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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. 5348

12 **BRITTANI DIANE OVERSTREET**
13 **P.O. Box 1016**
Loomis, CA 95650

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **107697**

16 Respondent.

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 November 9, 2010, the Board issued Pharmacy Technician Registration
22 Number TCH 107697 to Brittani Diane Overstreet ("Respondent"). The pharmacy technician
23 registration was in full force and effect at all times relevant to the charges brought herein but
24 expired on February 29, 2016 and has not been renewed.

25 **JURISDICTION/STATUTORY PROVISIONS**

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 unless otherwise indicated.

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4. Section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper . . .

5. Section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a 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.

6. Section 4301 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:

....

(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.

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

(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the board . . .

1 on September 29, 2014. Respondent failed to comply with the conditions delineated in the
2 Board's letter or submit a written explanation of her arrest.

3 12. On or about March 22, 2015, at approximately 0258 hours, a Rocklin Police Officer
4 while on duty observed a Honda Accord traveling south in front of him on Pacific Street in
5 Rocklin. The officer noted the vehicles' right and center brake lights were not functioning and
6 initiated traffic stop. Respondent was the driver of the vehicle and was directed by the officer to
7 exit the vehicle. Respondent had objective symptoms of being under the influence of a controlled
8 substance, including slurred, raspy speech and constricted pupils. Respondent also appeared
9 disoriented. The officer searched the vehicle and located a capped hypodermic syringe, several
10 knives, and various burglary tools. When asked about the syringe, Respondent admitted she used
11 methamphetamine regularly, she snorted or used methamphetamine that night, and that she
12 regularly injected or snorted methamphetamine. Respondent failed field sobriety tests and was
13 arrested for violating Vehicle Code section 23152(e) (driving a vehicle while under the influence
14 of drugs). During the booking process at the jail, Respondent provided a blood sample and
15 showed the officer several fresh injection points.

16 13. On or about July 17, 2015, in Placer County Superior Court, Case No. 62-139388,
17 Respondent was charged with violating Vehicle Code section 23512(e), Health and Safety Code
18 section 11550(a) (unlawful use of controlled substances), and Penal Code section 466 (possession
19 of burglary tools). On or about December 1, 2015, Respondent was convicted by the court based
20 on her plea of no contest to violating Vehicle Code section 23152(e).

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Self-Administration of Controlled Substances)**

23 14. Respondent is subject to disciplinary action pursuant to section 4301 (h), for
24 unprofessional conduct, in that Respondent self-administered the controlled substance
25 methamphetamine and used the drug to an extent or in a manner dangerous or injurious to herself
26 and others, as set forth in paragraphs 10 and 12 above.

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