

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

In the Matter of the Accusation Against:

KRISTINA LUREE BINGHAM
501 Mussel Shoals
Lake Shasta, CA 96019
**Pharmacy Technician Registration No. TCH
108081**

Case No. 5661

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on July 28, 2016.

It is so ORDERED on June 28, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
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3 STEPHANIE ALAMO-LATIF
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8
9 **BEFORE THE**
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

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13 **KRISTINA LUREE BINGHAM**

14 501 Mussel Shoals
Lake Shasta, CA 96019

15 **Pharmacy Technician Registration No. TCH**
16 **108081**

17 Respondent.

STIPULATED SURRENDER OF
LICENSE AND ORDER

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 ("Board"), Department of Consumer Affairs. She brought this action solely in her official
24 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
25 California, by Stephanie Alamo-Latif, Deputy Attorney General.

26 2. Kristina Luree Bingham ("Respondent") is representing herself in this proceeding and
27 has chosen not to exercise her right to be represented by counsel.
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ORDER

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IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 108081, issued to Respondent Kristina Luree Bingham, is surrendered and accepted by the Board of Pharmacy.

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

2. Respondent shall lose all rights and privileges as a pharmacy technician in California as of the effective date of the Board's Decision and Order.

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

4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent stipulates that should she apply for any license from the board on or after the effective date of this decision, all allegations set forth in the accusation shall be deemed to be true, correct and admitted by respondent when the board determines whether to grant or deny the application.

Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board, including, but not limited to certification by a nationally recognized body prior to the issuance of a new license. Respondent is required to report this surrender as disciplinary action.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$5,774.25 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 5661 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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7. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Pharmacy's Decision and Order.

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: _____

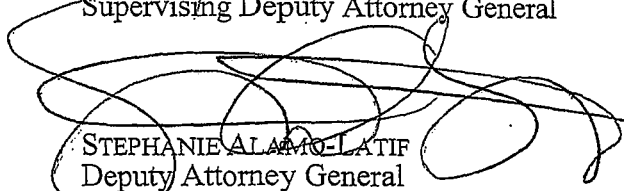
KRISTINA LUREE BINGHAM
Respondent

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: 5/11/14

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General


STEPHANIE ALAMO-LATIF
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5661

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13 501 Mussel Shoals
Lake Shasta, CA 96019

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **108081**

16 Respondent.

17
18 Virginia Herold ("Complainant") alleges:

19 **PARTIES**

- 20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.
22 2. On or about March 4, 2011, the Board issued Pharmacy Technician Registration Number
23 TCH 108081 to Kristina Luree Bingham ("Respondent"). The pharmacy technician registration
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 April 30, 2016, unless renewed.

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JURISDICTION

3. Business and Professions Code ("Code") section 4300 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 . . .

4. Code section 4300.1 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.

5. Code section 4011 states, in pertinent part, that the Board shall administer and enforce both Pharmacy Law [Bus. & Prof. Code section 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code section 11000 et seq.].

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STATUTORY PROVISIONS

6. Code section 4301 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:

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

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9
10 (j) The violation of any of the statutes of this state, or any other state, or of the
11 United States regulating controlled substances and dangerous drugs.

12
13 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
14 abetting the violation of or conspiring to violate any provision or term of this chapter
15 or of the applicable federal and state laws and regulations governing pharmacy,
16 including regulations established by the board or by any other state or federal
17 regulatory agency.

18 7. Code section 4021 states:

19 "Controlled Substance" means any substance listed in Chapter 2 (commencing with section
20 11053) of Division 10 of the Health and Safety Code."

21 8. Code section 4022 states:

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

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

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

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

9. Code section 4059 states in pertinent part:

"No person shall furnish any dangerous drug, except upon the prescription of a physician,
dentist, podiatrist, optometrist, or veterinarian..."

10. Code section 4060 states in pertinent part:

No person shall possess any controlled substance, except that furnished to a

1 person upon the prescription of a physician, dentist, podiatrist, optometrist,
2 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
3 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
4 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to
5 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist
6 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
7 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

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10 11. Health and Safety Code section 11170 states, "No person shall prescribe, administer,
12 or furnish a controlled substance for himself."

13 12. Health and Safety Code section 11173(a), states:

14 (a) No person shall obtain or attempt to obtain controlled substances, or
15 procure or attempt to procure the administration of or prescription for controlled
16 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
17 concealment of a material fact.

18 13. Health and Safety Code section 11350, subdivision (a) provides, that "except as
19 otherwise provided in this division, every person who possesses (1) any controlled
20 substance as specified in subdivision (b) or (c), or paragraph (14), (15), or (20) of
21 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or
22 specified in subdivision (h) of Section 11056, or (2) any controlled substances classified in
23 Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a
24 physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be
25 punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code."

26 COST RECOVERY

27 14. Code section 125.3 provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee 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.

29 DRUGS

30 15. *Ambien*, a trade name for zolpidem, is a Schedule IV controlled substance as
31 designated by Health and Safety Code section 11057(d)(32), and a dangerous drug pursuant to
32 Code section 4022.

33 16. *Clonazepam* is a Schedule IV controlled substance as designated by Health and
34 Safety Code section 11057(d)(7), and a dangerous drug pursuant to Code section 4022.

35 17. *Diazepam*, is a Schedule IV controlled substance as designated by Health and Safety
36 Code section 11057(d)(9), and a dangerous drug pursuant to Code section 4022.

1 18. *Lorazepam* is a Schedule IV controlled substance as defined by Health and Safety
2 Code section 11057(d)(16), and a dangerous drug pursuant to Code section 4022.

3 19. *Norco* is a brand of hydrocodone bitartrate and acetaminophen, is designated a
4 Schedule III controlled substance by Health and Safety Code section 11056(e)(4), and is a
5 dangerous drug pursuant to Business and Professions Code section 4022. It is designated a
6 Schedule II controlled substance by the Code of Federal Regulations, Title 21, section
7 1308.12(b)(1)(vi).

8 **FACTUAL BACKGROUND**

9 20. At the time of the events set forth herein, Respondent worked as a Pharmacy
10 Technician at CVS Pharmacy #3911 ("CVS"), located at 1060 E. Cypress Avenue, Redding,
11 California.

12 21. On or about March 10, 2015, in the course of an investigation into drug shortages by
13 CVS management, Respondent admitted that between in or around September 2014 and February
14 2015, while working as a pharmacy technician at CVS she stole from CVS clonazepam,
15 lorazepam, zolpidem, and hydrocodone/acetaminophen for her own personal use. In a subsequent
16 interview on or about July 15, 2015, Respondent admitted to a Board investigator that she stole
17 from CVS while working there as a pharmacy technician, diazepam, clonazepam, lorazepam,
18 zolpidem, and hydrocodone/acetaminophen for her own personal use.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Moral Turpitude, Dishonesty, Corruption)**

21 22. Respondent is subject to disciplinary action for unprofessional conduct pursuant
22 to Code section 4301(f), in that between sometime unknown in 2014 and February 2015,
23 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, and/or
24 corruption, as set forth above in paragraphs 20 and 21.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Unlawful Possession of Controlled Substances)**

27 23. Respondent is subject to disciplinary action for unprofessional conduct pursuant
28 to Code section 4301, subdivision (j) and 4060 in that between sometime unknown in 2014 and

1 February 2015, Respondent possessed controlled substances (diazepam, clonazepam, lorazepam,
2 zolpidem, and hydrocodone/ acetaminophen) without authorization or a valid prescription
3 therefor, as set forth above in paragraphs 20 and 21.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Unlawful Self-Administration of Controlled Substances)**

6 24. Respondent is subject to discipline under Code section 4301, subdivision (h), in
7 that on multiple instances between sometime unknown in 2014 and February 2015, Respondent
8 administered to herself controlled substances (diazepam, clonazepam, lorazepam, zolpidem, and
9 hydrocodone/ acetaminophen) without a prescription, as more fully set forth above in paragraphs
10 20 and 21.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Unlawful Furnishing of Controlled Substances)**

13 25. Respondent is subject to discipline under Code sections 4301, subdivision (j), and
14 section 4059, in that on multiple instance between sometime unknown in 2014 and February
15 2015, Respondent furnished to herself controlled substances and dangerous drugs (diazepam,
16 clonazepam, lorazepam, zolpidem, and hydrocodone/ acetaminophen) without a valid
17 prescription, as more fully set forth above in paragraphs 20 and 21.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

20 26. Respondent is subject to disciplinary action pursuant to Code section 4301,
21 subdivision (j), on the grounds of unprofessional conduct, in that, between sometime unknown in
22 2014 and February 2015, while on duty as a registered pharmacy technician at CVS, Respondent
23 violated statutes regulating controlled substances and dangerous drugs, as follows:

24 a. **Health & Safety Code section 11170**: Respondent furnished and administered to
25 herself, clonazepam, diazepam, lorazepam, zolpidem, and hydrocodone/acetaminophen.

26 b. **Health & Safety Code section 11173, subdivision (a)**: Respondent obtained
27 clonazepam, diazepam, lorazepam, zolpidem, and hydrocodone/acetaminophen, controlled
28 substances and dangerous drugs, by fraud, deceit, misrepresentation, or subterfuge.

1 c. Health & Safety Code section 11350, subdivision (a): Respondent possessed
2 clonazepam, diazepam, lorazepam, zolpidem, and hydrocodone/acetaminophen, controlled
3 substances, without authorization or a valid order or prescription therefor.

4 **SIXTH CAUSE FOR DISCIPLINE**

5 **(Violating Laws and Regulations Governing Pharmacy)**

6 27. Respondent is subject to discipline under Code section 4301, subdivision (o), on the
7 grounds of unprofessional conduct, in that, between sometime unknown in 2014 and February
8 2015, Respondent violated the laws and regulations governing pharmacy, as set forth above in
9 paragraphs 20 through 26, and their subparts.

10 **PRAYER**

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

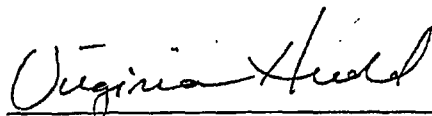
13 1. Revoking or suspending Pharmacy Technician Registration No. TCH 108081, issued
14 to Kristina Luree Bingham;

15 2. Ordering Kristina Luree Bingham to pay the Board of Pharmacy the reasonable costs
16 of the investigation and enforcement of this case, pursuant to Business and Professions Code
17 section 125.3; and,

18 ///

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

20
21 DATED: 3/19/16


22 VIRGINIA HEROLD
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 Complainant

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