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

12 In the Matter of the Accusation Against:

Case No. 4714

13 **KENNETH AURTHUR BOBIER**  
1173 Belcrest Drive  
14 Redding, CA 96003

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

15 **Pharmacy Technician Registration No. TCH**  
16 **121402**

17 Respondent.  
18

19 Virginia Herold ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive  
22 Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about February 24, 2012, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 121402 to Kenneth Aurthur Bobier ("Respondent"). The Pharmacy  
25 Technician Registration was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on December 31, 2013, unless renewed.

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1 JURISDICTION

2 3. 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 4. Code section 4300 states, in pertinent part, that every license issued may be suspended  
6 or revoked.

7 5. Code section 4300.1 states, in pertinent part, that the expiration, cancellation,  
8 forfeiture, or suspension of a board-issued license by operation of law or by order or decision of  
9 the board or a court of law, not deprive the board of jurisdiction to commence or proceed with any  
10 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision  
11 suspending or revoking the license.

12 STATUTORY PROVISIONS

13 6. Code section 4301 states, in pertinent part, that the board shall take action against any  
14 holder of a license who is guilty of unprofessional conduct. Unprofessional conduct shall include,  
15 but is not limited to, any of the following:

16 ...

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

22 ...

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

25 ...

26 "(l) The conviction of a crime substantially related to the qualifications, functions and duties  
27 of a licensee under this chapter.

28 ...



1 Shasta County Case No. 130002249), Respondent was convicted on his plea of guilty of violating  
2 Health and Safety Code section 11550, subdivision (a) (Under the Influence of a Controlled  
3 Substance), a misdemeanor. The circumstances are as follows:

4 a. On or about April 26, 2012, around 7 p.m., Respondent was driving home from  
5 a friend's house and crashed his truck into a telephone pole about one mile away from  
6 Respondent's house. Respondent admitted to the police officers who responded to the accident  
7 that he had taken approximately four milligrams of Xanax at 12:00 a.m. on April 26, 2012, and  
8 approximately one hundred milligrams of methadone at 8:30 a.m. on April 26, 2012, before  
9 heading to his friend's house. In addition, due to low levels of testosterone Respondent was using  
10 testosterone cream, which makes him drowsy. Respondent submitted to a chemical test, which  
11 returned a positive result for Benzodiazepines, Methamphetamine, and Opiates. Respondent  
12 provided a copy of his proof of prescription for Hydrocodone, Hydromorphone, Methadone, and  
13 Alprazolam. He also explained in an email that he does not have a job and is 100% disabled by the  
14 Veteran Affairs for post-traumatic stress disorder.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Administration of Controlled Substance in a Manner Dangerous or Injurious Self or**  
17 **Others)**

18 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)  
19 in that on or about April 26, 2012, Respondent administered to himself controlled substances in a  
20 manner dangerous or injurious to himself or others when he operated a vehicle while under the  
21 influence of controlled substances, as more particularly set forth above in paragraph 12 and its  
22 subpart.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

25 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),  
26 on the grounds of unprofessional conduct, in that on or about April 26, 2012, Respondent violated  
27 statutes regulating controlled substances and dangerous drugs, as more fully set forth above in  
28 paragraphs 12 and 13, and their subparts, and Health and Safety Code section 11550, subdivision

1 (a), which provides that no person shall use, or be under the influence of any controlled substance  
2 except when administered by or under the direction of a person licensed by the state to dispense,  
3 prescribe, or administer controlled substances, To Wit: Methamphetamine.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Violation Laws and Regulations Governing Pharmacy)**

6 15. Respondent is subject to disciplinary action under Code sections 4306 and 4301,  
7 subdivision (o), on the grounds of unprofessional conduct, in that on or about April 26, 2012,  
8 Respondent violated the laws and regulations governing pharmacy, as set forth above in  
9 paragraphs 12 through 14, and their subparts.

10 **PRAYER**

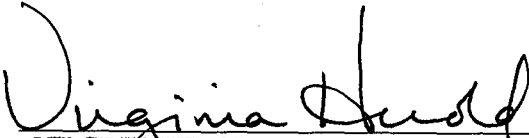
11 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Pharmacy issue a decision:

13 1. Revoking or suspending Pharmacy Technician Registration Number TCH 121402,  
14 issued to Kenneth Aurthur Bobier.;

15 2. Ordering Kenneth Aurthur Bobier 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;

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

21 DATED: 11/4/13

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

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