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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. 4299

13 **RYAN CAMPBELL WILLIS**
3936 Folsom Drive
Antioch, CA 94531

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH**
15 **67972**

16 Respondent.

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 March 13, 2006, the Board of Pharmacy issued Pharmacy Technician
22 License Number TCH 67972 to Ryan Campbell Willis (Respondent). The Pharmacy Technician
23 License was in full force and effect at all times relevant to the charges brought in this Accusation
24 and will expire on September 30, 2013, 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 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
2 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
3 pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not apply to the
4 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
5 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
6 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled
7 with the name and address of the supplier or producer.”

8 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

9 9. Code section 4021 states:

10 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
11 11053) of Division 10 of the Health and Safety Code.”

12 10. Code section 4022 provides:

13 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in
14 humans or animals, and includes the following:

15 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
16 prescription,’ ‘Rx only’ or words of similar import.

17 “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale
18 by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

19 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
20 prescription or furnished pursuant to Section 4006.”

21 11. Vicodin is the trade name for 5 milligrams Hydrocodone Bitartrate and 500
22 milligrams Acetaminophen and is a Schedule III controlled substance as defined by Health and
23 Safety Code section 11056, subdivision (e)(4). Vicodin is a dangerous drug pursuant to Code
24 section 4022. Repeated administration of Vicodin over a course of several weeks may result in
25 psychic and physical dependence. The usual adult dosage is one tablet every four to six hours as
26 needed for pain. The total 24 hour dose should not exceed 5 tablets.

STATEMENT OF FACTS

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2 12. On or about April 27, 2011, two California Highway Patrol (CHP) officers (Officer 1
3 and Officer 2) were parked on westbound State Route 4 in a fully marked patrol vehicle. At
4 approximately 1:07 a.m., Officer 1 observed Respondent's vehicle, a red Volkswagen Bug,
5 travelling in the #4 lane at a high rate of speed. Officer 1's radar locked in a digital reading of
6 Respondent's vehicle as travelling at 90 miles-per-hour in a 65 mile-per-hour zone. The officers
7 followed Respondent's vehicle as he exited Port Chicago Highway and then they initiated an
8 enforcement stop.

9 13. Officer 1 approached the driver's side of Respondent's vehicle and Officer 2
10 approached the passenger side. Officer 2 explained to Respondent the reason for the stop and
11 requested his driver's license, registration, and insurance. While Officer 2 spoke with
12 Respondent, Officer 1 detected a strong odor of alcohol emitting from Respondent's vehicle.
13 Officer 1 also observed that Respondent's eyes were red and watery and his speech was slurred.
14 Respondent exited the vehicle to search the trunk for his registration and insurance. Officer 1
15 asked Respondent a series of pre-field sobriety test questions, and as Respondent answered,
16 Officer 1 detected the odor of alcohol on Respondent's breath. Respondent stated that he had
17 consumed three or four 12 ounce Mickey's while at a friend's house in Antioch. Officer 1 asked
18 Respondent to perform a series of field sobriety tests (FSTs), which Respondent failed to perform
19 satisfactorily. Based upon Respondent's driving, his objective signs of intoxication, and his poor
20 performance on the FSTs, Officer 1 concluded that Respondent was driving under the influence
21 of an alcoholic beverage and he could not safely operate a vehicle. Officer 1 arrested Respondent
22 for violation of Vehicle Code section 23152, subdivision (a) (driving under the influence). After
23 being informed of implied consent, Respondent chose the breath test. Respondent was
24 administered the breath test at the CHP Martinez area office at 2:17 a.m., and again at 2:20 a.m.
25 The results of each test showed that Respondent had a blood alcohol content of .17%.

26 14. Following Respondent's arrest, Officer 2 performed an inventory of Respondent's
27 vehicle prior to storing it. During the inventory Officer 2 found an orange pill bottle in the
28 vehicle's sunglass holder. The bottle contained 12 loose white pills stamped "M357" on one side.

1 While a large portion of the bottle's label was torn off, the following information remained: (1) a
2 barcode; (2) an address for the patient to whom the bottle was prescribed; (3) the prescriber's
3 name; and (4) that the prescription was from a Costco Pharmacy. When Respondent was
4 informed of the violations he was being charged with, including Health and Safety Code section
5 11350, subdivision (a) (possession of a controlled substances) and Code section 4060 (possession
6 of a controlled substance without a prescription), he spontaneously stated that he obtained the
7 Vicodin from a friend.

8 15. On or about January 25, 2012, a Board investigator inspected the Costco Pharmacy in
9 Concord, California, where Respondent was employed at the time of the above arrest. During the
10 investigator's inspection, she determined that the information contained on the orange bottle
11 found in Respondent's vehicle matched prescription information in Costco's records. Costco's
12 records revealed that the prescription was for Hydrocodone/APAP 5/500 milligram tablets
13 (generic Vicodin), and that it was prescribed to someone other than Respondent.

14 COST RECOVERY

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

19 FIRST CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct – Use of Alcohol in a Dangerous Manner)
21 (B&P Code § 4301, subd. (h))

22 17. Complainant realleges the allegations contained in paragraphs 12 through 13 and
23 incorporates them as if fully set forth here.

24 18. Respondent has subjected his pharmacy technician license to discipline under Code
25 section 4301, subdivision (h), in that he used alcoholic beverages to the extent or in a manner as
26 to be dangerous or injurious to himself and to the public. The circumstances are set forth above
27 in paragraphs 12 through 13.
28

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)
3 (B&P Code § 4301, subd. (f))

4 19. Complainant realleges the allegations contained in paragraphs 12 through 15 and
5 incorporates them as if fully set forth here.

6 20. Respondent has subjected his pharmacy technician license to discipline under Code
7 section 4301, subdivision (f), in that he committed an act involving moral turpitude, dishonesty,
8 fraud, deceit, or corruption. The circumstances are set forth above in paragraphs 12 through 15.

9 THIRD CAUSE FOR DISCIPLINE

10 (Unlawful Possession of Controlled Substance)
11 (B&P Code § 4060)

12 21. Complainant realleges the allegations contained in paragraphs 12 through 15 and
13 incorporates them as if fully set forth here.

14 22. Respondent has subjected his pharmacy technician license to discipline under Code
15 section 4060, in that he possessed controlled substances without a valid prescription. The
16 circumstances are set forth above in paragraphs 12 through 15.

17 PRAYER

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

20 1. Revoking or suspending Pharmacy Technician License Number TCH 67972, issued
21 to Ryan Campbell Willis;

22 2. Ordering Ryan Campbell Willis to pay the Board of Pharmacy the reasonable costs of
23 the investigation and enforcement of this case, pursuant to Business and Professions Code section
24 125.3; and
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3. Taking such other and further action as deemed necessary and proper.

DATED: 7/19/12

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

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