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

In the Matter of the Accusation Against: **TIFFANY ANNE SNEED,** **aka TIFFANY A. WEINGART** 888 Ridgeview Drive Woodland, CA 95695 Pharmacy Technician Registration No. TCH 65178 Respondent.	Case No. 4925 OAH No. 2013120478

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on October 20, 2014.

It is so ORDERED on September 18, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____
STAN C. WEISSER
Board President

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

In the Matter of the Accusation Against: TIFFANY ANNE SNEED, aka TIFFANY A. WEINGART, Pharmacy Technician Registration No. TCH 65178 Respondent.	Case No. 4925 OAH No. 2013120478

PROPOSED DECISION

This matter was heard before Karen J. Brandt, Administrative Law Judge, Office of Administrative Hearings, State of California, on August 4, 2014, in Sacramento, California.

Kristina T. Jansen, Deputy Attorney General, represented Virginia Herold (complainant), Executive Officer, Board of Pharmacy (Board), Department of Consumer Affairs.

Tiffany Anne Sneed, also known as Tiffany A. Weingart (respondent), represented herself.

Evidence was received, the record was closed, and the matter was submitted for decision on August 4, 2014.

FACTUAL FINDINGS

1. On September 22, 2005, the Board issued Pharmacy Technician Registration Number TCH 65178 (registration) to respondent. Respondent's registration was in full force and effect at all times relevant to the allegations set forth in the Accusation, and will expire on May 31, 2015, unless renewed or revoked. Complainant seeks to discipline respondent's registration based upon the convictions described below.

Respondent's Convictions

2. On January 28, 2013, in the Yuba County Superior Court, Case No. TR-12-00329, respondent, on a plea of no contest, was convicted of violating Vehicle Code section 23152, subdivision (b), driving with .08 percent or more of alcohol in her blood (DUI), a misdemeanor. Respondent was placed on summary probation for three years. She was ordered to complete a three-month DUI program. She was also ordered to pay fines and fees. The court noted in its Probation Order that jail time was "not required" due to the "serious treatment program [respondent] has attended." The court ordered as "alternative conditions" that respondent "continue to attend[,] participate [in] and complete an [*sic*] outpatient support group sessions through First Steps Program [and] follow First Steps recommendations." The court also found that respondent's "successful completion in Pathways Residential is sufficient for additional work hours."

3. The incident underlying respondent's DUI conviction occurred on June 10, 2012. Respondent drove her vehicle up the side of a levee. Her blood alcohol content was measured at .19 percent. She was 27 years old at the time of this incident.

4. On May 20, 2013, in Yolo County Superior Court, Case No. 12001746, respondent, on a plea of no contest, was convicted of violating Penal Code sections 273.5 subdivision (a), inflicting corporal injury on a spouse, and 273a, subdivision (b), endangering the health of a child, both misdemeanors. Respondent was placed on summary probation for 48 months. She was ordered to serve 30 days in county jail, and was given credit for three days served. She was also ordered to complete 52 weeks of anger control counseling, 52 weeks of a parenting program, and a 90-day substance abuse program. In addition, she was ordered to pay fines and fees.

5. The circumstances surrounding respondent's convictions occurred on May 2, 2012. Respondent and her husband got into an argument at their home. During the argument, respondent pressed scissors into the back of her husband's neck. Respondent's young son was present in the home during this argument.

Evidence of Rehabilitation, Mitigation and Aggravation

6. With regard to her DUI conviction, respondent admitted that she had an alcohol problem, and that she drank and drove before she totaled her truck on June 10, 2012. With regard to her domestic violence conviction, she testified that her husband found out that she was "cheating on him" and got angry, so she used the scissors in self-defense while her son was in the house.

7. Respondent has been clean and sober for approximately 16 months. Her sobriety date is January 1, 2013. She described the treatment programs which she has attended. She was an in-patient at Pathways, a residential treatment program, for four months, but did not graduate from that program. In January 2013, she went into Buddy's

House, which describes itself as a "Clean & Sober Adult Environment." She graduated from Buddy's House in February 2014. She also completed the three-month first offender DUI program ordered by the court in her DUI case, and the drug and alcohol program ordered by the court in her domestic violence case. She now attends Alcoholics Anonymous (AA) two to three times a week. She has a sponsor and is working on the 12-Steps.

8. Respondent has also completed the court-ordered 52-week parenting program, and is currently participating in the anger management program.

9. Respondent has recently been rehired as a pharmacy technician by Corner Drug Co. She previously worked there from 2006 to 2008. She is performing mostly data entry duties, inputting prescriptions into the computer. She also answers the telephone and helps customers. She has not filled any prescriptions yet, and does not have access to controlled substances.

10. Respondent is going through a divorce with her husband. Her son is now eight years old. As a result of her domestic violence conviction, she lost custody of her son for one month. She then was allowed to see him for supervised three-hour visits. Since July 2014, she has had him 50 percent of the time. Through mediation, she and her husband have worked out a 50/50 custody plan, which must be approved by the court before their divorce becomes final.

11. Respondent used to take prescription drugs as prescribed by her doctor for anxiety, ADD and depression, including Clonazepam, Xanax, and Adderall. She testified that she is no longer taking any of these medications. She recently saw a counselor to help her work on her mental health issues without the use of medications.

12. Respondent submitted the following letters in support of her rehabilitation:

(a) Lisa Shelley, PharmD, is the president, and Sara Shelley, PharmD, is the vice president of Corner Drug Co. They submitted a letter dated August 1, 2014, which confirmed that respondent worked for them from March 2006 to July 2008, and returned to work for them on July 28, 2014. The letter described respondent as a "fast learner," who has "readily adapted well to [their] current pharmacy processing system." They believe that respondent "has grown as a person since her previous employment" with them. She is "older and has had some difficult experiences," but they believe that "these challenges" and how respondent "has dealt with them has helped her mature." They described respondent as "cheerful, energetic, and helps to maintain a good working environment."

(b) Pamela Bair is respondent's attorney in her divorce action. In her August 1, 2014 letter, Ms. Bair stated that she is "fully informed as to the circumstances surrounding the domestic violence issues and the tremendous efforts that [respondent] has taken over the last two years." Respondent "has followed each

and every requirement for her probation and has fulfilled all the necessary classes and education in the family law proceeding." According to Ms. Bair, respondent "now has a shared 50/50 custody plan with her son, which is evidence of her rehabilitation and ... success in her required programs." Ms. Bair believes that respondent is a "very serious and mature young woman" who "has made tremendous strides in her personal growth over the last two years."

(c) Samantha Baker is the Assistant Director of Buddy's House SLE.[1] In her letter dated January 27, 2014, Ms. Baker confirmed that respondent entered Buddy's House on January 4, 2013. Respondent, during her time at Buddy's House, "engaged with her peers" and was "an asset to the women" at the house. She "met all requirements of [their] program" and "followed all the rules and expectations and outside meeting requirements including testing negative on all random drug and alcohol testing." In addition, she "graduated the First Steps perinatal program."

13. Respondent submitted the following documents in support of her rehabilitation:

(a) A Notice of Completion Certificate, which showed that she completed the three-month first offender DUI program on August 15, 2013.

(b) A Verification of Status dated June 27, 2014, from Pacific Educational Services, Inc. (PES), which stated that she "successfully completed 52 weeks of Child Abusers' Treatment Program with PES on 6/18/2014." The verification stated further that respondent "has met or exceeded all minimum progress requirements for satisfactory completion with PES." A Progress Report from PES dated January 31, 2014, stated that respondent "openly appears to be committed to positive changes."

(c) A certificate showing that she successfully completed 16 weeks of the First Step Parenting Curriculum.

(d) Status Reports dated March 3 and July 25, 2014, from Therapeutic Solutions Counseling Center regarding her attendance at the court-ordered 52-week anger management program. The July 25, 2014 Status Report confirmed that respondent enrolled in the program on June 28, 2013, and had attended 47 classes with only one absence. According to the report, respondent displayed "genuineness towards learning and a willingness to participate in treatment." Respondent was "very active and attentive during their discussions." She was "serious about changing her attitudes that have contributed to her making poor decisions in the past" and was "making good choices that will set her on the right course." She displayed "an attitude of dedication towards setting and accomplishing goals needed for her success."

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[1] "SLE" stands for Sober Living Environment.

(e) A Certificate of Graduation dated December 6, 2013, from the First Steps Perinatal Day Treatment Program, and a Discharge Summary dated December 6, 2013, which confirmed that respondent entered First Steps on March 4, 2013. She completed the Matrix Curriculum and Anger Management. The summary noted that respondent "has been a client that doesn't talk all that much but has good insight and good things to say when she does talk." The summary also noted that, during the program, respondent "received two diluted drug screen[s] and then took action so that she would not get another one." In addition, the summary noted that respondent "had a good attitude with the staff and other group mates," and that she had "developed resources and coping skills to deal with high risk situations should they occur."

At hearing, respondent testified that, because she gets a lot of bladder infections, she drinks a lot of water. She asserted that her diluted drug screens at First Steps were because she was "over-hydrated," and were not due to her use of any alcohol or drugs. They came at a time when she was living at Buddy's House and subject to frequent drug testing.

(f) A certificate showing that respondent met all the requirements for certification as a Certified Pharmacy Technician by the Pharmacy Technician Certification Board (PTCB) from September 30, 2005, to November 30, 2009. She testified that she did not renew her certification after that time because she did not need it for licensure or her work. She stated that she would seek recertification from the PTCB if the Board requests that she do so.

Discussion

14. In California Code of Regulations, title 16, section 1769, subdivision (c), the Board has set forth criteria for evaluating the rehabilitation of a licensee who has been convicted of a crime. These criteria include:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

15. In 2013, respondent was convicted of three crimes: DUI, inflicting corporal injury upon her spouse, and endangering the health of her child.[2] Her probation for the latter two convictions is not scheduled to end until May 2017. The seriousness and recency of these convictions raise concerns about whether respondent is able to work as a pharmacy technician without risk to the public health, safety and welfare.

16. But at hearing, respondent submitted strong evidence of rehabilitation. She testified in a very direct and candid fashion. She took responsibility for her criminal conduct and demonstrated insight into the factors that lead to her wrongful behavior. She recognized that she almost "threw everything away" because of her drinking. She knows that she will lose custody of her son if she ever "goes down that path again," and is committed to never letting that happen. From her anger management course, she has learned to remain calm and think things through before reacting. She has diligently complied with the terms and conditions of her criminal probation. For one year, she lived at Buddy's House, a residential treatment facility, where she was frequently tested for drug and alcohol use. From the evidence she presented it was apparent that she has made a serious commitment to maintaining her sobriety to ensure that she will not again lose custody of her child. When all the evidence is considered, the public health, safety and welfare would be adequately protected if respondent is placed on probation for five years under the terms and conditions set forth below.

Costs

17. Complainant has requested that respondent be ordered to pay the Board's costs for investigation and enforcement in the amount of $2,847.50. These costs are for the services provided by the Attorney General's office in prosecuting this matter. They are supported by a Certification of Costs and a declaration of the Deputy Attorney General. Attached to the certification is a computer printout of the tasks the Attorney General's office performed, the amount of time spent performing those tasks, and the amounts charged. Respondent did not object to the costs requested by complainant. Complainant established that the requested costs are reasonable in light of the allegations and issues in this matter.

18. Respondent testified that given her current income and her pending divorce, she is not currently able to pay the requested costs in full. She requested that the costs either be reduced or that she be allowed to pay them over time. Complainant's and respondent's requests regarding costs are more fully addressed in the Legal Conclusions below.

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[2] There was also evidence at hearing that, on September 29, 2010, respondent was convicted of disturbing the peace, an infraction, and was fined $265. Complainant did not allege this infraction as a cause for disciplinary action. Consequently, at most, it can only be considered as a factor in aggravation.

LEGAL CONCLUSIONS

1. Business and Professions Code section 4301 provides that the Board "shall take action against any holder of a license who is guilty of unprofessional conduct."[3] Subdivision (*l*) of that section defines "unprofessional conduct" to include the "conviction of a crime substantially related to the qualifications, functions, and duties of a licensee." California Code of Regulations, title 16, section 1770 provides that, "a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

2. Respondent's convictions for DUI, inflicting corporal injury upon her spouse, and endangering the health of her child all evidence her present or potential unfitness to perform the functions authorized by her registration in a manner consistent with the public health, safety, and welfare. Consequently, they are substantially related to the qualifications, functions, and duties of a pharmacy technician and constitute cause to discipline her registration under Business and Professions Code section 4301, subdivision (*l*).

3. Business and Professions Code section 4301, subdivision (h), defines "unprofessional conduct" to include "the use of ... alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself ... or to any other person or to the public." Respondent's DUI conviction shows that she used alcohol to an extent and in a manner that was dangerous to herself and the public. Consequently, respondent's DUI conviction constitutes cause to discipline her license under Business and Professions Code section 4301, subdivision (h).

4. As set forth in Finding 16, respondent submitted sufficient evidence of rehabilitation to demonstrate that it would be consistent with the public health, safety and welfare to allow her to retain her registration on a probationary basis subject to the terms and conditions set forth below.

5. Pursuant to Business and Professions Code section 125.3, a licensee found to have violated a licensing act may be ordered to pay the reasonable costs of investigation and prosecution of a case. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth factors to be considered in determining the reasonableness of the costs sought pursuant to statutory provisions like Business and Professions Code section 125.3. These factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate in light of the alleged misconduct.

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[3] Business and Professions Code section 4032 defines "license" to include "any license, permit, registration, certificate, or exemption" issued by the Board.

6. As set forth in Finding 17, complainant seeks $2,847.50 in costs. When all the *Zuckerman* factors are considered, this cost amount is reasonable. Given respondent's financial inability to pay all these costs at this time, respondent should be permitted to pay them over the term of her probation according to a reasonable payment plan approved by the Board or its designee.

ORDER

Pharmacy technician registration number TCH 65178 issued to respondent Tiffany Ann Sneed is revoked. The revocation is stayed and respondent is placed on probation for five (5) years upon the following terms and conditions:

1. **Certification Prior to Resuming Work**

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

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

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

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

2. **Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the

Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

- a plea of guilty or nolo contendre in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's registration or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

3. **Report to the Board**

Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report, under penalty of perjury, whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

4. **Interview with the Board**

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

5. **Cooperate with Board Staff**

Respondent shall cooperate with the Board's inspection program and with the Board's monitoring and investigation of respondent's compliance with the terms and conditions of her probation. Failure to cooperate shall be considered a violation of probation.

6. **Notice to Employers**

During the period of probation, respondent shall notify all present and prospective employers of the decision in this case and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

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

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

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

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

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

7. **Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, respondent shall pay to the Board its costs of investigation and prosecution in the amount of $2,847.50. Respondent shall pay this amount over the term of her probation in accordance with a reasonable payment schedule established by the Board or its designee. There shall be no deviation from this schedule absent prior written approval by the Board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

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

8. **Probation Monitoring Costs**

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

9. **Status of License**

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

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

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

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

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

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

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

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

12. **Tolling of Probation**

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 60 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation.

Should respondent, regardless of residency, for any reason (including vacation) cease working as a pharmacy technician for a minimum of 60 hours per calendar month in California, respondent must notify the Board in writing within ten (10) days of cessation of work and must further notify the Board in writing within ten (10) days of the resumption of the work. Any failure to provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months.

"Cessation of work" means calendar month during which respondent is not working for at least 60 hours as a pharmacy technician, as defined in Business and Professions Code section 4115. "Resumption of work" means any calendar month during which respondent is working as a pharmacy technician for at least 60 hours as a pharmacy technician as defined by Business and Professions Code section 4115.

13. **Violation of Probation**

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

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

14. **Completion of Probation**

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

15. **Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

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

16. **Random Drug Screening**

Respondent, at her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug screening program as directed by the Board or its designee. Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be determined by the Board or its designee. At all times respondent shall fully cooperate with the Board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or its designee may direct. Failure to timely submit to testing as directed shall be considered a violation of probation. Upon request of the Board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and shall result in the automatic suspension of work by respondent. Respondent may not resume work as a pharmacy technician until notified by the Board in writing.

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

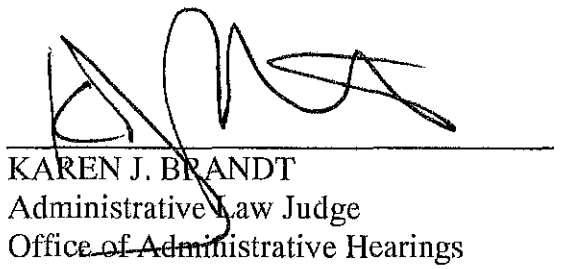
Respondent shall not direct, control or perform any aspect of the practice of pharmacy. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which she holds an interest at the time this decision becomes effective unless otherwise specified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

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

17. **Abstain from Drugs and Alcohol Use**

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the Board or its designee, respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Respondent shall ensure that she is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

DATED: August 15, 2014



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

In the Matter of the Accusation Against: **TIFFANY ANNE SNEED** **AKA TIFFANY A. WEINGART** **9 B Alder Court** **Woodland, CA 95695** **Pharmacy Technician Registration No. TCH 65178** Respondent.	Case No. 4925 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On or about September 22, 2005, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 65178 to Tiffany Anne Sneed, also known as (aka) Tiffany A. Weingart (Respondent). The Pharmacy Technician Registration was in full force and effect at all times referenced herein and will expire on May 31, 2015, unless renewed.

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JURISDICTION

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 in pertinent part:

"(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 in pertinent part:

"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:

...

"(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.

...

"(*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."

COST RECOVERY

7. 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.

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FIRST CAUSE FOR DISCIPLINE

(Substantially Related Criminal Convictions)

8. Respondent is subject to disciplinary action under section 4301, subdivision (*l*), in that she has been convicted of crimes substantially related to the practice of pharmacy. The circumstances are as follows:

a. On or about January 28, 2013, in Yuba County Superior Court case entitled *People v. Tiffany Anne Sneed*, case number TR-12-00329, Respondent pled no contest to violating Vehicle Code section 23152, subdivision (b), in that she drove a vehicle upon a public roadway with 0.08 percent or more, by weight, of alcohol in her blood. In addition, Respondent was charged and pled no contest to the enhancements of refusing to take a chemical test and that her blood alcohol level at the time of the offense was 0.15 percent or more, by weight, of alcohol. The circumstances are that on or about June 10, 2012, at approximately 2:50 a.m., California Highway Patrol Officers observed that Respondent had driven off the road and part-way up a levee bank, where her vehicle was stuck in soft dirt. Respondent appeared highly intoxicated, and there was an odor of alcohol about her person. Respondent stated she had been driving her vehicle and deliberately drove off the road seeking individuals who had assisted her previously when she had become stuck in the same soft dirt of the levee. A forced blood test was obtained, and proved that Respondent's blood alcohol volume, by weight, was 0.19 percent.

b. On or about May 20, 2013, in Yolo County Superior Court case entitled *People v. Tiffany Anne Sneed*, case number 12001746, Respondent pled no contest to violating Penal Code section 273.5, subdivision (a), inflicting corporal injury on a spouse, a misdemeanor, and Penal Code section 273a, subdivision (b), abusing or endangering the health of a child, a misdemeanor. The circumstances are that Respondent and her spouse were arguing when Respondent grabbed scissors and pressed them into the back of her spouse's neck. Respondent broke the skin of her spouse's neck, causing him to bleed. During this argument, Respondent's five (5) year old son by her spouse observed the fight and observed Respondent stabbing her spouse in the back of the neck.

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SECOND CAUSE FOR DISCIPLINE

(Use of Alcohol to an Extent or in a Manner Dangerous or Injurious to Self or Others)

9. Respondent is subject to disciplinary action under section 4301, subdivision (h), in that on or about June 10, 2012, Respondent used alcohol to an extent or in a manner dangerous or injurious to herself or others by driving her vehicle upon a public street with a blood alcohol level of 0.19%. The circumstances are as stated in paragraph 8, subdivision (a), above.

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 Registration Number TCH 65178, issued to Tiffany Anne Sneed, aka Tiffany A. Weingart;

2. Ordering Tiffany Anne Sneed, aka Tiffany A. Weingart, 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;

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

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