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

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

Case No. 4251

13 **JENNIFER GRUNDY**
14 **P.O. Box 594**
Corning, California 96021

PETITION TO REVOKE PROBATION

15 **Pharmacist License No. TCH 13364**

16 Respondent.

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 July 15, 1994, the Board of Pharmacy issued Original Pharmacy
22 Technician License Number TCH 13364 to Jennifer Grundy (Respondent). The License was in
23 effect at all times relevant to the charges brought herein and will expire on July 31, 2012, unless
24 renewed.

25 3. In a disciplinary action entitled "In the Matter of the Accusation against Jennifer
26 Robin Grundy," Case No. 3525, the Board of Pharmacy issued a Decision and Order, effective
27 July 27, 2011, revoking Respondent's Pharmacy Technician License. Revocation was stayed and
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1 Respondent was placed on probation for a period of five (5) years with certain terms and
2 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

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4 JURISDICTION

5 4. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board),
6 Department of Consumer Affairs, under the authority of the following laws. All section
7 references are to the Business and Professions Code unless otherwise indicated.

8 5. Section 4011 of the Code provides that the Board shall administer and enforce both
9 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
10 Act [Health & Safety Code, § 11000 et seq.].

11 6. Section 4300(a) of the Code provides that every license issued by the Board may be
12 suspended or revoked.

13 FACTUAL BACKGROUND

14 7. In a disciplinary action entitled "In the Matter of the Accusation Against Jennifer
15 Robin Grundy", Case No. 3525, the Board issued a decision, effective July 27, 2011, in which
16 Respondent's Pharmacy Technician License was revoked. However, the revocation was stayed
17 and Respondent's Pharmacy Technician License was placed on probation for five (5) years
18 subject to Terms and Conditions (T&Cs) as set forth in the Decision and Order, including the
19 requirements that Respondent shall report to the Board or its designee quarterly (T&C 4), shall
20 appear before the Board as scheduled (T&C 5), shall reimburse the Board its costs of
21 investigation and prosecution (T&C 8), and shall enroll and participate in random drug screening
22 (T&C 17).

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1 FIRST CAUSE TO REVOKE PROBATION

2 (Failure to Report Quarterly to the Board)

3 8. At all times after the effective date of the Decision and Order imposing probation
4 on Respondent's License, Term and Condition 4 of that Order required in pertinent part:

5 4. Respondent shall report to the Board quarterly, on a schedule as directed by
6 the Board or its designee. The report shall be made either in person or in writing, as
7 directed. Among other requirements, respondent shall state in each report under
8 penalty of perjury whether there has been compliance with all the terms and
conditions of probation. Failure to submit timely reports in a form as directed shall
be considered a violation of probation.

9 9. Respondent's probation is subject to revocation because she failed to comply with
10 Probation T&C 4, referenced above. Respondent failed to submit timely quarterly reports to the
11 Board as required. The Board has received no reports since the start of probation.
12

13 SECOND CAUSE TO REVOKE PROBATION

14 (Failure to Appear for Interviews with the Board Upon Request)

15 10. At all times after the effective date of the Decision and Order imposing probation
16 on Respondent's License, Term and Condition 5 of that Order required:

17 5. Upon receipt of reasonable notice, Respondent shall appear in person for
18 interviews with the Board or its designee, at such intervals and locations as are
19 determined by the Board or its designee. Failure to appear for any scheduled
20 interview without prior notification to board staff, or failure to appear at two (2) or
more scheduled interviews with the board or its designee during the period of
probation shall be considered a violation of probation.

21 11. Respondent's probation is subject to revocation because she failed to comply with
22 Probation T&C 5, referenced above. Respondent failed to appear as requested for probation
23 office conferences with the Board on three separate occasions, namely July 28, 2011, August 25,
24 2011 and September 29, 2011. Respondent did provide any reasons or justification for her failure
25 to appear at each conference.

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THIRD CAUSE TO REVOKE PROBATION

(Failure to Submit Cost Recovery Payments)

12. At all times after the effective date of the Decision and Order imposing probation on Respondent's License, Term and Condition 8 of that Order required in pertinent part:

8. Reimbursement of Board Costs. As a condition precedent to successful completion of probation, respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$1,167.50. Respondent may make payments in a payment plan approved by the Board. There shall be no deviation from the Board's approved payment plan absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

13. Respondent's probation is subject to revocation because she failed to comply with Probation T&C 8, referenced above. No payments have been received by the Board since the beginning of probation.

FOURTH CAUSE TO REVOKE PROBATION

(Failure to Submit to Random Drug Screening)

14. At all times after the effective date of the Decision and Order imposing probation on Respondent's License, Term and Condition 17 of that Order required in pertinent part:

17. Random Drug Screening. Respondent, at her own expense, shall participate in random drug testing, including but not limited to, biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug screening program as directed by the Board or its designee. Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be determined by the Board or its designee. At all times, Respondent shall fully cooperate with the Board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or its designee may direct. Failure to timely submit to testing as directed shall considered a violation of probation.

15. Respondent's probation is subject to revocation because she failed to comply with Probation T&C 17, referenced above. Respondent has not enrolled in the Board-appointed random drug testing program and, consequently, has not submitted to any drug testing.

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PRAYER

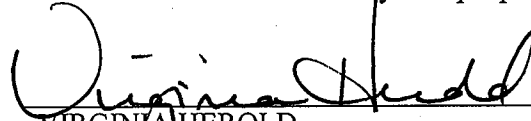
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3525 and imposing the disciplinary Order that was stayed, thereby revoking California Pharmacy Technician License No. TCH 13364 issued to Jennifer Grundy (Respondent);

2. Revoking or suspending California Pharmacy Technician License No. TCH 13364, issued to Jennifer Grundy; and

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

DATED: 8/17/12


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

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Exhibit A

Decision and Order

Board of Pharmacy Case No. 3525

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 3525

JENNIFER ROBIN GRUNDY

P.O. Box 594
Corning, CA 96021

Pharmacy Technician License No. TCH 13364

Respondent.

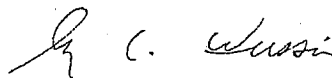
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on July 27, 2011.

It is so ORDERED on June 27, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS
Deputy Attorney General
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3525

12 **JENNIFER ROBIN GRUNDY**
13 P.O. Box 594
14 Corning, California 96021

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Pharmacy Technician Registration No. TCH**
16 **13364**

17 Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Edmund
23 G. Brown Jr., Attorney General of the State of California, by Jeffrey M. Phillips, Deputy Attorney
24 General.

25 2. Respondent Jennifer Robin Grundy (Respondent) is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.

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1 year shall be considered a violation of probation. Respondent shall not resume working as a
2 pharmacy technician until notified by the board.

3 During suspension, respondent shall not enter any pharmacy area or any portion of any
4 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
5 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
6 devices or controlled substances are maintained. Respondent shall not do any act involving drug
7 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
8 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
9 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
10 substances. Respondent shall not resume work until notified by the board.

11 Subject to the above restrictions, respondent may continue to own or hold an interest in any
12 licensed premises by the board in which she holds an interest at the time this decision becomes
13 effective unless otherwise specified in this order.

14 Failure to comply with this suspension shall be considered a violation of probation.

15 **3. Obey All Laws**

16 Respondent shall obey all state and federal laws and regulations.

17 Respondent shall report any of the following occurrences to the board, in writing, within
18 seventy-two (72) hours of such occurrence:

- 19 • an arrest or issuance of a criminal complaint for violation of any provision of the
20 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
21 substances laws;
- 22 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
23 criminal complaint, information or indictment;
- 24 • a conviction of any crime;
- 25 • discipline, citation, or other administrative action filed by any state or federal
26 agency which involves respondent's Pharmacy Technician Registration or which is
27 related to the practice of pharmacy or the manufacturing, obtaining, handling,
28 distributing, billing, or charging for any drug, device or controlled substance.

1 Failure to timely report any such occurrence shall be considered a violation of probation.

2 **4. Report to the Board**

3 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
4 designee. The report shall be made either in person or in writing, as directed. Among other
5 requirements, respondent shall state in each report under penalty of perjury whether there has
6 been compliance with all the terms and conditions of probation. Failure to submit timely reports
7 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
8 in submission of reports as directed may be added to the total period of probation. Moreover, if
9 the final probation report is not made as directed, probation shall be automatically extended until
10 such time as the final report is made and accepted by the board.

11 **5. Interview with the Board**

12 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
13 with the board or its designee, at such intervals and locations as are determined by the board or its
14 designee. Failure to appear for any scheduled interview without prior notification to board staff,
15 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
16 the period of probation, shall be considered a violation of probation.

17 **6. Cooperate with Board Staff**

18 Respondent shall cooperate with the board's inspection program and with the board's
19 monitoring and investigation of respondent's compliance with the terms and conditions of her
20 probation. Failure to cooperate shall be considered a violation of probation.

21 **7. Notice to Employers**

22 During the period of probation, respondent shall notify all present and prospective
23 employers of the decision in case number 3525 and the terms, conditions and restrictions imposed
24 on respondent by the decision, as follows:

25 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
26 respondent undertaking any new employment, respondent shall cause her direct supervisor,
27 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
28 tenure of employment) and owner to report to the board in writing acknowledging that the listed

1 individual(s) has/have read the decision in case number 3525 and the terms and conditions
2 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
3 supervisor(s) submit timely acknowledgement(s) to the board.

4 If respondent works for or is employed by or through a pharmacy employment service,
5 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
6 of the terms and conditions of the decision in case number 3525 in advance of the respondent
7 commencing work at each pharmacy. A record of this notification must be provided to the board
8 upon request.

9 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
10 (15) days of respondent undertaking any new employment by or through a pharmacy employment
11 service, respondent shall cause her direct supervisor with the pharmacy employment service to
12 report to the board in writing acknowledging that she has read the decision in case number 3525
13 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
14 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

15 Failure to timely notify present or prospective employer(s) or to cause that/those
16 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
17 probation.

18 "Employment" within the meaning of this provision shall include any full-time,
19 part-time, temporary or relief service or pharmacy management service as a pharmacy
20 technician or in any position for which a pharmacy technician license is a requirement
21 or criterion for employment, whether the respondent is considered an employee,
22 independent contractor or volunteer.

23 **8. Reimbursement of Board Costs**

24 As a condition precedent to successful completion of probation, respondent shall pay to the
25 board its costs of investigation in the amount of \$1,167.50. Respondent may make payments in a
26 payment plan approved to by the Board. There shall be no deviation from the Board's approved
27 payment plan absent prior written approval by the board or its designee. Failure to pay costs by
28 the deadline(s) as directed shall be considered a violation of probation.

1 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
2 reimburse the board its costs of investigation and prosecution.

3 **9. Probation Monitoring Costs**

4 Respondent shall pay any costs associated with probation monitoring as determined by the
5 board each and every year of probation. Such costs shall be payable to the board on a schedule as
6 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
7 be considered a violation of probation.

8 **10. Status of License**

9 Respondent shall, at all times while on probation, maintain an active, current pharmacy
10 technician license with the board, including any period during which suspension or probation is
11 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

12 If respondent's pharmacy technician license expires or is cancelled by operation of law or
13 otherwise at any time during the period of probation, including any extensions thereof due to
14 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
15 terms and conditions of this probation not previously satisfied.

16 **11. License Surrender While on Probation/Suspension**

17 Following the effective date of this decision, should respondent cease work due to
18 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
19 respondent may tender her pharmacy technician license to the board for surrender. The board or
20 its designee shall have the discretion whether to grant the request for surrender or take any other
21 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
22 license, respondent will no longer be subject to the terms and conditions of probation. This
23 surrender constitutes a record of discipline and shall become a part of the respondent's license
24 history with the board.

25 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician
26 license to the board within ten (10) days of notification by the board that the surrender is
27 accepted. Respondent may not reapply for any license, permit, or registration from the board for
28 three (3) years from the effective date of the surrender. Respondent shall meet all requirements

1 applicable to the license sought as of the date the application for that license is submitted to the
2 board.

3 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
4 **Employment**

5 Respondent shall notify the board in writing within ten (10) days of any change of
6 employment. Said notification shall include the reasons for leaving, the address of the new
7 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
8 shall further notify the board in writing within ten (10) days of a change in name, residence
9 address and mailing address, or phone number.

10 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
11 phone number(s) shall be considered a violation of probation.

12 **13. Tolling of Probation**

13 Except during periods of suspension, respondent shall, at all times while on probation, be
14 employed as a pharmacy technician in California for a minimum of ten (10) hours per calendar
15 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,
16 the period of probation shall be extended by one month for each month during which this
17 minimum is not met. During any such period of tolling of probation, respondent must
18 nonetheless comply with all terms and conditions of probation.

19 Should respondent, regardless of residency, for any reason (including vacation) cease
20 working as a pharmacy technician for a minimum of ten (10) hours per calendar month in
21 California, respondent must notify the board in writing within ten (10) days of cessation of work
22 and must further notify the board in writing within ten (10) days of the resumption of the work.
23 Any failure to provide such notification(s) shall be considered a violation of probation.

24 It is a violation of probation for respondent's probation to remain tolled pursuant to the
25 provisions of this condition for a total period, counting consecutive and non-consecutive months,
26 exceeding thirty-six (36) months.

27 "Cessation of work" means calendar month during which respondent is not
28 working for at least 10 hours as a pharmacy technician, as defined in Business and

1 Professions Code section 4115. "Resumption of work" means any calendar month
2 during which respondent is working as a pharmacy technician for at least 10 hours as
3 a pharmacy technician as defined by Business and Professions Code section 4115.

4 **14. Violation of Probation**

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

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

17 **15. Completion of Probation**

18 Upon written notice by the board indicating successful completion of probation,
19 respondent's pharmacy technician license will be fully restored.

20 **16. No Ownership of Licensed Premises**

21 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
22 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
23 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
24 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
25 days following the effective date of this decision and shall immediately thereafter provide written
26 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
27 documentation thereof shall be considered a violation of probation.

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1 **17. Random Drug Screening**

2 Respondent, at her own expense, shall participate in random testing, including but not
3 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
4 screening program as directed by the board or its designee. Respondent may be required to
5 participate in testing for the entire probation period and the frequency of testing will be
6 determined by the board or its designee. At all times respondent shall fully cooperate with the
7 board or its designee, and shall, when directed, submit to such tests and samples for the detection
8 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
9 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
10 of probation. Upon request of the board or its designee, respondent shall provide documentation
11 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
12 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
13 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
14 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
15 shall be considered a violation of probation and shall result in the automatic suspension of work
16 by respondent. Respondent may not resume work as a pharmacy technician until notified by the
17 board in writing.

18 During suspension, respondent shall not enter any pharmacy area or any portion of or any
19 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
20 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
21 devices or controlled substances are maintained. Respondent shall not do any act involving drug
22 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
23 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
24 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
25 substances. Respondent shall not resume work until notified by the board.

26 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
27 Subject to the above restrictions, respondent may continue to own or hold an interest in any
28 licensed premises in which she holds an interest at the time this decision becomes effective unless

1 otherwise specified in this order.

2 Failure to comply with this suspension shall be considered a violation of probation.

3 **18. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

4 Any confirmed positive test for alcohol or for any drug that is a violation of probation, The
5 Board may require Respondent to begin regular attendance at a recognized and established
6 substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, Narcotics
7 Anonymous, etc.) which has been approved by the board or its designee. Thereafter, Respondent
8 shall continue regular attendance and submit signed and dated documentation confirming
9 attendance for the duration of probation, which probationary period may be extended based on
10 any confirmed violation. Failure to attend or submit documentation thereof shall be considered a
11 violation of probation.

12 **19. Work Site Monitor**

13 Within ten (10) days of the effective date of this decision, respondent shall identify a work
14 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
15 during working hours. Respondent shall be responsible for ensuring that the work site monitor
16 reports in writing to the board quarterly. Should the designated work site monitor determine at
17 any time during the probationary period that respondent has not maintained sobriety, she shall
18 notify the board immediately, either orally or in writing as directed. Should respondent change
19 employment, a new work site monitor must be designated, for prior approval by the board, within
20 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
21 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
22 considered a violation of probation.

23 **20. Notification of Departure**

24 Prior to leaving the probationary geographic area designated by the board or its designee for
25 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
26 writing of the dates of departure and return. Failure to comply with this provision shall be
27 considered a violation of probation.

28 **21. Abstain from Drugs and Alcohol Use**

1 Respondent shall completely abstain from the possession or use of alcohol, controlled
2 substances, dangerous drugs and their associated paraphernalia except when the drugs are
3 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
4 request of the board or its designee, respondent shall provide documentation from the licensed
5 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
6 treatment of the respondent. Failure to timely provide such documentation shall be considered a
7 violation of probation. Respondent shall ensure that she is not in the same physical location as
8 individuals who are using illicit substances even if respondent is not personally ingesting the
9 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
10 not supported by the documentation timely provided, and/or any physical proximity to persons
11 using illicit substances, shall be considered a violation of probation.

12 ACCEPTANCE

13 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
14 stipulation and the effect it will have on my Pharmacy Technician Registration, and Pharmacy
15 Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order
16 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
17 Board of Pharmacy.

18 DATED: 1/20/2011 Jennifer Grundy
19 JENNIFER ROBIN GRUNDY
20 Respondent
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Exhibit A

Accusation No. 3525

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS
Deputy Attorney General
4 State Bar No. 154990
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3525

13 **JENNIFER ROBIN GRUNDY**
P.O. Box 594
14 Corning, California 96021

ACCUSATION

15 **Pharmacy Technician Registration No. TCH 13364**

16 Respondent.

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about July 15, 1994, the Board issued Pharmacy Technician Registration
22 Number TCH 13364 ("registration") to Jennifer Robin Grundy ("Respondent"). The registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 July 31, 2010, unless renewed.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 4202(d), states that the Board may
27 suspend or revoke a registration issued pursuant to this section on any ground specified in Code
28 section 4301.

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4. Code section 4300 states, in pertinent part:

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

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

5. Code section 4301 states, in pertinent part:

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

(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.”

6. Code section 4060 states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

7. Health and Safety Code section 11379 states:

(a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every

1 person who transports, imports into this state, sells, furnishes, administers, or gives away,
2 or offers to transport, import into this state, sell, furnish, administer, or give away, or
3 attempts to import into this state or transport any controlled substance which is (1)
4 classified in Schedule III, IV, or V and which is not a narcotic drug, except subdivision (g)
5 of Section 11056, (2) specified in subdivision (d) of Section 11054, except paragraphs (13),
6 (14), (15), (20), (21), (22), and (23) of subdivision (d), (3) specified in paragraph (11) of
7 subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of
8 Section 11054, or (5) specified in subdivision (d) or (e), except paragraph (3) of subdivision
9 (e), or specified in subparagraph (A) of paragraph (1) of subdivision (f), of Section 11055,
10 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to
11 practice in this state, shall be punished by imprisonment in the state prison for a period of
12 two, three, or four years.

13 (b) Notwithstanding the penalty provisions of subdivision (a), any person who
14 transports for sale any controlled substances specified in subdivision (a) within this state
15 from one county to another noncontiguous county shall be punished by imprisonment in the
16 state prison for three, six, or nine years.

17 8. Health and Safety Code section 11377(a) states:

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

28 COST RECOVERY

9. Code section 125.3 provides, in pertinent part, that a Board may request the
administrative law judge to direct a licensee 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.

DRUGS

10. "Methamphetamine" is a Schedule II controlled substance as designated by Health
and Safety Code section 11055(d)(2).

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1 FIRST CAUSE FOR DISCIPLINE

2 (Transported and Possessed Controlled Substances)

3 11. Respondent is subject to discipline under Code section 4301(j), on the grounds of
4 unprofessional conduct, in that on or about June 18, 2009, while a licensed Pharmacy Technician,
5 Respondent did the following:

6 a. Respondent transported Methamphetamine, a controlled substance, in violation of Health
7 and Safety Code section 11379.

8 b. Respondent possessed Methamphetamine, a controlled substance, in violation of Health
9 and Safety Code section 11377(a) and Code section 4060.

10 PRAYER

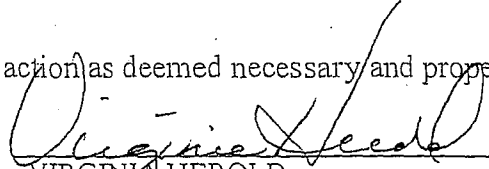
11 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Pharmacy issue a decision:

13 1. Revoking or suspending Pharmacy Technician Registration Number TCH 13364,
14 issued to Jennifer Robin Grundy;

15 2. Ordering Jennifer Robin Grundy to pay the Board of Pharmacy the reasonable costs
16 of the investigation and enforcement of this case, pursuant to Business and Professions Code
17 section 125.3; and,

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

19 DATED: 5/6/10


20 VIRGINIA HEROLD
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 Complainant

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