

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

In the Matter of the Accusation Against:

**AMBER NICOLE DENNA
6353 Lucky John Rd.
Paradise, CA 95969**

**Pharmacy Technician Registration No. TCH
116216**

Respondent.

Case No. 5562

OAH No. 2015110237

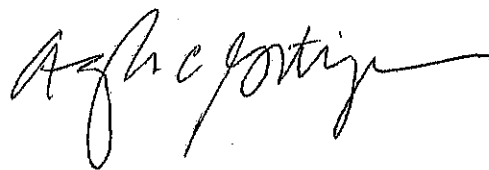
DECISION AND ORDER

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 April 28, 2016.

It is so ORDERED on March 29, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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

11 In the Matter of the Accusation Against:

Case No. 5562

12 **AMBER NICOLE DENNA**
13 **6353 Lucky John Rd.**
14 **Paradise, CA 95969**

OAH No. 2015110237

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Technician Registration No. TCH**
16 **116216**

17 Respondent.

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

21 PARTIES

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

26 2. Amber Nicole Denna (Respondent) is representing herself in this proceeding and has
27 chosen not to exercise her right to be represented by counsel.

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1 9. Respondent understands that by signing this stipulation she enables the Board to issue
2 an order accepting the surrender of her Pharmacy Technician Registration without further
3 process.

4 CONTINGENCY

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

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

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

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

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ORDER

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2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 116216,
3 issued to Respondent Amber Nicole Denna, is surrendered and accepted by the Board of
4 Pharmacy.

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

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

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

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

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

24 5. If Respondent should ever apply or reapply for a new license or certification, or
25 petition for reinstatement of a license, by any other health care licensing agency in the State of
26 California, all of the charges and allegations contained in Accusation No. 5562 shall be deemed to
27 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
28 other proceeding seeking to deny or restrict licensure.


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6. Respondent shall not re-apply or petition for reinstatement for a period of three (3) years after the effective date of this order.

7. If Respondent applies for licensure or petitions for reinstatement of her license with the Board, Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$2,975.50 prior to issuance of a new or reinstated license.

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 Registration. 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: 2/23/2016 
AMBER NICOLE DENNA
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: 2/24/16 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General


PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A
Accusation No. 5562

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BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 5562

12 **AMBER NICOLE DENNA**
13 6353 Lucky John Rd.
14 Paradise, CA 95969

ACCUSATION

15 Pharmacy Technician Registration No.
16 116216

Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about October 17, 2011, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number 116216 to Amber Nicole Denna (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on December 31, 2016, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4300 of the Code states, in pertinent part:

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

7 5. Section 4300.1 of the Code states:

8 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
9 operation of law or by order or decision of the board or a court of law, the placement of a license
10 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board

11 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
12 proceeding against, the licensee or to render a decision suspending or revoking the license."

13 **STATUTORY PROVISIONS**

14 6. Section 4022 of the Code states:

15 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self use in
16 humans or animals, and includes the following:

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

19 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale
20 by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled
21 in with the designation of the practitioner licensed to use or order use of the device.

22 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
23 prescription or furnished pursuant to Section 4006."

24 7. Section 4301 of the Code states, in pertinent part:

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

28 ". . .

1 (h) The administering to oneself, of any controlled substance, or the use of any dangerous
2 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
3 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
4 to the extent that the use impairs the ability of the person to conduct with safety to the public the
5 practice authorized by the license. . . .”

6 8. Section 4327 of the Code states, “Any person who, while on duty, sells, dispenses or
7 compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall
8 be guilty of a misdemeanor.”

9 **COST RECOVERY**

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

14 **CONTROLLED SUBSTANCES**

15 10. “Carisoprodo” is a muscle-relaxant and sedative. It is a dangerous drug as defined in
16 Code section 4022 and a schedule IV controlled substance as defined by section 1308.14(c)(6) of
17 Title 21 of the Code of Federal Regulations, and Health and Safety Code section 11057(d)(18).

18 11. “Xanax,” a trade name for “Alprazolam,” is a dangerous drug as defined in Code
19 section 4022 and a schedule IV controlled substance as defined by section 1308.14(c)(2) of Title
20 21 of the Code of Federal Regulations, and Health and Safety Code section 11057(d)(2).
21 Alprazolam is a psychotropic triazolo analogue of the 1,4 benzodiazepine class of central nervous
22 system-active compounds.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Working While Under the Influence of Controlled Substances)**

25 12. Respondent is subject to disciplinary action under section 4327 of the Code in that on
26 or about January 2015 and March 10, 2015, while on duty as a pharmacy technician at Paradise
27 Drug, located in Paradise, California, Respondent sold and dispensed drugs while under the
28 influence of dangerous drugs. The circumstances are as follows:

1 13. In or about January 2015, the Pharmacist-in-Charge at Paradise Drug observed
2 Respondent as being shaky and rigid with enlarged pupils and a look of stupor, and needing to
3 lean against the counter to support herself while performing her duties as a pharmacy technician.
4 The Pharmacist-in-Charge instructed another employee to take Respondent home. A few days
5 later, Respondent told the Pharmacist-in-Charge that she took two tablets of Carisoprodol on the
6 day of the incident and she attributed her symptoms to the ingestion of the Carisoprodol.

7 14. On or about March 10, 2015, the Pharmacist-in-Charge at Paradise Drug noticed
8 Respondent slur her speech when answering the telephone. The Pharmacist-in-Charge observed
9 Respondent as being dazed, unable to walk straight, and needing to support herself against the
10 wall. The Pharmacist-in-Charge immediately relieved Respondent from work. The next day,

11 Respondent told the Pharmacist-in-Charge that she took a tablet of Alprazolam.

12 15. On or about April 2, 2015, Respondent informed Inspector H. N. that when she took
13 the Alprazolam on March 10, 2015, it "hit" her hard and made her "felt drunk" for about fifteen
14 minutes.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct—Self-Administration of Controlled Substances in a Dangerous or**
17 **Injurious Manner)**

18 16. Respondent is subject to disciplinary action under section 4301(h) of the Code in that
19 on or about January 2015 and March 10, 2015, Respondent self-administered controlled
20 substances to the extent or in a manner as to be dangerous or injurious to herself, to a person
21 holding a license under this chapter, or to any other person or to the public, or to the extent that
22 the use impaired the ability of Respondent to conduct with safety to the public the practice
23 authorized by the license. The circumstances are described with more particularity in paragraphs
24 13-15.

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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 116216, issued to Amber Nicole Denna;

2. Ordering Amber Nicole Denna to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED:

10/20/15

Virginia Herold

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

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