

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE TULLENERS
Deputy Attorney General
4 State Bar No. 157464
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2578
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3378

13 **TINA PEACHES COLLINS**
14 **aka TINA MANTECA**
13407 Kornblum Avenue, #20
Hawthorne, CA 90250

A C C U S A T I O N

15 Pharmacy Technician License
No. TCH 49633

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about September 8, 2003, the Board of Pharmacy (Board) issued
23 Pharmacy Technician License No. TCH 49633 to Tina Peaches Collins, also known as Tina
24 Manteca (Respondent). The Pharmacy Technician License was in full force and effect at all
25 times relevant to the charges brought herein and will expire on February 28, 2011, unless
26 renewed.

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1 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
2 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
3 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
4 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
5 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
6 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
7 labeled with the name and address of the supplier or producer.”

8 7. Section 4300 states, in pertinent part, that every license issued by the Board is
9 subject to discipline, including suspension or revocation.

10 8. Section 4301 states, in pertinent part:

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

15

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

19

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

25

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

28

1 (1) The conviction of a crime substantially related to the qualifications, functions, and
2 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
3 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
4 substances or of a violation of the statutes of this state regulating controlled substances or
5 dangerous drugs shall be conclusive evidence of unprofessional conduct. . . A plea or verdict of
6 guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the
7 meaning of this provision.”

8 REGULATORY PROVISIONS

9 9. California Code of Regulations, title 16, section 1770, states, in pertinent part:
10 "For the purpose of denial, suspension, or revocation of a personal or facility license
11 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
12 crime or act shall be considered substantially related to the qualifications, functions or duties of a
13 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
14 licensee or registrant to perform the functions authorized by his license or registration in a manner
15 consistent with the public health, safety, or welfare."

16 COST RECOVERY

17 10. Section 125.3 states, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 CONTROLLED SUBSTANCES

22 11. "Hydrocodone 7.5mg/Acetaminophen 750mg" is a Schedule III controlled
23 substance as defined in Health and Safety Code section 11056, subdivision (e)(4), and is
24 categorized as a dangerous drug pursuant to section 4022.

25 FIRST CAUSE FOR DISCIPLINE

26 *(Convictions of Substantially Related Crimes)*

27 12. Respondent is subject to disciplinary action under sections 4301, subdivision
28 (1) and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,

1 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
2 of a pharmacy technician. Either one of the convictions is an independent reason for disciplinary
3 action.

4 a. On or about February 23, 2006, after pleading *nolo contendere*, Respondent
5 was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision
6 (b) [driving while having a 0.08% or higher blood alcohol] in the criminal proceeding entitled
7 *The People of the State of California v. Tina Peaches Collins* (Super. Ct. Los Angeles County,
8 2006, No. 6MP00809). Respondent was placed on probation for three years with terms and
9 conditions.

10 b. The circumstances surrounding the conviction are that on or about November
11 12, 2005, Respondent drove a vehicle while having 0.08% and more, by weight, of alcohol in her
12 blood.

13 c. On or about January 29, 2009, after pleading *nolo contendere*, Respondent was
14 convicted of one misdemeanor count of violating Penal Code section 484, subdivision (a) [theft]
15 in the criminal proceeding entitled *The People of the State of California v. Tina Peaches Collins*
16 (Super. Ct. Los Angeles County, 2009, No. 8IG04681). Respondent was sentenced to one day in
17 Los Angeles County Jail and placed on probation for three years with terms and conditions.

18 d. The circumstances surrounding the conviction are that on or about November
19 29, 2007, Respondent stole Hydrocodone from her employer at the Walgreen's Pharmacy in
20 Inglewood, California.

21 **SECOND CAUSE FOR DISCIPLINE**

22 ***(Use or Self-Administration of Controlled Substances)***

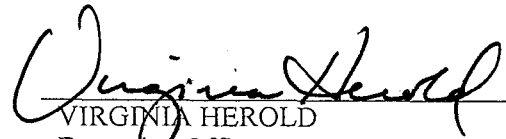
23 13. Respondent is subject to disciplinary action under section 4301, subdivisions
24 (h) and (j), in that, Respondent used or self-administered controlled substances, as follows:

25 a. On or about November 12, 2005, Respondent was arrested for driving while
26 having a 0.08% or higher blood alcohol. Complainant refers to, and by this reference
27 incorporates, the allegations set forth above in paragraph 12, subparagraphs (a-b), as though fully
28 set forth herein.

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

DATED: 12/30/09



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

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