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

11  
12 In the Matter of the Accusation Against:

Case No. 4630

13 **STAFFORD, AMIE LEA**  
1733 Newport Drive  
14 **Yuba City, California 95993**

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

15 **Pharmacy Technician Registration No. TCH**  
44783

16 Respondent.  
17

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs. 1. On or  
23 about October 16, 2002, the Board of Pharmacy issued Pharmacy Technician Registration  
24 Number TCH 44783 to Stafford, Amie Lea (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on June 30, 2014, unless renewed.

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1 **JURISDICTION**

2 2. This Accusation is brought before the Board of Pharmacy (Board), Department of  
3 Consumer Affairs, under the authority of the following laws. All section references are to the  
4 Business and Professions Code unless otherwise indicated.

5 3. Section 4300 of the Code states in pertinent part:

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

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

9 "(1) Suspending judgment.

10 "(2) Placing him or her upon probation.

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

12 "(4) Revoking his or her license.

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

15 4. Section 4300.1 of the Code states:

16 The expiration, cancellation, forfeiture, or suspension of a board-issued  
17 license by operation of law or by order or decision of the board or a court of law, the  
18 placement of a license on a retired status, or the voluntary surrender of a license by a  
licensee shall not deprive the board of jurisdiction to commence or proceed with any  
19 investigation of, or action or disciplinary proceeding against, the licensee or to render  
a decision suspending or revoking the license

20 5. Section 4301 of the Code states in pertinent part:

21 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  
22 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is  
not limited to, any of the following:

23 (a) Gross immorality.

24 (b) Incompetence.

25 (c) Gross negligence.

26 ....

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

....

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

....

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

....

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

6. Section 4060 of the Code 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, or a physician assistant pursuant to Section 3502.1, or 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.

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

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

#### 8 DRUGS

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

11 9. "Marijuana" is a Schedule I controlled substance as designated by Health and  
12 Safety Code section 11054, subdivision (d)(13).

#### 13 FIRST CAUSE FOR DISCIPLINE 14 (Conviction of crimes)

15 10. Respondent is subject to disciplinary action under section 4301 subd. (l) in that  
16 she was convicted of crimes substantially related to the practice of a pharmacy technician. The  
17 circumstances are as follows:

18 11. On or about January 3, 2013, in *People v. Amie Lea Stafford*, Yuba County  
19 Superior Court, Case No. M-12-00999, Respondent pled guilty to a violation of Health and  
20 Safety Code section 110550 (a), (under influence of a controlled substance), a misdemeanor.

21 The circumstances were that on or about September 23, 2012, respondent, called the Yuba  
22 County Sherriff's Office to report a kidnapping. When deputies arrived they found Respondent  
23 difficult to converse with and rambling incoherently. In an interview with deputies, Respondent  
24 admitted to smoking "Crank" earlier that day but could not remember how many times she used.

25 12. On or about September 27, 2012, in *People v. Amie Lea Stafford*, Sutter County  
26 Superior Court, Respondent pled nolo contendere to a violation of Penal Code section 602.1 (a)  
27 (obstructing lawful business and refusing to leave the premises of a building), a misdemeanor.  
28

1 The circumstances were that on or about August 26, 2012, Sutter County Sheriff's deputies  
2 were dispatched to a Quick Stop located at 1620 Lincoln Road in Yuba City where respondent  
3 refused to leave the premises. Upon their arrival they found Respondent, who stated, "I'm  
4 committing a crime now and you need to arrest me." Respondent had lost custody of her children  
5 and moved out of her parent's home.

6 13. On or about May 2, 2013, in *People v. Amie Lea Stafford*, Butte County Superior  
7 Court, Respondent pled no contest to a violation of Penal Code section 602.5 (a)( unauthorized  
8 entry of a dwelling house) a misdemeanor.

9  
10 The circumstances were that on or about October 18, 2012, Respondent unlawfully entered  
11 and remained in a non-commercial dwelling house, apartment and other residential place without  
12 the consent of the owner, owner's agent and the person in lawful possession thereof.

13 **SECOND CAUSE FOR DISCIPLINE**  
14 **(Use of Drugs in a Manner Dangerous to Self or Others)**

15 14. Respondent is subject to disciplinary action under section 4301 (h), in that  
16 respondent used drugs in a manner dangerous to herself and others as more specifically set forth  
17 below.

18 15. On or about On or about October 7, 2012, Marysville Police were dispatched to  
19 investigate a report by respondent that "people were trying to blow her up with bombs." upon  
20 making contact officers conducted a series of field tests and concluded that Respondent was  
21 under the influence of a controlled substance. Upon questioning, Respondent admitted that she  
22 had consumed methamphetamine two hours prior to police intervention.

23  
24 **THIRD CAUSE FOR DISCIPLINE**  
25 **(Commission of an act of Moral Turpitude or Corruption)**

26 16. Respondent is subject to discipline pursuant to Business and Professions Code  
27 section 4301 (f) and (o) in that she possessed marijuana and drug paraphernalia in violation of  
28

1 law. The circumstances were that on or about December 11, 2012, a Yuba County Sheriff's  
2 Department Deputy made contact with Respondent who was under a bridge. When asked if she  
3 had anything illegal on her person, She responded that she was "carrying a lot of stuff for a lot of  
4 people. " A search of her person by the deputy uncovered, three syringes, a black carrying case, a  
5 spoon in a clear plastic case and 1.1 grams of marijuana.

6 **FOURTH CAUSE FOR DISCIPLINE**  
7 **(possession )**

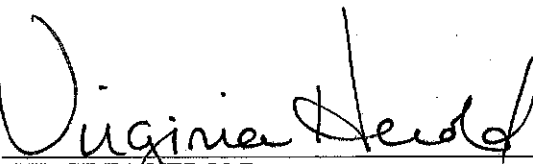
8 17. Respondent is subject to discipline pursuant to Business and Professions Code  
9 section 4301 (o) (j) and 4060, in that she possessed methamphetamine and marijuana as set forth  
10 more specifically above in paragraphs 11, 12 and 16.

11  
12 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 44783,  
16 issued to Stafford, Amie Lea
- 17 2. Ordering Amie Lea Stafford to pay the Board of Pharmacy the reasonable costs of the  
18 investigation and enforcement of this case, pursuant to Business and Professions Code section  
19 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21  
22  
23 DATED: 12/2/13



24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

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