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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **AMY LOUISE DIDION**  
13 **7922 Day Creek Blvd., Unit 8108**  
14 **Rancho Cucamonga, CA 91739**  
15 **Pharmacy Technician Registration**  
16 **No. TCH 69468**  
17 Respondent.

Case No. 3493

**A C C U S A T I O N**

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 June 2, 2006, the Board of Pharmacy ("Board") issued Pharmacy  
24 Technician Registration No. TCH 69468 to Amy Louise Didion ("Respondent"). The Pharmacy  
25 Technician Registration was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on June 30, 2012, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 **STATUTORY PROVISIONS**

5 4. Section 492 states:

6 “Notwithstanding any other provision of law, successful completion of any diversion  
7 program under the Penal Code, or successful completion of an alcohol and drug problem  
8 assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of  
9 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
10 (commencing with Section 500) of this code, or any initiative act referred to in that division, from  
11 taking disciplinary action against a licensee or from denying a license for professional  
12 misconduct, notwithstanding that evidence of that misconduct may be recorded in a record  
13 pertaining to an arrest.

14 “This section shall not be construed to apply to any drug diversion program operated by any  
15 agency established under Division 2 (commencing with Section 500) of this code, or any  
16 initiative act referred to in that division.”

17 5. Section 4300 provides, in pertinent part, that every license issued by the Board is  
18 subject to discipline, including suspension or revocation.

19 6. Section 4301 states:

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

23 . . . .

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

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

....

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

**REGULATORY PROVISIONS**

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

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

**COST RECOVERY**

8. Section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate 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.

**FIRST CAUSE FOR DISCIPLINE**

**(Use/Under the Influence of a Controlled Substance)**

9. Respondent is subject to disciplinary action under section 4301, subdivisions (h) and (j), in that Respondent was found to be under the influence of a controlled substance. On or about September 6, 2008, Respondent was cited by a San Bernardino County Sheriff Officer for being under the influence of a controlled substance in violation of Health and Safety Code section 11550, subdivision (a) [use/under the influence of a controlled substance]. Subsequently, on or

1 about March 18, 2009, after pleading nolo contendere, Respondent was placed on deferred entry  
2 of judgment for 24 months in the criminal proceeding entitled *The People of the State of*  
3 *California v. Amy Louise Didion* (Super. Ct. San Bernardino Counth, 2008, No. MWV806557).  
4 In addition, the Court ordered Respondent to enroll in an approved Drug Diversion Program  
5 within 30 days.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct)**

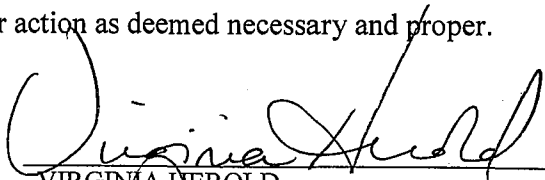
8 10. Respondent is subject to disciplinary action under section 4301, subdivision (o), in  
9 that Respondent engaged in unprofessional conduct when was found to be under the influence of  
10 a controlled substance. Complainant refers to, and by this reference incorporates, the allegations  
11 set forth above in paragraph 9, as though set forth fully.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
14 and that following the hearing, the Board issue a decision:

- 15 1. Revoking or suspending Pharmacy Technician Registration No. TCH 69468, issued  
16 to Amy Louise Didion;
- 17 2. Ordering Amy Louise Didion to pay the Board the reasonable costs of the  
18 investigation and enforcement of this case, pursuant to Business and Professions Code section  
19 125.3; and
- 20 3. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: 5/10/11

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

26 DOJ Matter ID: LA2009604522  
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