

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

In the Matter of the Amended Accusation Against:

Case No. 4118

**ANN MARIE CARROLL
22800 Creekside Court
Tehachapi, CA 93561**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

**Pharmacy Technician License No.
TCH 33519**

Respondent.

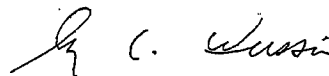
DECISION AND ORDER

The attached Stipulated Surrender of License and 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 April 23, 2012.

It is so ORDERED on March 23, 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 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NANCY A. KAISER
Deputy Attorney General
4 State Bar No. 192083
300 So. Spring Street, Suite 1702
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Attorneys for Complainant
7

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10 **STATE OF CALIFORNIA**

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22800 Creekside Court
13 Tehachapi, CA 93561
14 **Pharmacy Technician License No. TCH**
33519
15
16 Respondent.

Case No. 4118

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17
18 In the interest of a prompt and speedy resolution of this matter, consistent with the public
19 interest and the responsibility of the Board of Pharmacy (Board), the parties hereby agree to the
20 following Stipulated Surrender of License and Order, which will be submitted to the Board for
21 approval and adoption as the final disposition of the Accusation.

22 **PARTIES**

23 1. Virginia K. Herold (Complainant) is the Executive Officer of the Board of
24 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
25 by Kamala D. Harris, Attorney General of the State of California, by Nancy A. Kaiser, Deputy
26 Attorney General.

27 2. Respondent Ann Marie Carroll (Respondent) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

1 application for a new license. Respondent must comply with all the laws, regulations and
2 procedures for an applicant for licensure in effect at the time the application is filed, and all of the
3 charges and allegations contained in Accusation No. 4118 shall be deemed to be true, correct and
4 admitted by Respondent when the Board determines whether to grant or deny the application.

5 5. Respondent stipulates that should she apply for any license from the Board on or
6 after the effective date of this decision, investigation and prosecution costs in the amount of
7 **\$910.00** shall be paid to the Board prior to issuance of the license.

8 6. Should Respondent ever apply or reapply for a new license or certification, or
9 petition for reinstatement of a license, by any other health care licensing agency in the State of
10 California, all of the charges and allegations contained in Accusation No. 4118 shall be deemed to
11 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
12 other proceeding seeking to deny or restrict licensure.

13 7. Respondent shall not apply for licensure or petition for reinstatement for **three (3)**
14 **years** from the effective date of the Board's Decision and Order.

15 **ACCEPTANCE**

16 I have carefully read the Stipulated Surrender of License and Order. I understand the
17 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
18 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
19 be bound by the Decision and Order of the Board of Pharmacy.

20 DATED: 12/9/2011

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22 ANN MARIE CARROLL
23 Respondent
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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: 12/16/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



NANCY A. KAISER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4118

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
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3 NANCY A. KAISER
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7 *Attorneys for Complainant*

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33519
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17 Respondent.

Case No. 4118

A C C U S A T I O N

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19
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about June 15, 2000, the Board of Pharmacy issued Pharmacy Technician
26 License Number TCH 33519 to Ann Marie Carroll (Respondent). The Pharmacy Technician
27 License was in full force and effect at all times relevant to the charges brought herein and will
28 expire on January 31, 2012, unless renewed.

JURISDICTION

1
2 3. This Accusation is brought before the Board of Pharmacy (Board), under the
3 authority of the following laws. All section references are to the Business and Professions Code
4 unless otherwise indicated.

5 4. Section 4300 of the Code permits the Board to take disciplinary action to suspend or
6 revoke a license issued by the Board.

7 5. Section 4301 of the Code states:

8 "The board shall take action against any holder of a license who is guilty of unprofessional
9 conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

10 ...

11 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
12 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
13 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
14 to the extent that the use impairs the ability of the person to conduct with safety to the public the
15 practice authorized by the license."

16 ...

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

19 ...

20 "(p) Actions or conduct that would have warranted denial of a license."

21 6. Section 4327 of the Code states that "[a]ny person who, while on duty, sells,
22 dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic
23 beverages shall be guilty of a misdemeanor."

24 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
25 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
26 disciplinary action during the period within which the license may be renewed, restored, reissued
27 or reinstated.

28 ///

1 8. California Code of Regulations, title 16, section 1770, states:

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

8 **COST RECOVERY**

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

13 **STATE DRUG STATUTES**

14 10. Health and Safety Code section 11170 states: "No person shall prescribe, administer,
15 or furnish a controlled substance for himself."

16 11. Health and Safety Code section 11171 states: "No person shall prescribe, administer,
17 or furnish a controlled substance except under the conditions and in the manner provided by this
18 division."

19 12. Section 4022 of the Code prohibits the dispensing or furnishing of a dangerous drug
20 or dangerous device, which is any drug or device that is unsafe for self-use in humans or animals,
21 without a prescription or as legally authorized.

22 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

23 13. Marijuana is a Schedule I controlled substance as defined in Health and Safety Code
24 section 11054, subdivision (d)(13) and a dangerous drug according to Business and Professions
25 Code section 4022.

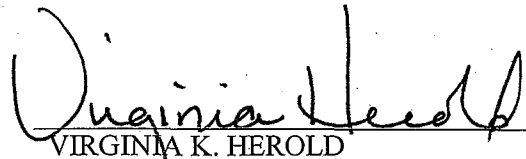
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- 1 1. Revoking or suspending Pharmacy Technician License Number TCH 33519, issued
2 to Ann Marie Carroll;
- 3 2. Ordering Ann Marie Carroll to pay the Board of Pharmacy the reasonable costs of the
4 investigation and enforcement of this case, pursuant to Business and Professions Code section
5 125.3; and,
- 6 3. Taking such other and further action as deemed necessary and proper.

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8 DATED: 11/9/11



VIRGINIA K. HEROLD
Executive Officer
California State Board of Pharmacy
State of California
Complainant

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