

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

In the Matter of the Accusation Against:

CRISTINA A. TODD
207 W. Main Street, Suite A
Visalia, CA 93291

Pharmacist License No. RPH 54293

Respondent.

Case No. 4962

OAH No. 2015020152

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 January 8, 2016.

It is so ORDERED on December 9, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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

11 In the Matter of the Accusation Against:

Case No. 4962

12 **CRISTINA A. TODD**
13 207 W. Main Street, Suite A
14 Visalia, CA 93291

OAH No. 2015020152

15 **Pharmacist License No. RPH 54293**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Respondent.

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

20 PARTIES

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

25 2. Respondent Cristina A. Todd ("Respondent") is represented in this proceeding by
26 attorney Robert F. Hahn, Esq., whose address is: Gould and Hahn, 2550 Ninth Street, Suite 101
27 Berkeley, CA 94710.

1 3. On or about April 14, 2003, the Board of Pharmacy ("Board") issued Pharmacist
2 License No. RPH 54293 ("License") to Respondent. The License was in full force and effect at
3 all times relevant to the charges brought in Accusation No. 4962 and will expire on December 31,
4 2016, unless renewed.

5 JURISDICTION

6 4. Accusation No. 4962 ("Accusation") was filed before the Board, Department of
7 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
8 statutorily required documents were properly served on Respondent on August 21, 2014.
9 Respondent timely filed her Notice of Defense contesting the Accusation.

10 5. A copy of the Accusation is attached as exhibit A and incorporated herein by
11 reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in the Accusation. Respondent has also carefully read, fully discussed
15 with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

16 7. Respondent is fully aware of her legal rights in this matter, including the right to a
17 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
18 her own expense; the right to confront and cross-examine the witnesses against her; the right to
19 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
20 compel the attendance of witnesses and the production of documents; the right to reconsideration
21 and court review of an adverse decision; and all other rights accorded by the California
22 Administrative Procedure Act and other applicable laws.

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24 every right set forth above.

25 CULPABILITY

26 9. Respondent understands and agrees that the charges and allegations in the
27 Accusation, if proven at a hearing, constitute cause for imposing discipline upon her License.

1 10. For the purpose of resolving the Accusation without the expense and uncertainty of
2 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
3 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest
4 those charges.

5 11. Respondent agrees that her License is subject to discipline and she agrees to be bound
6 by the Board's probationary terms as set forth in the Disciplinary Order below.

7 CONTINGENCY

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

17 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
19 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 54293 issued to Respondent Cristina A. Todd is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. 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 contendere 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 License 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 such occurrence shall be considered a violation of probation.

2. 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.

1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

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

11 **5. Continuing Education**

12 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
13 pharmacist as directed by the Board or its designee.

14 **6. Notice to Employers**

15 During the period of probation, Respondent shall notify all present and prospective
16 employers of the decision in case number 4962 and the terms, conditions and restrictions imposed
17 on Respondent by the decision, as follows:

18 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
19 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
21 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
22 individual(s) has/have read the decision in case number 4962, and terms and conditions imposed
23 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or
24 supervisor(s) submit timely acknowledgment(s) to the Board.

25 If Respondent works for or is employed by or through a pharmacy employment service,
26 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
27 licensed by the Board of the terms and conditions of the decision in case number 4962 in advance
28

1 of the Respondent commencing work at each licensed entity. A record of this notification must
2 be provided to the Board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
4 (15) days of Respondent undertaking any new employment by or through a pharmacy
5 employment service, Respondent shall cause her direct supervisor with the pharmacy
6 employment service to report to the Board in writing acknowledging that she has read the
7 decision in case number 4962 and the terms and conditions imposed thereby. It shall be
8 Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
9 acknowledgment(s) to the Board.

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

13 "Employment" within the meaning of this provision shall include any full-time,
14 part-time, temporary, relief or pharmacy management service as a pharmacist or any
15 position for which a pharmacist license is a requirement or criterion for employment,
16 whether the Respondent is an employee, independent contractor or volunteer.

17 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
18 **Designated Representative-in-Charge, or Serving as a Consultant**

19 During the period of probation, Respondent shall not supervise any intern pharmacist, be
20 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
21 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
22 unauthorized supervision responsibilities shall be considered a violation of probation.

23 **8. Reimbursement of Board Costs**

24 As a condition precedent to successful completion of probation, Respondent shall pay to the
25 Board its costs of investigation and prosecution in the amount of \$1,200.00. Respondent shall be
26 permitted to make payments as approved by the Board or its designee.

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1 There shall be no deviation from any payment schedule absent prior written approval by the
2 Board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a
3 violation of probation.

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

6 **9. Probation Monitoring Costs**

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

11 **10. Status of License**

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

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

19 **11. License Surrender While on Probation/Suspension**

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

27 Upon acceptance of the surrender, Respondent shall relinquish her pocket and wall License
28 to the Board within ten (10) days of notification by the Board that the surrender is accepted.

1 Respondent may not reapply for any license from the Board for three (3) years from the effective
2 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
3 of the date the application for that license is submitted to the Board, including any outstanding
4 costs.

5 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
6 **Employment**

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

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

14 **13. Tolling of Probation**

15 Except during periods of suspension, Respondent shall, at all times while on probation, be
16 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
17 month during which this minimum is not met shall toll the period of probation, i.e., the period of
18 probation shall be extended by one month for each month during which this minimum is not met.
19 During any such period of tolling of probation, Respondent must nonetheless comply with all
20 terms and conditions of probation.

21 Should Respondent, regardless of residency, for any reason (including vacation) cease
22 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
23 Respondent must notify the Board in writing within ten (10) days of the cessation of practice, and
24 must further notify the Board in writing within ten (10) days of the resumption of practice. Any
25 failure to provide such notification(s) shall be considered a violation of probation.

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

1 "Cessation of practice" means any calendar month during which Respondent is
2 not practicing as a pharmacist for at least 40 hours, as defined by Business and
3 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
4 month during which Respondent is practicing as a pharmacist for at least 40 hours as
5 a pharmacist as defined by Business and Professions Code section 4000 et seq.

6 **14. Violation of Probation**

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

12 If Respondent violates probation in any respect, the Board, after giving notice and an
13 opportunity to be heard, may revoke probation and carry out the disciplinary order that was
14 stayed. Notice and opportunity to be heard are not required for those provisions stating that a
15 violation thereof may lead to automatic termination of the stay and/or revocation of the License.
16 If a petition to revoke probation or an accusation is filed against Respondent during probation, the
17 Board shall have continuing jurisdiction and the period of probation shall be automatically
18 extended until the petition to revoke probation or accusation is heard and decided, and the charges
19 and allegations in the Accusation shall be deemed true and correct.

20 **15. Completion of Probation**

21 Upon written notice by the Board or its designee indicating successful completion of
22 probation, Respondent's License will be fully restored.

23 **16. Pharmacists Recovery Program (PRP)**

24 Within thirty (30) days of the effective date of this decision, Respondent shall contact the
25 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,
26 successfully participate in, and complete the treatment contract and any subsequent addendums as
27 recommended and provided by the PRP and as approved by the Board or its designee. The costs
28 for PRP participation shall be borne by the Respondent.

1 If Respondent is currently enrolled in the PRP, said participation is now mandatory and as
2 of the effective date of this decision is no longer considered a self-referral under Business and
3 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete
4 her current contract and any subsequent addendums with the PRP.

5 Failure to timely contact or enroll in the PRP, or successfully participate in and complete
6 the treatment contract and/or any addendums, shall be considered a violation of probation.

7 Probation shall be automatically extended until Respondent successfully completes the
8 PRP. Any person terminated from the PRP program shall be automatically suspended by the
9 Board. Respondent may not resume the practice of pharmacy until notified by the Board in
10 writing.

11 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
12 licensed practitioner as part of a documented medical treatment shall result in the automatic
13 suspension of practice by Respondent and shall be considered a violation of probation.
14 Respondent may not resume the practice of pharmacy until notified by the Board in writing.

15 During suspension, Respondent shall not enter any pharmacy area or any portion of the
16 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
17 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices
18 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
19 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
20 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
21 Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
22 and controlled substances. Respondent shall not resume practice until notified by the Board.

23 During suspension, Respondent shall not engage in any activity that requires the
24 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
25 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
26 designated representative for any entity licensed by the Board.

27 Subject to the above restrictions, Respondent may continue to own or hold an interest in,
28 any licensed premises in which she holds an interest at the time this decision becomes effective

1 unless otherwise specified in this order.

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

3 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
4 timely paid to the PRP shall constitute a violation for probation. The Board will collect unpaid
5 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

6 **17. Random Drug Screening**

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

23 During suspension, Respondent shall not enter any pharmacy area or any portion of the
24 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
25 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices
26 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
27 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
28 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the

1 Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
2 and controlled substances. Respondent shall not resume practice until notified by the Board.

3 During suspension, Respondent shall not engage in any activity that requires the
4 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
5 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
6 designated representative for any entity licensed by the Board.

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

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

11 **18. Abstain from Drugs and Alcohol Use**

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

23 **19. Prescription Coordination and Monitoring of Prescription Use**

24 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
25 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
26 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
27 Respondent's history with the use of alcohol, controlled substances, and/or dangerous drugs and
28 who will coordinate and monitor any prescriptions for Respondent for dangerous drugs,

1 controlled substances or mood-altering drugs. The approved practitioner shall be provided with a
2 copy of the Board's Accusation and decision. A record of this notification must be provided to
3 the Board upon request. Respondent shall sign a release authorizing the practitioner to
4 communicate with the Board about Respondent's treatment(s). The coordinating physician, nurse
5 practitioner, physician assistant, or psychiatrist shall report to the Board on a quarterly basis for
6 the duration of probation regarding Respondent's compliance with this condition. If any
7 substances considered addictive have been prescribed, the report shall identify a program for the
8 time limited use of any such substances. The Board may require that the single coordinating
9 physician, nurse practitioner, physician assistant or psychiatrist be a specialist in addictive
10 medicine, or consult a specialist in addictive medicine. Should Respondent, for any reason, cease
11 supervision by the approved practitioner, Respondent shall notify the Board immediately and,
12 within thirty (30) days of ceasing treatment, submit the name of a replacement physician, nurse
13 practitioner, physician assistant, or psychiatrist of Respondent's choice to the Board or its
14 designee for its prior approval. Failure to timely submit the selected practitioner or replacement
15 practitioner to the Board for approval, or to ensure the required reporting thereby on the quarterly
16 reports, shall be considered a violation of probation.

17 If at any time an approved practitioner determines that Respondent is unable to practice
18 safely or independently as a pharmacist, the practitioner shall notify the Board immediately by
19 telephone and follow up by written letter within three (3) working days. Upon notification from
20 the Board or its designee of this determination, Respondent shall be automatically suspended and
21 shall not resume practice until notified by the Board that practice may be resumed.

22 During suspension, Respondent shall not enter any pharmacy area or any portion of the
23 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
24 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices
25 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
26 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
27 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
28 Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs

1 and controlled substances. Respondent shall not resume practice until notified by the Board.

2 During suspension, Respondent shall not engage in any activity that requires the
3 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
4 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
5 designated representative for any entity licensed by the Board.

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

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

10 **20. No Ownership of Licensed Premises**

11 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
12 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
13 business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns
14 or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
15 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
16 or hereinafter licensed by the Board, Respondent may continue to serve in such capacity or hold
17 that interest, but only to the extent of that position or interest as of the effective date of this
18 decision. Violation of this restriction shall be considered a violation of probation.

19 **21. Ethics Course**

20 Within sixty (60) calendar days of the effective date of this decision, Respondent shall
21 enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its
22 designee. Failure to initiate the course during the first year of probation, and complete it within
23 the second year of probation, is a violation of probation.

24 Respondent shall submit a certificate of completion to the Board or its designee within five
25 days after completing the course.

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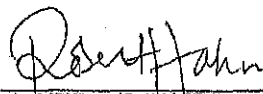
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Robert F. Hahn. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10/06/15 
CRISTINA A. TODD
Respondent


I have read and fully discussed with Respondent Cristina A. Todd the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/6/15 
ROBERT F. HAHN
Attorney for Respondent

ENDORSEMENT

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

Dated: 10/7/15 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General


GEOFFREY S. ALLEN
Deputy Attorney General
Attorneys for Complainant

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11993139.doc

Exhibit A

Accusation No. 4962

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Attorneys for Complainant

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9 **BEFORE THE**
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:
12 **CRISTINA ALBERTOLLI TODD a.k.a.**
13 **CRISTINA MARTHA TODD**
14 **207 W. Main Street, Suite A**
Visalia, CA 93291
15 **Pharmacist License No. 54293**
16 Respondent.

Case No. 4962

ACCUSATION

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about April 14, 2003, the Board of Pharmacy issued Pharmacist License
23 Number 54293 (License) to Cristina Albertolli Todd a.k.a. Cristina Martha Todd (Respondent).
24 The License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on December 31, 2014, unless renewed.

26 ///
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28 ///

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:

(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.

(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

(1) Medical or psychiatric evaluation.

(2) Continuing medical or psychiatric treatment.

(3) Restriction of type or circumstances of practice.

(4) Continuing participation in a board-approved rehabilitation program.

(5) Abstention from the use of alcohol or drugs.

(6) Random fluid testing for alcohol or drugs.

(7) Compliance with laws and regulations governing the practice of pharmacy.

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

1 (e) The proceedings under this article shall be conducted in accordance with
2 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
3 Government Code, and the board shall have all the powers granted therein. The
4 action shall be final, except that the propriety of the action is subject to review by
5 the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

6 5. Section 4300.1 of the Code states:

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

13 6. Section 4301 of the Code states:

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

18

19 (h) The administering to oneself, of any controlled substance, or the use of
20 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
21 dangerous or injurious to oneself, to a person holding a license under this chapter,
22 or to any other person or to the public, or to the extent that the use impairs the
23 ability of the person to conduct with safety to the public the practice authorized by
24 the license.

25

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

45

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

5 FIRST CAUSE FOR DISCIPLINE

6 (Criminal Conviction)

7 8. Respondent is subject to disciplinary action under Code section 4301, subd. (l), in
8 that Respondent was convicted of a crime substantially related to the practice of pharmacy. The
9 circumstances are as follows:

10 9. On or about May 14, 2013, in a criminal proceeding entitled *The People of the State*
11 *of California v. Cristina Martha Todd* in the Superior Court of California, County of Tulare,
12 Case Number CR VCM 278471, Respondent was convicted by nolo contendere of violating
13 Vehicle Code section 23152(b) [driving while having a 0.08% or higher blood alcohol]. The
14 circumstances are as follows:

15 a. On or about December 3, 2012, a Visalia Police Officer initiated a traffic stop
16 and identified the driver as Respondent. Respondent appeared intoxicated. The police officer
17 administered a series of field sobriety test which the Respondent was unable to complete.
18 Respondent refused a preliminary alcohol test and was arrested for violating Vehicle Code
19 sections 23152(a) and 23152(b). A blood test performed after her arrest revealed that Respondent
20 had a blood alcohol content of 0.20% and also indicated Respondent had used marijuana.

21 b. On or about May 14, 2013, Respondent was sentenced as follows: 8 days in
22 jail; 3 years probation; attend a 6 month DWI school program; and \$2,038 fine.

23 SECOND CAUSE FOR DISCIPLINE

24 (Dangerous Use of Alcohol)

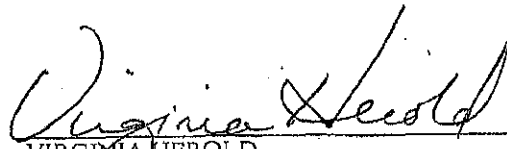
25 10. Respondent is subject to disciplinary action under section Code section 4301, subd.
26 (h), in that Respondent used a dangerous drug or alcoholic beverage to the extent or in a manner
27 as to be dangerous or injurious to herself or to another other person or to the public, as described
28 above in paragraph 9.

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 Pharmacist License Number 54293, issued to Cristina Albertolli Todd;
2. Ordering Cristina Albertolli Todd 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: 5/17/14



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

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