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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 3499

12 **AIMEE RIASKI**
13 **2564 Glenview Drive**
Hollister, CA 95023

ACCUSATION

14 **Pharmacy Technician License No. TCH 41180**

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about January 2, 2004, the Board of Pharmacy issued Pharmacist Technician
22 License Number TCH 41180 to Aimee Riaski (Respondent Riaski). The Pharmacist Technician
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on August 31, 2011, unless renewed.

25 JURISDICTION

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

1 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
2 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
3 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
4 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph
5 (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the
6 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
7 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
8 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled
9 with the name and address of the supplier or producer.”

10 8. California Health and Safety Code section 11350(a) provides that every person who
11 possesses certain controlled substances without a written prescription of a physician, dentist,
12 podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in
13 the state prison.

14 9. Section 125.3 of the Code states, 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.

18 10. Section 118, subdivision (b), of the Code provides that the expiration of a license
19 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
20 within which the license may be renewed, restored, reissued or reinstated.

21
22 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

23 11. Section 4022 of the Code states:

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

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

28

1 FIRST CAUSE FOR DISCIPLINE

2 (Unlawful Possession of Controlled Substances)

3 16. Respondent Riaski is subject to disciplinary action under sections 4060, 4301(j)
4 and/or (o) and/or 4059(a), in that, as described in paragraphs 13-15 above, Respondent Riaski
5 possessed controlled substances and/or dangerous drugs without prescriptions.

6 SECOND CAUSE FOR DISCIPLINE

7 (Acts of Moral Turpitude, Dishonesty, Fraud, Deceit, Corruption)

8 17. Respondent Riaski is subject to disciplinary action under sections 4301(f), in that, as
9 described in paragraphs 13-15 above, she committed acts involving moral turpitude, dishonesty,
10 fraud, deceit, and/or corruption.

11 THIRD CAUSE FOR DISCIPLINE

12 (Controlled Substances/Dangerous Drug Violations)

13 18. Respondent Riaski is subject to disciplinary action under sections 4301(j), in that, as
14 described in paragraphs 13-15 above, she violated statutes regulating controlled substances and
15 dangerous drugs.

16
17 PRAYER

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

20 1. Revoking or suspending Pharmacist Technician License Number TCH 41180, issued
21 to Aimee Riaski;

22 2. Ordering Aimee Riaski to pay the Board of Pharmacy the reasonable costs of the
23 investigation and enforcement of this case, pursuant to Business and Professions Code section
24 125.3;

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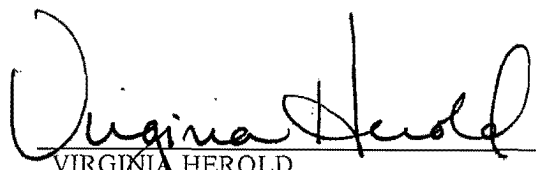
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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/8/09



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

SF2009404536