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

In the Matter of the Accusation Against:

Case No. 4912

SUZANNE MARIE HATHAWAY 23756 Springwood Way Millville, CA 96062

Pharmacy Technician Registration No. TCH 85560

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 June 2, 2014.

It is so ORDERED on May 28, 2014.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STAN C. WEISSER Board President

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1	KAMALA D. HARRIS			
2	Attorney General of California JANICE K. LACHMAN			
3	Supervising Deputy Attorney General KAREN R. DENVIR			
4	Deputy Attorney General State Bar No. 197268			
5	1300 I Street, Suite 125 P.O. Box 944255			
6	Sacramento, CA 94244-2550 Telephone: (916) 324-5333			
7	Facsimile: (916) 327-8643 Attorneys for Complainant			
8	BEFORE THE			
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
10				
11	In the Matter of the Accusation Against:	Case No. 4912		
12	SUZANNE MARIE HATHAWAY 23756 Springwood Way			
13	Millville, CA 96062	STIPULATED SURRENDER OF LICENSE AND ORDER		
14	Pharmacy Technician Registration No. TCH 85560	LICENSE AND ONDER		
15	Respondent.			
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17	IT IS HEREBY STIPULATED AND AGR	EED by and between the parties to the above-		
	IT IS HEREBY STIPULATED AND AGR entitled proceedings that the following matters ar			
18		e true:		
18 19	entitled proceedings that the following matters an <u>PAR</u>	e true:		
18 19 20	entitled proceedings that the following matters an <u>PAR</u>	e true: <u>FIES</u> Executive Officer of the Board of Pharmacy.		
18 19 20 21	entitled proceedings that the following matters an <u>PAR</u> 1. Virginia Herold (Complainant) is the	e true: <u>FIES</u> Executive Officer of the Board of Pharmacy. city and is represented in this matter by Kamala		
18 19 20 21 22	entitled proceedings that the following matters an <u>PAR'</u> 1. Virginia Herold (Complainant) is the She brought this action solely in her official capa	e true: <u>FIES</u> Executive Officer of the Board of Pharmacy. city and is represented in this matter by Kamala		
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Stipulated Surrender of License (Case No. 4912)

1	Technician Registration was in full force and effect at all times relevant to the charges brought in			
2	Accusation No. 4912 and will expire on May 31, 2014, unless renewed.			
3	JURISDICTION			
4	4. Accusation No. 4912 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 7, 2013.			
7	Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation			
8	No. 4912 is attached as Exhibit A and incorporated by reference.			
9	ADVISEMENT AND WAIVERS			
10	5. Respondent has carefully read, and understands the charges and allegations in			
11	Accusation No. 4912. Respondent also has carefully read, and understands the effects of this			
12	Stipulated Surrender of License and 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. 4912, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician			
25	Registration No. TCH 85560 for the Board's formal acceptance.			
26	9. Respondent understands that by signing this stipulation she enables the Board to issue			
27	an order accepting the surrender of her Pharmacy Technician Registration without further			
28	process.			
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	Stimulated Summanday of Liona No. 40(2)			

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Stipulated Surrender of License (Case No. 4912)

CONTINGENCY

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This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 10. 2 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 3 communicate directly with the Board regarding this stipulation and surrender, without notice to or 4 participation by Respondent. By signing the stipulation, Respondent understands and agrees that 5 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board 6 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, 7 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this 8 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not 9 be disqualified from further action by having considered this matter. 10

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.

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

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

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 85560, issued
 to Respondent Suzanne Marie Hathaway, is surrendered and accepted by the Board of Pharmacy.

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.

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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.

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4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 4912 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

11 5. Respondent shall pay the agency its costs of investigation and enforcement in the
12 amount of \$2,321.00 prior to issuance of a new or reinstated license.

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. 4912 shall be deemed
to be true, correct, and admitted 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 18 three years from the effective date of this decision. Respondent stipulates that should he or she 19 apply for any license from the Board on or after the effective date of this decision, all allegations 20set forth in the accusation shall be deemed to be true, correct, and admitted by Respondent when 21 the Board determines whether or not to grant or deny the application. Respondent shall satisfy all 22 requirements applicable to that license as of the date the application is submitted to the Board, 23 including, but not limited to certification by a nationally recognized body prior to the issuance of 24 a new license. Respondent is required to report this surrender as disciplinary action. 25

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1	<u>ACCEPTANCE</u>				
2	I have carefully read the Stipulated Surrender of License and Order. I understand the				
3	stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this				
4	Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to				
5	be bound by the Decision and Order of the Board of Pharmacy.				
6					
7	DATED: 04/08/2014 Ahanne Marie Jathaway				
8	Respondent				
9					
10	<u>ENDORSEMENT</u>				
11	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted				
12	for consideration by the Board of Pharmacy of the Department of Consumer Affairs.				
13	Dated: $4/23/14$ Respectfully submitted,				
14	KAMALA D. HARRIS				
15	Attorney General of California JANICE K. LACHMAN Supervising Deputy Attorney General				
16					
17	Koren Stenuo				
18 19	KAREN R. DENVIR Deputy Attorney General Attorneys for Complainant				
20	Attorneys jor Comptainant				
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	Stimulated Surrender of License (Case No. 4912)				

Stipulated Surrender of License (Case No. 4912)¹

Exhibit A

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Accusation No. 4912

1	Kamala D. Harris				
2	Attorney General of California JANICE K. LACHMAN				
3	Supervising Deputy Attorney General KAREN R. DENVIR				
4	Deputy Attorney General State Bar No. 197268				
5	1300 I Street, Suite 125 P.O. Box 944255				
6	Sacramento, CA 94244-2550 Telephone: (916) 324-5333				
7	Facsimile: (916) 327-8643 Attorneys for Complainant				
8	BEFORE THE				
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA				
10					
11	In the Matter of the Accusation Against:	Case No. 4912			
12	SUZANNE MARIE HATHAWAY 3513 Paul Street				
13	Anderson, California 96007	ACCUSATION			
14	Pharmacy Technician Registration No. TCH 85560				
15	Respondent.				
16		J			
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 Pharma				
21	2. On or about August 27, 2008, the Board of Pharmacy issued Pharmacy Technician				
22	Registration Number TCH 85560 to Suzanne Marie Hathaway (Respondent). The Pharmacy				
23	Technician Registration was in full force and eff	- -			
24	herein and will expire on May 31, 2014, unless 1				
25		DICTION			
26		e Board of Pharmacy (Board), Department of			
27	Consumer Affairs, under the authority of the fol	-			
28	Business and Professions Code unless otherwise	indicated.			
		1 Accuration (Core No. 4012)			
	I	Accusation (Case No. 4912)			

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1	4. Section 4300 of the Code states, in pertinent part:				
2	(a) Every license issued may be suspended or revoked.				
3	(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,				
4	by any of the following methods:				
5	(1) Suspending judgment.				
6	(2) Placing him or her upon probation.				
7	(3) Suspending his or her right to practice for a period not exceeding one year.				
8	(4) Revoking his or her license.				
9	(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.				
10					
11	5. Section 4301 of the Code states, in pertinent part:				
12	The board shall take action against any holder of a license who is guilty of unprofessional				
13	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.				
14	Unprofessional conduct shall include, but is not limited to, any of the following:				
15					
16	(j) The violation of any of the statutes of this state, or any other state, or of the United				
17	States regulating controlled substances and dangerous drugs.				
18	••••				
19	6. Health and Safety Code section 11357 states, in pertinent part:				
20	(a) Except as authorized by law, every person who possesses any concentrated cannabis shall be pupished by imprisonment in the county fail for a period of not more				
21	cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment, or shall be punished by imprisonment pursuant to				
22	subdivision (h) of Section 1170 of the Penal Code.				
23	(b) Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction				
24	punishable by a fine of not more than one hundred dollars (\$100).				
25	(c) Except as authorized by law, every person who possesses more than 28.5 grams of marily on a char then concentrated examples, shall be purished by imprisonment in a				
26	marijuana, other than concentrated cannabis, shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.				
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	Accusation (Case No. 4912)				

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Section	4060	of the	Code stat	tes, in	pertinent	part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

8. Section 4300.1 of the Code states:

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8 The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation 9 of law or by order or decision of the board or a court of law, the placement of a license on a 10 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of 11 jurisdiction to commence or proceed with any investigation of, or action or disciplinary 12 proceeding against, the licensee or to render a decision suspending or revoking the license.

COST RECOVERY

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

19 10. Marijuana is a Schedule I controlled substance as designated by Health and Safety
20 Code section 11054, subdivision (d)(13).

21 22

FIRST CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance)

11. Respondent is subject to disciplinary action under section 4301, subdivision (j), in
that she violated state statutes regulating controlled substances and dangerous drugs, as follows:

12. On or about March 26, 2013, while working as a pharmacy technician at Walgreens in
Redding, California, Respondent tested positive for marijuana during a random drug test. Per her
own admission, Respondent used marijuana approximately two weeks prior to the drug test, in
violation of Health and Safety Code section 11357.

Accusation (Case No. 4912)

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1	SECOND CAUSE FOR DISCIPLINE			
2	(Violation of Statutes Governing Pharmacy)			
3	13. Respondent is subject to disciplinary action under section 4301, subdivision (o), in			
4	that she violated state statutes governing pharmacy, specifically, Business and Professions Code			
5	section 4060, as set forth above in paragraph 12, and incorporated herein by reference.			
6	<u>PRAYER</u>			
7	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,			
8	and that following the hearing, the Board of Pharmacy issue a decision:			
9	1. Revoking or suspending Pharmacy Technician Registration Number TCH 85560,			
10	issued to Suzanne Marie Hathaway			
11	2. Ordering Suzanne Marie Hathaway to pay the Board of Pharmacy the reasonable costs			
12	of the investigation and enforcement of this case, pursuant to Business and Professions Code			
13	section 125.3;			
14	3. Taking such other and further action as deemed necessary and proper.			
15	DATED: 10/21/13 Juginia Derold			
16	VIRGINIA AEROLD Executive Officer			
17	Board of Pharmacy Department of Consumer Affairs			
18	State of California Complainant			
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	Accusation (Case No. 4912)			

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