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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. 5018

11 **SUSAN RENEE COON**  
12 15325 Lake Berryessa Ct.  
13 Bakersfield, CA 93314

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

14 Pharmacy Technician Registration  
No. TCH 104205

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 24, 2010, the Board of Pharmacy ("Board") issued Pharmacy  
22 Technician Registration No. TCH 104205 to Susan Renee Coons ("Respondent"). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on November 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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8. Section 493 of the Code states:

“Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.”

As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

9. Section 4301 of the Code states, in pertinent part:

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

....

“(f) The commission of any act involving moral turpitude, dishonesty, 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.

....

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

3           “(k) The conviction of more than one misdemeanor or any felony involving the use,  
4 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
5 combination of those substances.

6           “(l) The conviction of a crime substantially related to the qualifications, functions, and  
7 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
8 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
9 substances or of a violation of the statutes of this state regulating controlled substances or  
10 dangerous drugs shall be conclusive evidence of unprofessional conduct. . . A plea or verdict of  
11 guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
12 meaning of this provision.”

13           . . . .

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

18           10. Section 4059, subdivision (a), of the Code states:

19           “A person may not furnish any dangerous drug, except upon the prescription of  
20 a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to  
21 Section 3640.7. A person may not furnish any dangerous device, except upon the  
22 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic  
23 doctor pursuant to Section 3640.7.”

24           11. Section 4060 of the Code states:

25           “No person shall possess any controlled substance, except that furnished to a  
26 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished  
27 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
28 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section

1 3502.1. This section shall not apply to the possession of any controlled substance by a  
2 manufacturer, wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified  
3 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers  
4 correctly labeled with the name and address of the supplier or producer.

5 Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,  
6 or a physician assistant to order his or her own stock of dangerous drugs and devices.

7 12. Health and Safety Code section 11171 provides that "No person shall prescribe,  
8 administer, or furnish a controlled substance except under the conditions and in the manner  
9 provided by this division."

### 10 REGULATORY PROVISIONS

11 13. California Code of Regulations, title 16, section 1770, states, in pertinent part:

12 "For the purpose of denial, suspension, or revocation of a personal or facility license  
13 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
14 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
15 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
16 licensee or registrant to perform the functions authorized by his license or registration in a manner  
17 consistent with the public health, safety, or welfare."

### 18 CONTROLLED SUBSTANCE/DANGEROUS DRUG

19 14. Section 4021 of the Code states:

20 "Controlled substance" means any substance listed in Chapter 2 (commencing with Section  
21 11053) of Division 10 of the Health and Safety Code."

22 15. Section 4022 of the Code states, in pertinent part:

23 "'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self use,  
24 except veterinary drugs that are labeled as such, and including the following:

25 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without  
26 prescription,' 'Rx only,' or words of similar import.

27 . . . .

28









1 to, and by this reference incorporates, the allegations set forth above in paragraph 32, as though  
2 set forth fully.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Violation of Pharmacy Act)**

5 34. Respondent is subject to disciplinary action under section 4301, subdivision (o) of  
6 the Code, on the grounds of unprofessional conduct, in that Respondent was convicted of a crime  
7 substantially related to the qualifications, functions or duties of a pharmacy technician and  
8 committed acts in violation of the Pharmacy Act. Complainant refers to; and by this reference  
9 incorporates, the allegations set forth above in paragraph 32, as though set forth fully.

10 **DISCIPLINARY CONSIDERATIONS**

11 35. In order to determine the degree of discipline, if any to be imposed on Respondent,  
12 Complainant alleges the following:

13 a. On or about November 30, 2012, the Board issued Citation and Fine No. CI 2011  
14 50330 to Respondent for violating section 4301, subdivision (h) and (l), resulting in an issuance  
15 of a \$400.00 fine. Respondent has complied with the citation. The citation was based upon  
16 Respondent's conviction that she sustained or about October 4, 2012, after pleading guilty to  
17 violating misdemeanor Vehicle Code section, 23152 subdivision (a) [driving while under the  
18 influence of alcohol] in the criminal proceeding entitled *The People of the State of California v.*  
19 *Susan Renee Coon* (Super. Ct. Kern County, 2012, No. BM795934A). The Court placed  
20 Respondent on two years probation and ordered her to serve two days in jail, and pay a fine

21 b. On or about August 6, 2013, the Board issued Citation and Fine No. CI 2012 56194  
22 to Respondent for violating section 4301, subdivisions (h) and (l), resulting in the issuance of a  
23 \$400.00. Respondent has complied with the Citation. The citation was based upon Respondent's  
24 conviction that she sustained on or about April 11, 2013, after pleading guilty, to one  
25 misdemeanor count of violating Penal Code section 647, subdivision (f) [public intoxication] in  
26 the criminal proceeding entitled *The People of the State of California v. Susan Renee Coon*  
27 (Super. Ct. Kern County, 2013, No. BM280204A). The Court ordered Respondent to pay fines.

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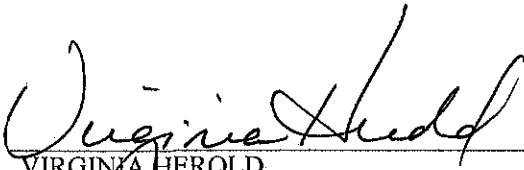
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**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 104205, issued to Susan Renee Coon;
2. Ordering Susan Renee Coon to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3 of the Code; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/12/15



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

8/11/15 kv