

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

In the Matter of the Accusation Against:

**CHRISTINA IRENE PELLAND
22 Kingswood Drive
Pittsburg, CA 94565**

Pharmacy Technician Registration No. TCH 56939

Respondent.

Case No. 5389

OAH No. 2016100982

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 at 5:00 p.m. on March 24, 2017.

It is so ORDERED on February 22, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KATHLEEN A. KENEALY
Acting Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
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455 Golden Gate Avenue, Suite 11000
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6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

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22 Kingswood Drive
Pittsburg, CA 94565

OAH No. 2016100982

13 **Pharmacy Technician License No. TCH 56939**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Respondent.

15 In the interest of a prompt and speedy settlement of this matter, consistent with the public
16 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
17 the parties hereby agree to the following Stipulated Surrender of License and Order which will be
18 submitted to the Board for approval and adoption as the final disposition of the Accusation.

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
21 (Board). She brought this action solely in her official capacity and is represented in this matter by
22 Kathleen A. Kenealy, Acting Attorney General of the State of California, by Joshua A. Room,
23 Supervising Deputy Attorney General.

24 2. Christina Irene Pelland (Respondent) is representing herself in this proceeding and
25 has chosen not to exercise her right to be represented by counsel.

26 3. On or about June 21, 2004, the Board issued Pharmacy Technician License No. TCH
27 56939 to Christina Irene Pelland (Respondent). The License was in full force and effect at all
28 times relevant to the charges herein and will expire on September 30, 2017, unless renewed.

ORDER

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2 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 56939, issued to
3 Respondent Christina Irene Pelland, is surrendered and accepted by the Board of Pharmacy.

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

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

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

12 4. Respondent may not apply, reapply, or petition for any licensure or registration of the
13 Board for three (3) years from the effective date of the Decision and Order.

14 5. If Respondent ever applies or reapplies for licensure or petitions for reinstatement in
15 the State of California, the Board shall treat it as a new application for licensure. Respondent
16 must comply with all the laws, regulations and procedures for licensure in effect at the time the
17 application or petition is filed, and all of the charges and allegations contained in Accusation No.
18 5389 shall be deemed to be true, correct and admitted by Respondent when the Board determines
19 whether to grant or deny the application or petition.

20 6. Respondent shall pay the agency its costs of investigation and enforcement in the
21 amount of \$3,486.00 prior to issuance of a new or reinstated license.

22 7. If Respondent should ever apply or reapply for a new license or certification, or
23 petition for reinstatement of a license, by any other health care licensing agency in the State of
24 California, all of the charges and allegations contained in Accusation No. 5389 shall be deemed to
25 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
26 other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

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

DATED: 1/18/2017


CHRISTINA IRENE PELLAND
Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted,

KATHLEEN A. KENEALY
Acting Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General

JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

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

DATED: _____

CHRISTINA IRENE PELLAND
Respondent

ENDORSEMENT

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

Dated: 1/25/2017

Respectfully submitted,
KATHLEEN A. KENEALY
Acting Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General


JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5389

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1299
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
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10 In the Matter of the Accusation Against:

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12 **22 Kingswood Drive**
13 **Pittsburg, CA 94565**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 56939**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about June 21, 2004, the Board of Pharmacy issued Pharmacy Technician
21 Registration Number TCH 56939 to Christina Irene Pelland (Respondent). The Registration was
22 in full force and effect at all times relevant to the charges brought herein and will expire on
23 September 30, 2017, unless renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code (Code) unless otherwise indicated.

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

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

8 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
9 drug or dangerous device except upon the prescription of an authorized prescriber.

10 10. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
11 controlled substance, except that furnished upon a valid prescription/drug order.

12 11. Health and Safety Code section 11170 provides that no person shall prescribe,
13 administer, or furnish a controlled substance for himself or herself.

14 12. Health and Safety Code section 11173, subdivision (a), provides that no person shall
15 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
16 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
17 or subterfuge; or (2) by the concealment of a material fact.

18 13. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
19 any controlled substance listed in Schedule II (Health and Safety Code section 11055),
20 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

21 14. Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess
22 any non-narcotic drug in Schedules III-V, absent a valid prescription.

23 COST RECOVERY

24 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation of the licensing
26 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

3 22. Respondent is subject to discipline under section 4301(f) of the Code, in that
4 Respondent, as described in paragraphs 20 and 21 above, committed acts involving moral
5 turpitude, dishonesty, fraud, deceit, or corruption.

6
7 SECOND CAUSE FOR DISCIPLINE

8 (Furnishing of Controlled Substance(s))

9 23. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
10 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described
11 in paragraphs 20 and 21 above, furnished to herself or another without a valid prescription, and/or
12 conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

13
14 THIRD CAUSE FOR DISCIPLINE

15 (Possession of Controlled Substance(s))

16 24. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
17 4060 of the Code, and/or Health and Safety Code section 11350 and/or 11377, in that
18 Respondent, as described in paragraphs 20 and 21 above, possessed, conspired to possess, and/or
19 assisted in or abetted possession of, a controlled substance, without a valid prescription.

20
21 FOURTH CAUSE FOR DISCIPLINE

22 (Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

23 25. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
24 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs
25 20 and 21 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a
26 controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

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1 FIFTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 26. Respondent is subject to discipline under section 4301 of the Code in that
4 Respondent, as described in paragraphs 20 to 25 above, engaged in unprofessional conduct.

5
6 PRAYER

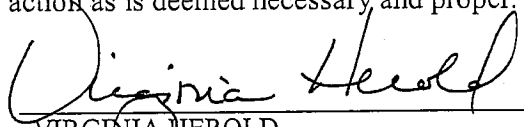
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
8 and that following the hearing, the Board of Pharmacy issue a decision:

9 1. Revoking or suspending pharmacy technician registration number TCH 56939, issued
10 to Christina Irene Pelland (Respondent);

11 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
12 enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

14 DATED: 11/27/15


15 VIRGINIA HEROLD
16 Executive Officer
17 Board of Pharmacy
18 Department of Consumer Affairs
19 State of California
20 Complainant
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