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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. 3529

13 **HEIDI JOY HANSON**
3850 Poppysseed Lane, Apt. N
Calabasas, CA 91302

A C C U S A T I O N

14 Pharmacy Technician Registration
No. TCH 86214

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 September 10, 2008, the Board of Pharmacy (Board) issued Pharmacy
22 Technician Registration No. TCH 86214 to Heidi Joy Hanson (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on December 31, 2011, unless renewed.

25
26 **JURISDICTION**

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

STATUTORY PROVISIONS

4. Section 4300 provides, in pertinent part:

“(a) Every license issued may be suspended or revoked.

...

(c) The board may refuse a license to any applicant guilty of unprofessional conduct.”

5. Section 4301 states, in pertinent part:

“The board shall take action against any holder of a license who is guilty of unprofessional conduct ... Unprofessional conduct shall include, but is not limited to, any of the following:

....

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

....

(o) Violating or attempting to violate, directly or indirectly ... 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.”

(p) Actions or conduct that would have warranted denial of a license.

COST RECOVERY

6. Section 125.3 states, in pertinent part:

“(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department ... 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.”

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 7. Respondent is subject to disciplinary action under section 4301, subdivisions (h), in
4 that Respondent consumed alcohol in a manner as to be dangerous to herself and to the public as
5 follows:

6 a. On or around March 24, 2009, Respondent pled guilty to one count of violating 36 Code
7 of Federal Regulations, part 2.35(c)(1987) [presence in a park when under the influence of
8 alcohol to a degree that may endanger oneself or another person] in a criminal proceeding entitled
9 *United States of America v. Heidi J. Hanson* (E.D. Cal. March 24, 2009, No.6:09-MJ-0002-
10 WMW). The court recommended a deferred entry of judgment for six months, during which
11 time, the Respondent was placed on unsupervised probation. In addition, the Respondent was
12 ordered to serve two days of custody and pay a total of \$200.00 in fines and penalty assessments.

13 b. The underlying factual circumstances occurred on or around December 28, 2008 when
14 during a traffic stop at Yosemite National Park, law enforcement identified Respondent as a
15 passenger in a vehicle. The Respondent "smelled of alcohol, had slow, slurred speech, and her
16 eyes were bloodshot, watery, and glassy." Respondent almost fell as she exited the vehicle when
17 requested, staggered as she walked, and swayed side to side, as she stood. Respondent showed
18 "significant" signs of impairment. She admitted that she had consumed "several" drinks of
19 alcohol, the same amount of drinks as the driver. When further questioned, respondent turned
20 away from the officer and walked out into the middle of the road and into oncoming traffic. She
21 was subsequently arrested for being under the influence of alcohol to a degree that she was an
22 endangerment to herself and others.

23
24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct)**

26 8. Respondent is subject to disciplinary action under section 4301, subdivisions (o) and
27 (p), in that on or about December 26, 2008, Respondent committed acts which constitute
28

1 unprofessional conduct. Complainant refers to, and by this reference incorporates, the allegations
2 in paragraph 7 and its subparagraphs, in their entirety, as though fully set forth herein.

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4 **PRAYER**

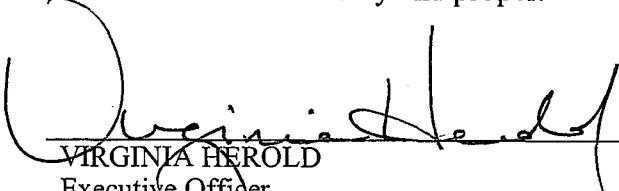
5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board issue a decision:

7 1. Revoking or suspending Pharmacy Technician Registration No. TCH 86214, issued
8 to Respondent.

9 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
10 enforcement of this case, pursuant to section 125.3; and

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

12
13 DATED: 8/4/10


14 VIRGINIA HEROLD
15 Executive Officer
16 Board of Pharmacy
17 Department of Consumer Affairs
18 State of California
19 Complainant

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