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

In the Matter of the Accusation Against:
ANGELA MARIE RIDGE
254 Columbia Ave.
Merced, CA 95340

Pharmacy Technician Registration Number
TCH 64537

Respondent.

Case No. 3746
OAH No. 2012120503
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 14, 2012, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3746 against Angela Marie Ridge (Respondent) before the Board of Pharmacy. (The Accusation is attached as Exhibit A.) On July 18, 2013, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed a First Amended Accusation in Case No. 3746 against Respondent. (The First Amended Accusation is attached as Exhibit B.)

1 2. On or about September 5, 2005, the Board of Pharmacy (Board) issued Pharmacy
2 Technician Registration No. TCH 64537 to Respondent. The Pharmacy Technician Registration
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 3746
4 and expired on January 31, 2013.

5 3. On or about August 28, 2012, Respondent was served by Certified and First Class
6 Mail copies of the Accusation in case No. 3746, Statement to Respondent, Notice of Defense,
7 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
8 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
9 Code section 4100, is required to be reported and maintained with the Board. Respondent's
10 address of record was and is:

11 254 Columbia Avenue
12 Merced, California 95340

13 On or about July 19, 2013, Respondent was Certified and First Class Mail copies of the
14 First Amended Accusation in case No. 3746, Supplemental Statement to Respondent, Request for
15 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
16 Respondent's address of record.

17
18 4. Service of the Accusation and First Amended was effective as a matter of law under
19 the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
20 Code section 124.

21 5. On or about September 17, 2012, Respondent signed and returned a Notice of
22 Defense, requesting a hearing in this matter. A Notice of Hearing was served by mail at
23 Respondent's address of record and it informed her that an administrative hearing in this matter
24 was scheduled for July 30, 2013. Respondent failed to appear at that hearing.

25 6. Government Code section 11506 states, in pertinent part:

26 (c) The respondent shall be entitled to a hearing on the merits if the respondent
27 files a notice of defense, and the notice shall be deemed a specific denial of all parts
28 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion

may nevertheless grant a hearing.

1
2 7. California Government Code section 11520 states, in pertinent part:

3 (a) If the respondent either fails to file a notice of defense or to appear at the
4 hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

5 8. Pursuant to its authority under Government Code section 11520, the Board finds
6 Respondent is in default. The Board will take action without further hearing and, based on the
7 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
8 taking official notice of all the investigatory reports, exhibits and statements contained therein on
9 file at the Board's offices regarding the allegations contained in Accusation No. 3746, finds that
10 the charges and allegations in Accusation No. 3746, are separately and severally, found to be true
11 and correct by clear and convincing evidence.

12 9. Taking official notice of its own internal records, pursuant to Business and
13 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
14 and Enforcement is \$3,187.50 as of July 23, 2013.

15 DETERMINATION OF ISSUES

16 1. Based on the foregoing findings of fact, Respondent Angela Marie Ridge has
17 subjected her Pharmacy Technician Registration No. TCH 64537 to discipline.

18 2. The agency has jurisdiction to adjudicate this case by default.

19 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
20 Registration based upon the following violations alleged in the Accusation which are supported
21 by the evidence contained in the Default Decision Evidence Packet in this case.:

22 a. Respondent is subject to disciplinary action under section 4301 (f) and (j) in that
23 while working as pharmacy technician at Mercy Community Hospital in Merced, respondent was
24 observed taking Soma, aka Carisprodil 350 mg. tablets from the pharmacy without a prescription.
25 The circumstances are as follows:
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1 1.. Between April and June of 2009, large quantities of Soma were missing from the
2 pharmacy stock at Mercy Community Hospital. On or about July 31, 2009, a video surveillance
3 was set up in the pharmacy area.

4 2. On or about August 4, 2009, Respondent was observed removing a handful of loose
5 tablets of Soma from the pharmacy bin. There were no prescriptions filled for Soma on that date.

6 3. On or about August 5, 2009, Respondent was observed removing a unit dose of Soma
7 from the pharmacy bin. A unit dose consists of ten tablets. There were no prescriptions filled for
8 Soma on that date.

9 b. Respondent is subject to disciplinary action under section 4060 in that she possessed
10 Soma without a prescription therefor, as set forth above in paragraphs a (1) through (3), above.

11 c. Respondent is subject to disciplinary action under 4301 (f) and (l) in that she was
12 convicted of a crime substantially related to the practice of a pharmacy technician. The
13 circumstances follow:

14 On or about December 6, 2011 in *People v. Angela Ridge*, Merced Superior Court Case No.
15 CRM-01 5943, respondent was convicted of a violation of Penal Code section 23103.5 (wet and
16 reckless) on her plea of nolo contendere. On or about November 6, 2010, respondent was
17 observed by Merced police and found to have been operating a motor vehicle under the influence
18 of a prescription drug. Respondent admitted to taking Flexeril.

19 d. Respondent is subject to disciplinary action under 4301 (h) in that she used Flexeril in
20 a manner dangerous to herself and others as set forth above in paragraph c.

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ORDER

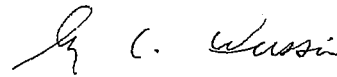
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 64537, heretofore issued to Respondent Angela Marie Ridge, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 22, 2013.

It is so ORDERED ON October 23, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
STAN C. WEISSER
Board President

11164772.DOC
DOJ Matter ID:SA2010101593

Attachment:
Exhibit A: Accusation

Exhibit A

First Amended Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 3746

13 **ANGELA MARIE RIDGE**
14 **254 Columbia Ave.**
Merced, CA 95340

FIRST AMENDED
ACCUSATION

15 **Pharmacy Technician Registration Number**
16 **TCH 64537**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about September 5, 2005, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 64537 to Angela Marie Ridge (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and expired on January 31, 2013.

JURISDICTION

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

4. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license

6. Section 4301 of the Code states:

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

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not."

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

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

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

7. Section 4060 of the Code states:

No person shall possess any controlled substances, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor....

8. Health and Safety Code section 11173, subdivision (a) provides that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

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

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

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

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

1 10. "Carisprodil", also known as Soma, is a dangerous drug defined by Business and
2 Professions Code section 4022

3 11. "Flexeril", is a brand of cyclobenzaprine HCL, is a dangerous drug within the
4 meaning of Business and Professions Code section 4022 in that it requires a prescription under
5 federal law.

6 FIRST CAUSE FOR DISCIPLINE
(Dishonest Act)

7 12. Respondent is subject to disciplinary action under section 4301 (f) and (j) in that
8 while working as pharmacy technician at Mercy Community Hospital in Merced, respondent was
9 observed taking Soma, aka Carisprodil 350 mg. tablets from the pharmacy without a prescription.
10 The circumstances are as follows:

11 a. Between April and June of 2009, large quantities of Soma were missing from the
12 pharmacy stock at Mercy Community Hospital. On or about July 31, 2009, a video surveillance
13 was set up in the pharmacy area.

14 b. On or about August 4, 2009, Respondent was observed removing a handful of loose
15 tablets of Soma from the pharmacy bin. There were no prescriptions filled for Soma on that date.

16 c. On or about August 5, 2009, Respondent was observed removing a unit dose of Soma
17 from the pharmacy bin. A unit dose consists of ten tablets. There were no prescriptions filled for
18 Soma on that date.

19 SECOND CAUSE FOR DISCIPLINE
(Possession)

20 13. Respondent is subject to disciplinary action under section 4060 in that she possessed
21 Soma without a prescription therefor, as set forth above in paragraphs 11 (a) through (c).

22 THIRD CAUSE FOR DISCIPLINE
23 (Conviction of a Crime)

24 14. Respondent is subject to disciplinary action under 4301 (f) and (l) in that she was
25 convicted of a crime substantially related to the practice of a pharmacy technician. The
26 circumstances follow:

27 On or about December 6, 2011 in *People v. Angela Ridge*, Merced Superior Court Case No.
28 CRM-01 5943, respondent was convicted of a violation of Penal Code section 23103.5 (wet and

1 reckless) on her plea of nolo contendere. On or about November 6, 2010, respondent was
2 observed by Merced police and found to have been operating a motor vehicle under the influence
3 of a prescription drug. Respondent admitted to taking Flexeril.

4 **FOURTH CAUSE FOR DISCIPLINE**
5 (Use in a Manner Dangerous to Self or Others)

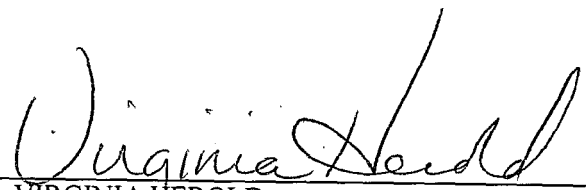
6 15. Respondent is subject to disciplinary action under 4301 (h) in that she used Flexeril in
7 a manner dangerous to herself and others as set forth above in paragraph 14.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 64537,
12 issued to Angela Marie Ridge
13 2. Ordering Angela Marie Ridge to pay the Board of Pharmacy the reasonable costs of
14 the investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;
16 3. Taking such other and further action as deemed necessary and proper.
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20 DATED: 7/18/13


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

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RECEIVED
CLERK OF SUPERIOR COURT
MERCED COUNTY
JUL 23 2013 10:00 AM