
26 substances laws
- 27 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
28 criminal complaint, information or indictment

- 1 a conviction of any crime
- 2 discipline, citation, or other administrative action filed by any state or federal agency
- 3 which involves respondent's Pharmacy Technician Registration or which is related to
- 4 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
- 5 billing, or charging for any drug, device or controlled substance.

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

7 **3. Report to the Board**

8 Respondent shall report to the board quarterly, on a schedule as directed by the board or its

9 designee. The report shall be made either in person or in writing, as directed. Among other

10 requirements, respondent shall state in each report under penalty of perjury whether there has

11 been compliance with all the terms and conditions of probation. Failure to submit timely reports

12 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency

13 in submission of reports as directed may be added to the total period of probation. Moreover, if

14 the final probation report is not made as directed, probation shall be automatically extended until

15 such time as the final report is made and accepted by the board.

16 **4. Interview with the Board**

17 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews

18 with the board or its designee, at such intervals and locations as are determined by the board or its

19 designee. Failure to appear for any scheduled interview without prior notification to board staff,

20 or failure to appear at two (2) or more scheduled interviews with the board or its designee during

21 the period of probation, shall be considered a violation of probation.

22 **5. Cooperate with Board Staff**

23 Respondent shall cooperate with the board's inspection program and with the board's

24 monitoring and investigation of respondent's compliance with the terms and conditions of her

25 probation. Failure to cooperate shall be considered a violation of probation.

26 **6. Notice to Employers**

27 During the period of probation, respondent shall notify all present and prospective

28 employers of the decision in case number 3664 and the terms, conditions and restrictions imposed

1 on respondent by the decision, as follows:

2 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
3 respondent undertaking any new employment, respondent shall cause her direct supervisor,
4 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
5 tenure of employment) and owner to report to the board in writing acknowledging that the listed
6 individual(s) has/have read the decision in case number 3664 and the terms and conditions
7 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
8 supervisor(s) submit timely acknowledgement(s) to the board.

9 If respondent works for or is employed by or through a pharmacy employment service,
10 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
11 of the terms and conditions of the decision in case number 3664 in advance of the respondent
12 commencing work at each pharmacy. A record of this notification must be provided to the board
13 upon request.

14 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
15 (15) days of respondent undertaking any new employment by or through a pharmacy employment
16 service, respondent shall cause her direct supervisor with the pharmacy employment service to
17 report to the board in writing acknowledging that she has read the decision in case number 3664
18 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
19 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

20 Failure to timely notify present or prospective employer(s) or to cause that/those
21 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
22 probation.

23 "Employment" within the meaning of this provision shall include any full-time,
24 part-time, temporary or relief service or pharmacy management service as a pharmacy
25 technician or in any position for which a pharmacy technician license is a requirement
26 or criterion for employment, whether the respondent is considered an employee,
27 independent contractor or volunteer.
28

1 **7. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, respondent shall pay to the
3 board its costs of investigation and prosecution in the amount of \$3,812.50. Failure to pay costs
4 by the deadline(s) as directed shall be considered a violation of probation.

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

7 **8. Probation Monitoring Costs**

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

12 **9. Status of License**

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

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

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

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

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

7 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
8 **Employment**

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

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

16 **12. Tolling of Probation**

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

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

28 It is a violation of probation for respondent's probation to remain tolled pursuant to the

1 provisions of this condition for a total period, counting consecutive and non-consecutive months,
2 exceeding thirty-six (36) months.

3 "Cessation of work" means calendar month during which respondent is not
4 working for at least forty (40) hours as a pharmacy technician, as defined in Business
5 and Professions Code section 4115. "Resumption of work" means any calendar
6 month during which respondent is working as a pharmacy technician for at least forty
7 (40) hours as a pharmacy technician as defined by Business and Professions Code
8 section 4115.

9 13. **Violation of Probation**

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

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

22 14. **Completion of Probation**

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

25 15. **No Ownership of Licensed Premises**

26 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
27 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
28 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell

1 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
2 days following the effective date of this decision and shall immediately thereafter provide written
3 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
4 documentation thereof shall be considered a violation of probation.

5 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
6 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
7 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
8 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,
9 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
10 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
11 that interest, but only to the extent of that position or interest as of the effective of this decision.
12 Violation of this restriction shall be considered a violation of probation.

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

14 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
15 attendance at a recognized and established substance abuse recovery support group in California,
16 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
17 or its designee. Respondent must attend at least one group meeting per week unless otherwise
18 directed by the board or its designee. Respondent shall continue regular attendance and submit
19 signed and dated documentation confirming attendance with each quarterly report for the duration
20 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
21 probation.

22 **17. Random Drug Screening**

23 Respondent, at her own expense, shall participate in random testing, including but not
24 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
25 screening program as directed by the board or its designee. Respondent may be required to
26 participate in testing for the entire probation period and the frequency of testing will be
27 determined by the board or its designee. At all times respondent shall fully cooperate with the
28 board or its designee, and shall, when directed, submit to such tests and samples for the detection

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

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

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

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

24 **18. Abstain from Drugs and Alcohol Use**

25 Respondent shall completely abstain from the possession or use of alcohol, controlled
26 substances, dangerous drugs and their associated paraphernalia except when the drugs are
27 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
28 request of the board or its designee, respondent shall provide documentation from the licensed

1 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
2 treatment of the respondent. Failure to timely provide such documentation shall be considered a
3 violation of probation. Respondent shall ensure that she is not in the same physical location as
4 individuals who are using illicit substances even if respondent is not personally ingesting the
5 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
6 not supported by the documentation timely provided, and/or any physical proximity to persons
7 using illicit substances, shall be considered a violation of probation.

8 ACCEPTANCE

9 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
10 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
11 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
12 to be bound by the Decision and Order of the Board of Pharmacy.

13
14 DATED: 8/9/2010

Priscilla Reese
15 PRISCILLA REESE
Respondent

16
17 ENDORSEMENT

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

20 Dated: 8/27/10

Respectfully Submitted,

21 EDMUND G. BROWN JR.
Attorney General of California
22 GLORIA A. BARRIOS
Supervising Deputy Attorney General

23 M. Travis Peery
24 M. TRAVIS PEERY
25 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3664

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
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10 In the Matter of the Accusation Against:

Case No. 3664

11 **PRISCILLA REESE**
12 **1051 Harbor Heights Drive #C**
13 **Harbor City, CA 90710**

ACCUSATION

14 **Pharmacy Technician Registration No. TCH**
15 **12265**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about March 18, 1994, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 12265 to Priscilla Reese (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on June 30, 2011, unless renewed.

26 ///

27 ///

28 ///

1 JURISDICTION

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

5 STATUTORY PROVISIONS

6 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license
7 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period
8 within which the license may be renewed, restored, reissued or reinstated.

9 5. Section 490 states, in pertinent part:

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

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

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

24 6. Section 4300 provides, in pertinent part, that every license issued by the Board is
25 subject to discipline, including suspension or revocation.

26 ///

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28 ///

1 7. Section 4301 states, in pertinent part:

2 “The board shall take action against any holder of a license who is guilty of unprofessional
3 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

4 Unprofessional conduct shall include, but is not limited to, any of the following:

5

6 “(h) The administering to oneself, of any controlled substance, or the use of any dangerous
7 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
8 oneself, to a person holding a license under this chapter, or to any other person or the public, or to
9 the extent that the use impairs the ability of the person to conduct with safety to the public the
10 practice authorized by the license.

11

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

1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

9 **COST RECOVERY**

10 9. Section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Convictions of Substantially Related Crimes)**

16 10. Respondent is subject to disciplinary action under section 4301, subdivision (l) and
17 section 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,
18 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
19 of a pharmacy technician.

20 a. On or about June 24, 2009, after pleading nolo contendere, Respondent was convicted
21 of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving with
22 a blood-alcohol content greater than 0.08 percent] in the criminal proceeding entitled *The People*
23 *of the State of California v. Priscilla Reese* (Super. Ct. Los Angeles County, 2009, No.
24 9SY05632). The defendant admitted in court to a prior DUI conviction in violation of Vehicle
25 Code section 23152, subdivision (b), on or about November 11, 2006 in the Inglewood
26 Courthouse Judicial District under case number 604353. Respondent was placed on 3 years
27 probation and ordered to successfully complete an 18-month licensed second-offender alcohol
28

1 and other drug education and counseling program. Respondent was also ordered to complete
2 M.A.D.D. and Morgue programs and pay a fine of \$1746.00.

3 b. The underlying circumstances surrounding the conviction occurred on or about June
4 23, 2009, when Respondent was involved in a traffic collision. Officers of the Torrance Police
5 Department responded to the scene of the accident and arrested Respondent after observing
6 objective signs of intoxication including bloodshot and watery eyes, slurred speech, and the odor
7 of an alcoholic beverage emitting from her breath. Respondent also admitted that she had one
8 shot of tequila earlier in the evening. Additionally, Respondent registered a .21 percent blood
9 alcohol content by weight when given breathalyzer tests at the Torrance Police Department.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Alcohol)**

12 11. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
13 that Respondent used alcohol in a manner dangerous to herself or others. Complainant refers to,
14 and by this reference incorporates, the allegations set forth above in paragraph 10, subparagraphs
15 a and b, as though set forth fully.

16 **PRAYER**

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

19 1. Revoking or suspending Pharmacy Technician Registration Number TCH 12265,
20 issued to Priscilla Reese;

21 2. Ordering Priscilla Reese to pay the Board of Pharmacy the reasonable costs of the
22 investigation and enforcement of this case, pursuant to Business and Professions Code section
23 125.3; and

24 ///

25 ///

26 ///

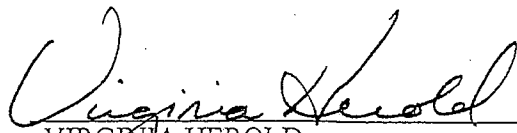
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3. Taking such other and further action as deemed necessary and proper.

DATED: 5/28/10



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

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