

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 STEPHEN A. MILLS  
Deputy Attorney General  
4 State Bar No. 54145  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2539  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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. 3831

13 **KAREN ANNE ALLEN**  
20757 Archwood St.  
Winnetka, CA 91306

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

14 Pharmacy Technician License No. TCH 28779

15 Respondent.

16  
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 (Board).  
22 2. On or about March 23, 1999, the Board issued Pharmacy Technician License No.  
23 TCH 28779 to Karen Anne Allen (Respondent). The Pharmacy Technician License was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on April 30,  
25 2012, unless renewed.

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.



1 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
2 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
3 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
4 labeled with the name and address of the supplier or producer.

5 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
6 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs  
7 and devices."

8 8. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
9 revoked."

10 9. Section 4301 states, in pertinent part:

11 "The board shall take action against any holder of a license who is guilty of unprofessional  
12 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

13 Unprofessional conduct shall include, but is not limited to, any of the following:

14 . . . .

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

18 "(g) Knowingly making or signing any certificate or other document that falsely  
19 represents the existence or nonexistence of a state of facts.

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



**DRUG STATUTES**

1  
2           11. Health and Safety Code section 11170 states that “[n]o person shall prescribe,  
3 administer, or furnish a controlled substance for himself.”

4           12. Health and Safety Code section 11173, subdivision (a), states that “[n]o person shall  
5 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
6 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
7 or subterfuge; or (2) by the concealment of a material fact.”

8           13. Health and Safety Code section 11350, subdivision (a), states:

9           “Except as otherwise provided in this division, every person who possesses (1) any  
10 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of  
11 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or  
12 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section  
13 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic  
14 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian  
15 licensed to practice in this state, shall be punished by imprisonment in the state prison.”

16           14. Health and Safety Code section 11377, subdivision (a), states:

17           “Except as authorized by law and as otherwise provided in subdivision (b) or Section  
18 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the  
19 Business and Professions Code, every person who possesses any controlled substance which is  
20 (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in  
21 subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d),  
22 (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2)  
23 or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section  
24 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to  
25 practice in this state, shall be punished by imprisonment in a county jail for a period of not more  
26 than one year or in the state prison.”

27 ///

28 ///

1 COST RECOVERY

2 15. Section 125.3 states, in pertinent part, that the Board may request the administrative  
3 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
4 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
5 case.

6 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

7 16. **Ativan**, a brand name for Lorazepam, a **benzodiazepine derivative**, is a Schedule IV  
8 controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(16),  
9 and is categorized as a dangerous drug pursuant to section 4022.

10 17. Hydrocodone is in Schedule II of the Controlled Substances Act. Lortab, **Norco** and  
11 **Vicodin**, brand/trade names of preparations containing hydrocodone in combination with other  
12 non-narcotic medicinal ingredients, are in Schedule III pursuant to Health and safety Code section  
13 11056(e)(4), and are categorized as dangerous drugs pursuant to section 4022.

14 18. **Valium**, a trade name for the chemical substance diazepam, a **benzodiazepam**  
15 **derivative**, is a Schedule IV controlled substance as designated by Health and Safety Code  
16 section 11057(d)(9) and is categorized as a dangerous drug pursuant to section 4022.

17 19. **Xanax**, a brand name for alprazolam, a **benzodiazepine**, is a Schedule IV controlled  
18 substance as designated by Health and Safety Code section 11057(d)(1) and is categorized as a  
19 dangerous drug pursuant to section 4022.

20 FIRST CAUSE FOR DISCIPLINE

21 (Convictions of Substantially Related Crimes)

22 20. Respondent is subject to disciplinary action under section 490, 4300 and 4301,  
23 subdivision (I), in conjunction with California Code of Regulations, title 16, section 1770, on the  
24 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially  
25 related to the qualifications, functions or duties of a registered pharmacy technician which to a  
26 substantial degree evidence her present or potential unfitness to perform the functions authorized  
27 by her registration in a manner consistent with the public health, safety, or welfare, as follows:

28 ///

1 a. On or about August 18, 2009, after pleading nolo contendere, Respondent was  
2 convicted of one misdemeanor count of violating Vehicle Code section 23152(a) [driving under  
3 the influence of alcohol/drugs] in the criminal proceeding entitled *The People of the State of*  
4 *California v. Karen Anne Allen* (Super. Ct. Los Angeles County, 2009, No. SA 070585). The  
5 Court placed Respondent on 36 months of probation to run concurrent with Case No. 9MB00910,  
6 and ordered her to complete a three (3) month 1<sup>st</sup> Offender Alcohol/Drug Program. Further, on or  
7 about August 18, 2009, after pleading guilty, in Case No. 9MB00910, Respondent was placed on  
8 18 months of deferred entry of judgment for a misdemeanor violation of Health and Safety Code  
9 section 11375(b)(2) [possession of controlled substance].

10 b. The circumstances underlying the conviction are that on or about February 7, 2009,  
11 while under the tested influence of benzodiazepine, Respondent drove her vehicle into a guard  
12 rail, causing the vehicle to have a front right flat tire, and she continued to drive the vehicle riding  
13 on the flat tire's rim until pulled over by Los Angeles Sheriff's Department officers. Respondent  
14 was in possession of 128 Vicodin, 61 Valium, 45 Xanax, and 5 Ativan, controlled substances and  
15 dangerous drugs, without valid prescriptions.

16 c. On or about August 18, 2009, after pleading nolo contendere, Respondent was  
17 convicted of one misdemeanor count of violating Vehicle Code section 23152(a) [driving while  
18 under the influence of alcohol/drugs] in the criminal proceeding entitled *The People of the State*  
19 *of California v. Karen Anne Allen* (Super. Ct., Los Angeles County, No. 9MB00910). The Court  
20 sentenced Respondent to four (4) days in jail, placed her on 60 months of probation, ordered her  
21 to complete an 18 months driving-under-the-influence program, ordered her to complete  
22 additional AA/NA meetings three (3) times per week, and ordered her to continue counseling at  
23 Kaiser.

24 d. The circumstances underlying the conviction are that on or about March 4, 2009,  
25 while under the tested influence of benzodiazepine, Respondent drove a vehicle and was in  
26 possession of 35 Valium, 98 Xanax, and 1 Vicodin, controlled substances and dangerous drugs,  
27 without valid prescriptions.

28 ///



1 a. Section 11170 for prescribing, administering and / or furnishing controlled substances  
2 her herself.

3 b. Section 11173, subdivision (a), for obtaining controlled substances by fraud, deceit or  
4 subterfuge.

5 c. Section 11350, subdivision (a), by possessing Vicodin, a narcotic and controlled  
6 substance.

7 d. Section 11377, subdivision (a), by possessing Valium, Ativan, and Xanax, controlled  
8 substances.

9 Complainant refers to and by this reference incorporates the allegations set forth above in  
10 paragraphs 20 - 23, inclusive, as though set forth fully.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(False Statement on Application for Licensure)**

13 25. Respondent is subject to disciplinary action under section 4300 and 4301,  
14 subdivision (g), on the grounds of unprofessional conduct, in that Respondent knowingly made or  
15 signed her April 30, 2010, "Renewal Application" for licensure by falsely representing a state of  
16 facts when she answered "No" to the question: "Since you last renewed your license, have you  
17 had any license disciplined by a government agency or other disciplinary body; or, have you been  
18 convicted of any crime in any state, the U S A and its territories, military court of a foreign  
19 country?" Respondent sustained two (2) criminal convictions within the year prior to renewing  
20 her license, on or about August 18, 2009. Complainant refers to and by this reference  
21 incorporates the allegations set forth above in paragraph 20, subparagraphs a and c, inclusive, as  
22 though set forth fully.

23 **SIXTH CAUSE FOR DISCIPLINE**

24 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

25 26. Respondent is subject to disciplinary action under sections 4300 and 4301,  
26 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
27 involving moral turpitude, dishonesty, fraud, deceit and / or corruption. Complainant refers to  
28 ///

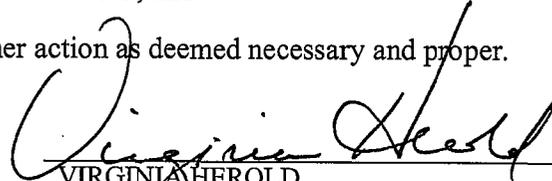
1 and by this reference incorporates the allegations set forth above in paragraphs 20 - 25, inclusive,  
2 as though set forth fully.

3 **PRAYER**

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

- 6 1. Revoking or suspending Pharmacy Technician License No. TCH 28779, issued to  
7 Respondent;
- 8 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
9 enforcement of this case, pursuant to section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: 2/7/11



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

18 LA2010600972  
19 11/15/2010dmm; 2/2/2011dmm  
20 60578629.doc