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

11 In the Matter of the Accusation Against:

Case No. 5318

12 **JODIE ANNE DAHL**
13 **125 Brett Pl.**
14 **Escondido, CA 92027**

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
51991

16 Respondent.

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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.
- 23 2. On or about December 29, 2003, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 51991 to Jodie Anne Dahl (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 February 28, 2015, 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. Section 4011 of the Code provides that the Board shall administer and enforce both
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
7 Act [Health & Safety Code, § 11000 et seq.].

8 5. Section 4300(a) of the Code provides that every license issued by the Board may be
9 suspended or revoked.

10 6. Section 4300.1 of the Code states:

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

14 **STATUTORY AND REGULATORY PROVISIONS**

15 7. Section 482 of the Code states:

16 Each board under the provisions of this code shall develop criteria to evaluate the
17 rehabilitation of a person when:

18 (a) Considering the denial of a license by the board under Section 480; or

19 (b) Considering suspension or revocation of a license under Section 490.

20 Each board shall take into account all competent evidence of rehabilitation
21 furnished by the applicant or licensee.

22 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
23 revoke a license on the ground that the licensee has been convicted of a crime substantially related
24 to the qualifications, functions, or duties of the business or profession for which the license was
25 issued.

26 9. Section 493 of the Code states:

27 Notwithstanding any other provision of law, in a proceeding conducted by a board
28 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

1 substantially related to the qualifications, functions, and duties of the licensee in
2 question, the record of conviction of the crime shall be conclusive evidence of the fact
3 that the conviction occurred, but only of that fact, and the board may inquire into the
4 circumstances surrounding the commission of the crime in order to fix the degree of
5 discipline or to determine if the conviction is substantially related to the qualifications,
6 functions, and duties of the licensee in question.

7 As used in this section, "license" includes "certificate," "permit," "authority," and
8 "registration."

9 10. Section 4301 of the Code states:

11 The board shall take action against any holder of a license who is guilty of
12 unprofessional conduct or whose license has been procured by fraud or misrepresentation
13 or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of
14 the following:

15

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

21

22 (i) The conviction of a crime substantially related to the qualifications, functions,
23 and duties of a licensee under this chapter. The record of conviction of a violation of
24 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
25 regulating controlled substances or of a violation of the statutes of this state regulating
26 controlled substances or dangerous drugs shall be conclusive evidence of unprofessional
27 conduct. In all other cases, the record of conviction shall be conclusive evidence only of
28 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.

. . . .

REGULATORY PROVISIONS

1 11. California Code of Regulations, title 16, section 1769, states:
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4 (b) When considering the suspension or revocation of a facility or a personal
5 license on the ground that the licensee or the registrant has been convicted of a crime, the
6 board, in evaluating the rehabilitation of such person and his present eligibility for a
7 license will consider the following criteria:

8 (1) Nature and severity of the act(s) or offense(s).

9 (2) Total criminal record.

10 (3) The time that has elapsed since commission of the act(s) or offense(s).

11 (4) Whether the licensee has complied with all terms of parole, probation,
12 restitution or any other sanctions lawfully imposed against the licensee.

13 (5) Evidence, if any, of rehabilitation submitted by the licensee.

14 12. California Code of Regulations, title 16, section 1770, states:

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

COST RECOVERY

22 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

26 (September 9, 2014 Criminal Conviction for Driving While Under the Influence of Alcohol
27 on March 3, 2014)

28 14. Respondent has subjected her registration to discipline under sections 490 and 4301,
subdivision (l) of the Code in that she was convicted of a crime that is substantially related to the
qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

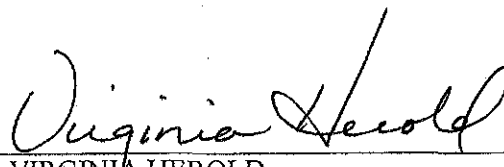
3 16. Respondent has subjected her registration to disciplinary action under Code section
4 4301 for unprofessional conduct in that she engaged in the activities described in paragraph 14
5 above, which is incorporated herein by reference.

6 **PRAAYER**

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

- 9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 51991,
10 issued to Jodie Anne Dahl;
- 11 2. Ordering Jodie Anne Dahl to pay the Board of Pharmacy the reasonable costs of the
12 investigation and enforcement of this case, pursuant to Business and Professions Code section
13 125.3;
- 14 3. Taking such other and further action as deemed necessary and proper.
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16
17 DATED: 2/23/15


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

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