

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

In the Matter of the First Amended Accusation Against:

**GRANT GUNTHER MILLER
10248 Camino Ruiz #181
San Diego, CA 92126**

**Pharmacy Technician Registration
No. TCH 129435**

Respondent.

Case No. 5934

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 2, 2017.

It is so ORDERED on January 31, 2017.

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 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 LORETTA A. WEST
Deputy Attorney General
4 State Bar No. 149294
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9425
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

Case No. 5934

13 **GRANT GUNTHER MILLER**
10248 Camino Ruiz #181
14 San Diego, CA 92126

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Pharmacy Technician Registration
16 No. TCH 129435

17 Respondent.

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

22 PARTIES

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

27 2. Respondent Grant Gunther Miller is representing himself in this proceeding and has
28 chosen not to exercise his right to be represented by counsel.

ORDER

1
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 129435
3 issued to Respondent Grant Gunther Miller is surrendered and accepted by the Board of
4 Pharmacy.

5 1. Respondent surrenders Pharmacy Technician Registration No. TCH 129435 as of the
6 effective date of this decision. Respondent shall relinquish his pharmacy technician license to the
7 board within ten (10) days of the effective date of this decision.

8 2 The surrender of Respondent's Pharmacy Technician Registration and the acceptance
9 of the surrendered license by the Board shall constitute the imposition of discipline against
10 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
11 Respondent's license history with the Board of Pharmacy.

12 3 Respondent shall lose all rights and privileges as a Pharmacy Technician in California
13 as of the effective date of the Board's Decision and Order.

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

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

25 6. Respondent stipulates that should he apply for any license from the Board on or after
26 the effective date of this decision, investigation and prosecution costs in the amount of \$1,292.00
27 shall be paid to the Board prior to issuance of the license.

28 ///

1 7. If Respondent should ever apply or reapply for a new license or certification, or
2 petition for reinstatement of a license, by any other health care licensing agency in the State of
3 California, all of the charges and allegations contained in Accusation No. 5934 shall be deemed to
4 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
5 other proceeding seeking to deny or restrict licensure.

6 ACCEPTANCE

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

11
12 DATED: 12/19/16


GRANT GUNTHER MILLER
Respondent

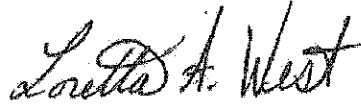
13
14
15 ENDORSEMENT

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

18 Dated: 12/29/16

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General


LORETTA A. WEST
Deputy Attorney General
Attorneys for Complainant

25
26 SD2016701929
27 Proposed Stipulatd Surrender to client 12 2 16.docx
28

Exhibit A

Accusation No. 5934

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9429
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 5934

12 **GRANT GUNTHER MILLER**
13 **10248 Camino Ruiz #181**
14 **San Diego, CA 92126**

ACCUSATION

15 **Pharmacy Technician Registration**
No. TCH 129435

16 Respondent.

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 January 7, 2013, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 129435 to Grant Gunther Miller (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on September 30, 2016, unless renewed.
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12

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(a) of the Code states "Every license issued may be suspended or revoked."

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.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATUTORY PROVISIONS

6. Section 4301 of the Code states:

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.

....

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

....

7. Health & Safety Code section 11150 states:

No person other than a physician, dentist, podiatrist, or veterinarian, or naturopathic doctor acting pursuant to Section 3640.7 of the Business and Professions Code, or pharmacist acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 or within the scope of Section 4052.1, 4052.2, or 4052.6 of the Business and Professions Code, a registered nurse acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107, a certified nurse-midwife acting with the scope of Section 2746.51 of the Business and Professions Code, a nurse practitioner acting within the scope of Section 2836.1 of the Business and Professions Code, a physician assistant acting within the scope of a project authorized under Article 1 (commencing with Section 128125) of Chapter 3

1 of Part 3 of Division 107 or Section 3502.1 of the Business and Professions Code, a
2 naturopathic doctor acting within the scope of Section 3640.5 of the Business and
3 Professions Code, or an optometrist acting within the scope of Section 3041 of the
4 Business and Professions Code, or an out-of-state prescriber acting pursuant to
5 Section 4005 of the Business and Professions Code shall write or issue a prescription.

6 8. Health & Safety Code section 11157 states:

7 No person shall issue a prescription that is false or fictitious in any respect.

8 9. Health & Safety Code section 11173(a) states:

9 No person shall obtain or attempt to obtain controlled substances, or procure or
10 attempt to procure the administration of or prescription for controlled substances, (1)
11 by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a
12 material fact.

13 COSTS

14 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licentiate found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case, with failure of the licentiate to comply subjecting the license to not
18 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
19 may be included in a stipulated settlement.

20 DRUG

21 11. Hydrocodone/acetaminophen, also known as Norco is a Schedule III controlled
22 substance pursuant to Health and Safety Code section 11056(e)(5) and a dangerous drug pursuant
23 to Business and Professions Code section 4022.

24 FACTUAL ALLEGATIONS

25 12. At all times relevant herein, Respondent was employed as a pharmacy technician at
26 Scripps Memorial Hospital in Encinitas, California.

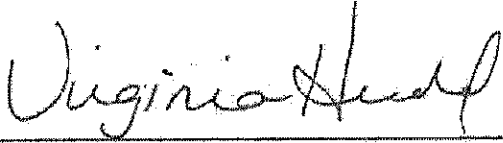
27 13. On September 30, 2014 at approximately 6:00 p.m, a male who sounded like
28 Respondent telephoned Rite Aid Pharmacy in Encinitas, California. He identified himself as
Brett and an employee of Dr. Christopher H. He proceeded to "call in" a prescription for Norco
5/325mg #10, 1 every 6 hours as needed for pain, in the name of Respondent. The pharmacist
stated that she needed to verify the prescription.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Ordering Grant Gunther Miller 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: 8/29/16



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

SD2016701929
81419946.doc