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

11 In the Matter of the Accusation Against:

Case No. 5035

12 **TERI ANN JOHN**  
5100 Ming Ave., #C-21  
13 Bakersfield, CA 93309

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

14 Pharmacy Technician Registration  
No. TCH 125254

15 Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as  
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).

22 2. On or about December 10, 2012, the Board issued Pharmacy Technician Registration  
23 No. TCH 125254 to Teri Ann John (Respondent). The Pharmacy Technician Registration was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on June 30,  
25 2014, unless renewed.

26 **JURISDICTION**

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



1 "This section shall not be construed to apply to any drug diversion program operated by any  
2 agency established under Division 2 (commencing with Section 500) of this code, or any initiative  
3 act referred to in that division."

#### 4 REGULATORY PROVISIONS

5 7. California Code of Regulations, title 16, section 1770, states:

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

#### 12 COST RECOVERY

13 8. Section 125.3 states, in pertinent part, that the Board may request the administrative  
14 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
15 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
16 case.

#### 17 9. CONTROLLED SUBSTANCES / DANGEROUS DRUGS

18 a. "Marijuana," is a Schedule I controlled substance as designated by the Health and  
19 Safety Code section 11054, subdivision (d)(13) and is categorized as a dangerous drug pursuant to  
20 section 4022.

21 b. "Norco," Schedule III controlled substances pursuant to Health and Safety Code  
22 section 11056, subdivision (e)(4), and are categorized as dangerous drugs pursuant to section  
23 4022.

#### 24 FIRST CAUSE FOR DISCIPLINE

##### 25 **(Dangerous Use of Controlled Substance/Alcohol)**

26 10. Respondent is subject to disciplinary action under section 4301, subdivision (h) and (j),  
27 in that Respondent used a controlled substance, dangerous drug and/or alcoholic beverages to an  
28 extent or in a manner dangerous or injurious to herself and others, as follows:

1 a. On or about February 14, 2013 the California Highway Patrol Department observed a  
2 vehicle parked on the shoulder of the road partially in the roadway and stopped to check the  
3 welfare of its two occupants. Respondent was the right front passenger. While speaking to her,  
4 the officer observed a broken hollowed out pen with powder residue and powder residue on  
5 Respondent's nostril. The officer observed that respondent appeared to be under the influence of a  
6 controlled substance. Respondent stated that the broken pen had been used for snorting Norco  
7 and admitted to snorting Norco in the vehicle prior to being checked on by the officer. During a  
8 search of the vehicle, the officer found three, small, round, blue pills, multiple plastic bags, and a  
9 jar containing Marijuana and another one containing concentrated Marijuana. Respondent was  
10 subsequently arrested for violating Health and Safety Code section 11550, subdivision (a) [under  
11 the influence of a controlled substance]. During the booking procedure, Respondent submitted to  
12 a urine test that resulted in a blood-alcohol content level of 0.08% and also tested positive for  
13 Marijuana. The driver of the vehicle, Respondent's boyfriend, was also arrested for driving under  
14 the influence.

15 b. Subsequently, on or about August 12, 2013, after pleading guilty, the Court placed  
16 Respondent on 36 months Deferred Entry of Judgment for violating Health and Safety Code  
17 section 11550, subdivision (a) [possession of a controlled substance] in the criminal proceeding  
18 entitled *The People of the State of California vs. John Teri Ann* (Super. Ct. Siskiyou County,  
19 2011, No. MCWDCRM13000402). On information and belief, to date, Respondent remains in  
20 the Deferred Entry of Judgment Program.

21 c. On or about March 28, 2013, the Bakersfield Police Department found Respondent  
22 lying in a roadway. When they arrived on the scene, Respondent showed symptoms of being  
23 under the influence of alcohol. The officers determined that Respondent was unable to care for  
24 her safety or the safety of others and was arrested for violating Penal Code section 647,  
25 subdivision (f) [public intoxication]. Subsequently, on or about April 3, 2013, charges were filed  
26 in the criminal proceeding entitled *The People of the State of California v. Teri Ann John* (Super.  
27 Ct. Kern County, 2013, No. BM820123A). On or about May 30, 2013, after pleading nolo  
28 contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section

1 647, subdivision (f) [public intoxication]. The Court set the case for hearing on conditional  
2 dismissal if Respondent did not have further violations. On or about December 4, 2013 the Court  
3 dismissed the case.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct)**

6 11. Respondent is subject to disciplinary action under section 4301 in conjunction with  
7 California Code of Regulations, title 16, section 1770, in that Respondent committed acts of  
8 unprofessional which evidence present or potential unfitness to perform the functions authorized  
9 by her registration in a manner consistent with the public health, safety, or welfare. Complainant  
10 refers to, and by this reference incorporates, the allegations set forth above in paragraph 10,  
11 subparagraphs a – c., inclusive, as though set forth fully herein.

12 **DISCIPLINE CONSIDERATIONS**

13 12. To determine the degree of discipline, if any, to be imposed on Respondent,  
14 Complainant alleges, as follows:

15 a. On or about January 20, 2011, Respondent was convicted of one misdemeanor count  
16 of violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or  
17 drugs] in the criminal proceeding entitled *The People of the State of California v. John Teri Ann*  
18 (Super. Ct. Kern County, 2011, No. BM780428A). The Court sentence Respondent serve two  
19 days in Kern County Jail and placed her on three years probation, with terms and conditions.

20 b. The circumstances surrounding the conviction are that on or about December 4, 2010,  
21 Respondent was drove a vehicle while under the influence of alcohol or drugs.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Technician Registration No. TCH 125254, issued  
26 to Teri Ann John;

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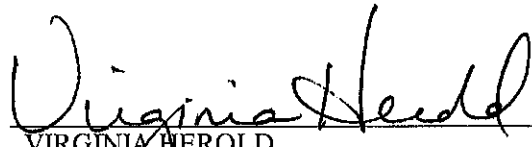
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2. Ordering Teri Ann John to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

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

DATED: 8/12/14



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

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