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

10 In the Matter of the Petition to Revoke Probation
11 Against:

Case No. 3870

12 **CYNTHIA MARIE CRIST**
13 **1702 Ventura Street**
Suisun, CA 94585

PETITION TO REVOKE PROBATION

14 **Pharmacy Technician License No. TCH 20695**

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about November 7, 1996, the Board of Pharmacy issued Pharmacy Technician
22 License No. TCH 20695 to Cynthia M. Crist (Respondent). The License is in full force and effect
23 and will expire on December 31, 2010, unless renewed

24 3. In a disciplinary action titled "In the Matter of the Accusation against Cynthia Marie
25 Crist," Case No. 3304, the Board of Pharmacy issued a decision, effective January 28, 2010, in
26 which Respondent's License was revoked. However, revocation was stayed and Respondent was
27 placed on probation for a period of four (4) years with certain terms and conditions. A copy of
28 the Decision and Order in Case No. 3304 is attached as exhibit A and incorporated by reference.

1 d. On or about March 18, 2010, Board staff sent Respondent a letter regarding her
2 non-compliant failure to contact the FirstLab system on or about March 13 and March 16, 2010.

3 e. On or about May 24, 2010, Respondent had a non-observed drug test.

4 f. On or about June 8, 2010, Board staff sent Respondent a letter regarding her
5 non-compliant drug test on or about May 24, 2010.

6 g. Respondent failed to contact FirstLab and/or missed scheduled testing on
7 several additional dates in or around July, August, September, and October 2010.

8 h. On or about October 28, 2010, Respondent appeared for an in-person meeting
9 at the Board offices. When she was asked why she had failed to call in and/or missed testing on
10 nine (9) occasions to that point, Respondent replied that she sometimes "just forgets."

11 i. Respondent subsequently failed to contact FirstLab and/or missed scheduled
12 testing on at least two more occasions in October and November 2010.

13 j. These failures to timely submit to random drug testing and/or to cooperate with
14 the Board or its designee with regard to same subjects Respondent's License to revocation.

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16 FOURTH CAUSE TO REVOKE PROBATION

17 (Failure to Notify Board of Change in Work Site Monitor)

18 11. At all times after the effective date (January 28, 2010) of the Decision and Order
19 imposing probation on Respondent's License, Term and Condition 9 of that Order required that
20 within 10 days Respondent identify a work site monitor for approval by the Board, to supervise
21 Respondent during working hours. Respondent is required to ensure that the work site monitor
22 reports to the Board quarterly, and is required to nominate a new work site monitor within 10
23 days in the event that Respondent changes employment or otherwise is no longer subject to the
24 supervision of the approved work site monitor. Respondent failed to notify the Board when her
25 approved work site monitor left her workplace, and failed to timely nominate a replacement. This
26 failure to timely notify the Board of her work site monitor's departure, and/or failure to timely
27 nominate a new work site monitor for approval, subject(s) Respondent's License to revocation.

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1 FIFTH CAUSE TO REVOKE PROBATION

2 (Failure to Timely Pay Cost Recovery)

3 12. At all times after the effective date (January 28, 2010) of the Decision and Order
4 imposing probation on Respondent's License, Term and Condition 12 of that Order required that
5 Respondent pay to the Board its costs of investigation and prosecution totaling \$1,900.00, during
6 the first 2 years of probation, in equal quarterly installments of \$237.50. Payments were due on
7 April 10, 2010, July 10, 2010, October 10, 2010, and thereafter. No payment was timely made.
8 The first payment was made on or about April 28, 2010. Respondent then failed to make the July
9 10, 2010 payment. Board staff sent Respondent a non-compliance letter regarding this payment
10 on or about August 6, 2010, and payment was finally received on or about September 2, 2010.
11 Respondent failed to submit any payment by the October 10, 2010 deadline. This failure to make
12 timely payment(s) toward cost recovery subjects Respondent's License to revocation.

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14 SIXTH CAUSE TO REVOKE PROBATION

15 (Failure to Cooperate with Board Staff)

16 13. At all times after the effective date (January 28, 2010) of the Decision and Order
17 imposing probation on Respondent's License, Term and Condition 5 of that Order required that
18 Respondent cooperate with the Board's inspection program and with the Board's monitoring and
19 investigation of Respondent's compliance with terms and conditions of his probation. As detailed
20 in paragraphs 8-12 above, Respondent failed to timely cooperate on one or more occasions. Her
21 failure(s) to timely cooperate as required subject Respondent's License to revocation.

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26 OTHER MATTERS – EXTENSION OF PROBATION

27 14. At all times after the effective date (January 28, 2010) of the Decision and Order
28 imposing probation on Respondent's License, Term and Condition 17 of that Order required:

17. **Violation of Probation.**

If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

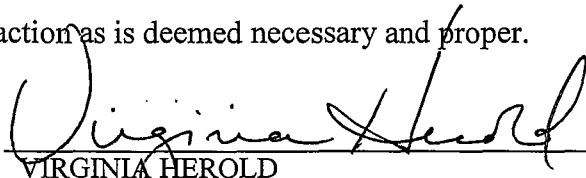
15. Pursuant to the operation of Term and Condition 17 of the probation order applicable to Respondent's License, probation is automatically extended by the filing hereof, and/or by Respondent's failure to comply with the terms and conditions of probation, until such time as this Petition to Revoke Probation is heard and decided, or until the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation.

PRAYER

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

- 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3304 and imposing the disciplinary order that was stayed, thereby revoking Pharmacy Technician License No. TCH 20695 issued to Cynthia Marie Crist;
- 2. Revoking or suspending Pharmacy Technician License No. TCH 20695, issued to Cynthia Marie Crist;
- 3. Taking such other and further action as is deemed necessary and proper.

DATED: 11/17/10



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