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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 Accusation Against:

Case No. 4438

11 **DENISE ELIZABETH ADAMS**  
12 **2180 Carlmont Drive 3**  
13 **Belmont, CA 94002**  
14 **Pharmacy Technician License No. TCH**  
**56794**

**ACCUSATION**

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 June 10, 2004, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 56794 to Denise Elizabeth Adams (Respondent). The Pharmacy  
23 Technician License was in full force and effect at all times relevant to the charges brought herein  
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 (Code) unless otherwise indicated.

1           4.     Section 4300, subdivision (a) of the Code provides that every license issued by the  
2 Board may be suspended or revoked.

3           5.     Section 118, subdivision (b) of the Code provides, in pertinent part, that the  
4 suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of  
5 jurisdiction to proceed with a disciplinary action during the period within which the license may  
6 be renewed, restored, reissued or reinstated. Section 4402, subdivision (a) of the Code provides  
7 that any pharmacist license that is not renewed within three years following its expiration may not  
8 be renewed, restored, or reinstated and shall be canceled by operation of law at the end of the  
9 three-year period. Section 4402, subdivision (e) of the Code provides that any other license  
10 issued by the Board may be canceled by the Board if not renewed within 60 days after its  
11 expiration, and any license canceled in this fashion may not be reissued but will instead require a  
12 new application to seek reissuance.

#### STATUTORY AND REGULATORY PROVISIONS

14           6.     Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
15 against any holder of a license who is guilty of unprofessional conduct or whose license has been  
16 procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall  
17 include, but is not limited to, any of the following:

18           ...

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

24           ...

25           "(k) The conviction of more than one misdemeanor or any felony involving the use,  
26 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
27 combination of those substances.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime(s))

3 11. Respondent is subject to disciplinary action under section 4301, subdivision (l) and/or  
4 section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770,  
5 for the conviction of substantially related crime(s), in that on or about December 12, 2011, in the  
6 criminal case *People v. Denise Elizabeth Adams*, Case No. SC073222A in San Mateo County  
7 Superior Court, Respondent was convicted on the basis of the conduct described in paragraph 10  
8 of violating (1) Penal Code section 273a, subdivision (a) (Willful harm or injury to child), a  
9 misdemeanor, and (2) Vehicle Code section 23152, subdivision (b) (Driving with blood alcohol  
10 level of 0.08% or more), a misdemeanor. The conviction was entered as follows:

11 a. On or about April 12, 2011, based on the conduct described in paragraph 10,  
12 Respondent was charged by criminal Complaint in Case No. SC073222A with one count of  
13 violating (1) Penal Code section 273a, subdivision (a) (Willful harm or injury to child), a  
14 misdemeanor, (2) Penal Code section 273a, subdivision (a) (Willful harm or injury to child), a  
15 felony, (3) Vehicle Code section 23152, subdivision (a) (Driving under influence of alcohol or  
16 drugs), a misdemeanor, and (4) Vehicle Code section 23152, subdivision (b) (Driving with blood  
17 alcohol level of 0.08% or more), a misdemeanor, with special allegations for having blood  
18 alcohol of 0.15% or more under Vehicle Code section 23578, and for having minors under 14  
19 years of age in the vehicle at the time of the offense under Vehicle Code section 23572.

20 b. On or about December 12, 2011, Respondent pleaded no contest to the first  
21 count of violating Penal Code section 273a, subdivision (a) (Willful harm or injury to child), a  
22 misdemeanor, and no contest to the count of violating Vehicle Code section 23152, subdivision  
23 (b) (Driving with blood alcohol level of 0.08% or more), a misdemeanor. Court documents  
24 established her blood alcohol as 0.23%. All other counts and enhancements were dismissed  
25 pursuant to the plea.

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1 c. On or about February 10, 2012, the court ordered imposition of sentence  
2 suspended in favor of a four year supervised probation period with terms and conditions including  
3 60 days in jail (2 days CTS), one year of a Child Abuser's Treatment Counseling program, a First  
4 Offender DUI program, and fines and fees.

5 SECOND CAUSE FOR DISCIPLINE

6 (Multiple Convictions Involving Alcohol)

7 12. Respondent is subject to disciplinary action under section 4301, subdivision (k) of the  
8 Code, in that Respondent, as described in paragraph 10, was convicted of more than one  
9 misdemeanor or a felony involving the use, consumption, or self-administration of an alcoholic  
10 beverage.

11 THIRD CAUSE FOR DISCIPLINE

12 (Self-Administration of Controlled Substance and/or Alcohol)

13 13. Respondent is subject to disciplinary action under section 4301, subdivision (h) of the  
14 Code, in that Respondent, as described in paragraph 10, used alcoholic beverages in a dangerous  
15 or injurious manner.

16 FOURTH CAUSE FOR DISCIPLINE

17 (Unprofessional Conduct)

18 14. Respondent is subject to disciplinary action under section 4301 of the Code in that, as  
19 described in paragraph 10, Respondent engaged in unprofessional conduct.

20 PRAYER

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

23 1. Revoking or suspending Pharmacy Technician License Number TCH 56794, issued  
24 to Denise Elizabeth Adams;

25 2. Ordering Denise Elizabeth Adams to pay the Board of Pharmacy the reasonable costs  
26 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
27 section 125.3;

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

DATED:

11/19/12



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

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