

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-5548
6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

10
11 In the Matter of the Accusation Against:

Case No. 4713

12 **ELIZABETH ANN RHOADS**
13 **1156 Susan Way**
Sunnyvale, CA 94087

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH 11461**

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 (Board), Department of Consumer Affairs.

21 2. On or about January 19, 1994, the Board issued Pharmacy Technician Registration
22 Number TCH 11461 to Elizabeth Ann Rhoads (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on April 30, 2015, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

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2 8. California Code of Regulations, title 16, section 1770, provides in pertinent part that,
3 for the purpose of denial, suspension, or revocation of a personal or facility license, a crime or act
4 shall be considered substantially related to the qualifications, functions or duties of a licensee or
5 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or
6 registrant to perform the functions authorized by her license or registration in a manner consistent
7 with the public health, safety, or welfare.

8 COST RECOVERY

9 9. Code section 125.3 provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 FIRST CAUSE FOR DISCIPLINE

14 **(Conviction of a Substantially Related Crime)**

15 10. Respondent is subject to discipline under Code section 4301, subdivision (l), for
16 unprofessional conduct in that she was convicted of a crime substantially related to the
17 qualifications, functions and duties of a pharmacy technician, as follows:

18 11. On or about December 10, 2012, in Santa Clara County Superior Court, case number
19 B1260529, Respondent was convicted of having violated Penal Code section 273a, subdivision
20 (b) (child endangerment/infliction of unjustifiable pain and suffering). Respondent was sentenced
21 to serve 30 days in jail, placed on 4 years of formal probation, and ordered to complete a 32-week
22 parenting program, submit to 90 days of SCRAM (secure continuous remote alcohol monitoring),
23 refrain from corporal punishment of her children, and relinquish her handgun for destruction,
24 among other conditions of probation. The conviction arose from Respondent's arrest at her
25 children's school after they reported to a Santa Clara County Sheriff's Deputy and a Department
26 of Family and Children's Services social worker numerous episodes of physical and emotional
27 abuse by Respondent exacerbated by her use or abuse of alcohol. Respondent admitted that her
28 alcoholism drives her to act violently.

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SECOND CAUSE FOR DISCIPLINE

(Dangerous/Injurious/Unsafe Use of Alcohol)

12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), for unprofessional conduct in that she used alcoholic beverages in a manner dangerous or injurious to herself or others, and/or to the extent that such use impaired her ability to safely practice as a pharmacy technician, as described in paragraph 11, above.

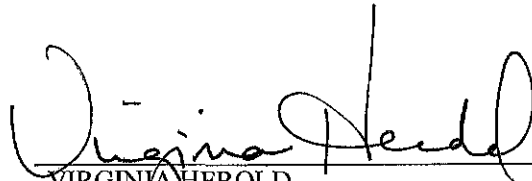
PRAYER

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 or suspending Pharmacy Technician Registration Number TCH 11461 issued to Elizabeth Ann Rhoads;
2. Ordering Elizabeth Ann Rhoads to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

8/14/13



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

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