

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

In the Matter of the Accusation Against:

ANDREA JOYCE CONNER

P.O. Box 748

Paradise, CA 95967

**Pharmacy Technician Registration No. TCH
67462**

Respondent.

Case No. 4502

OAH No. 2014020230

DECISION AND ORDER

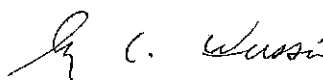
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 4, 2015.

It is so ORDERED on May 28, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STAN C. WEISSER
Board President

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Attorney General of California
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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 4502

12 **ANDREA JOYCE CONNER**
13 **P.O. Box 748**
14 **Paradise, CA 95967**

OAH No. 2014020230

15 **Pharmacy Technician Registration No. TCH**
67462

STIPULATED SURRENDER OF
LICENSE AND ORDER

16 Respondent.

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

20 **PARTIES**

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

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

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1 3. On or about May 12, 2006, the Board of Pharmacy issued Pharmacy Technician
2 Registration No. TCH 67462 to Andrea Joyce Conner. The Pharmacy Technician Registration
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 4502
4 and will expire on April 30, 2016, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 4502 was filed before the Board, Department of Consumer Affairs,
7 and is currently pending against Respondent. The Accusation and all other statutorily required
8 documents were properly served on Respondent on December 3, 2013. Respondent timely filed
9 her Notice of Defense contesting the Accusation. A copy of Accusation No. 4502 is attached as
10 Exhibit A and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 4502. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

15 6. 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 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 4502, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
27 Registration No. TCH 67462 for the Board's formal acceptance.
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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

CONTINGENCY

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

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

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ORDER

IT IS ORDERED that Pharmacy Technician Registration No. TCH 67462, issued to Respondent Andrea Joyce Conner, is surrendered and accepted by the Board of Pharmacy as of the effective date of this decision. Respondent shall relinquish her pharmacy technician license to the board within ten (10) days of the effective date of this decision.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.

2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. Respondent understands and agrees that if he or she ever files an application for licensure or a petition for reinstatement in the State of California, the board shall treat it as a new application for licensure.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$2,308.00 prior to the issuance of a new registration.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 4502 shall be deemed to be true, correct, admitted and proven by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent may not apply for any license, permit, or registration from the board for three (3) years from the effective date of this decision. Respondent stipulates that should he or she apply for any license from the board on or after the effective date of this decision, all allegations set forth in the [accusation or petition to revoke probation] shall be deemed to be true, correct and admitted by respondent when the board determines whether to grant or deny the application.

1. Respondent shall satisfy all requirements applicable to that license as of the date the application is
2. submitted to the board, including, but not limited to certification by a nationally recognized body
3. prior to the issuance of a new license. Respondent is required to report this surrender as
4. disciplinary action.

5. ACCEPTANCE

6. I have carefully read the Stipulated Surrender of License and Order. I understand the
7. stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
8. Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
9. be bound by the Decision and Order of the Board of Pharmacy.

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DATED: 1-12-15

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Andrea Joyce Conner
ANDREA JOYCE CONNER
Respondent

14. ENDORSEMENT

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

Dated: 1/12/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General

Brian S. Turner
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4502

1 KAMALA D. HARRIS
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2 JANICE K. LACHMAN
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10 **BEFORE THE**
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

Case No. 4502

13 **ANDREA JOYCE CONNER**
455 Nathan Lane
14 Paradise, CA 95969

ACCUSATION

15 Pharmacy Technician License No. TCH 67462
16 Respondent.
17

18 Virginia Herold (Complainant) alleges:

19 **PARTIES**

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

22 2. On or about May 12, 2006, the Board of Pharmacy issued Pharmacy Technician
23 License Number TCH 67462 to Andrea Joyce Conner (Respondent). The Pharmacy Technician
24 License was in full force and effect at all times relevant to the charges brought herein, and will
25 expire on April 30, 2014, unless renewed.

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STATUTORY AND REGULATORY PROVISIONS

5. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 493 of the Code states in pertinent part, in a proceeding conducted by a board within the department to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline.

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

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1 9. Section 4301 provides in relevant part:

2 The board shall take action against any holder of a license who is guilty of
3 unprofessional conduct. Unprofessional conduct shall include, but not be limited to, any of the
4 following:

5 (h) ...use of any dangerous drug or...alcoholic beverage to the extent or in a
6 manner dangerous to oneself ... or to others or the public.

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

9 (l) The conviction of a crime substantially related to the qualifications, functions,
10 and duties of a licensee under this chapter.

11 10. Title 16 California Code of Regulations section 1770 provides:

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

18 **DANGEROUS DRUGS**

19 11. Section 4022 provides:

20 "Dangerous drug" or "dangerous device" means any drug or
21 device unsafe for self-use in humans or animals, and includes the
22 following:

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

26 (b) Any device that bears the statement: "Caution: federal law
27 restricts this device to sale by or on the order of a _____," "Rx
28 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.

29 (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 12. Section 4060 provides in relevant part:

2 No person shall possess any controlled substance, except that
3 furnished to a person upon the prescription of a physician, dentist...

4 **COST RECOVERY**

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

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of a Crime Substantially Related)**

11 14. Respondent's pharmacy technician license is subject to disciplinary action for
12 unprofessional conduct pursuant to section 4301(l) and Title 16 Code of Regulations section 1770
13 in that Respondent was convicted of a crime substantially related to the duties, functions and
14 qualifications of a pharmacy technician. The circumstances are as follows:

15 15. On or about June 28, 2012, Respondent was convicted by her plea of no contest to
16 violating Health and Safety Code section 11550(a), Use or Under the Influence of a Controlled
17 Substance, a misdemeanor, in Butte County Superior Court, Case No. SCR 88026; *People v.*
18 *Andrea Joyce Conner*. The circumstances of the crime are that on February 15, 2012,
19 Respondent was operating a vehicle after ingesting the controlled substance commonly referred to
20 as ecstasy in violation of Health and Safety Code section 11550(a). While under the influence of
21 the drug and operating a motor vehicle, Respondent failed to obey a red light for her direction of
22 travel and was observed by a police officer driving through an intersection against the red light

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct-Dangerous Conduct)**

25 16. Respondent's pharmacy technician license is subject to disciplinary action for
26 unprofessional conduct pursuant to section 4301(h) because Respondent used a controlled
27 substance and dangerous drug to an extent and in a manner that was dangerous to herself or
28 others. The circumstances are as follows:

17. Paragraph 15 is incorporated herein as though set forth at length. Respondent's conduct by operating a motor vehicle after ingesting ecstasy and the conviction for violation Health and Safety Code section 11550(a) demonstrates a lack of fitness to perform the functions, duties and obligations of a pharmacy technician and constitute a danger to public health, safety and welfare.

THRID CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Violation of Statutes)

18. Respondent's pharmacy technician license is subject to disciplinary action for unprofessional conduct pursuant to sections 4301(j) and 4060 in that Respondent violated statutes and laws regulating controlled substances and dangerous drugs. The circumstances are as follows:

19. Paragraphs 15 and 17 are incorporated herein as though set forth at length. Respondent's acts and conduct leading to Respondent's convictions demonstrates Respondent is not fit to perform the duties, obligations and functions of a pharmacy technician and warrants denial of a pharmacist technician license.

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 license No. TCH-67462, issued to Andrea Joyce Conner;

2.. Ordering Andrea Joyce Conner 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

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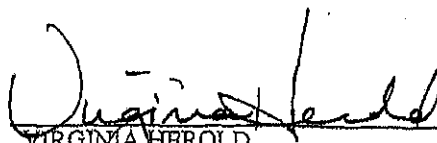
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3. Taking such other and further action as deemed necessary and proper.

DATED:

11/4/13



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