		ı
1	KAMALA D. HARRIS	
2	Attorney General of California JANICE K. LACHMAN	
3	Supervising Deputy Attorney General BRIAN S. TURNER	
4	Deputy Attorney General State Bar No. 108991	
5	1300 I Street, Suite 125 P.O. Box 944255	
6	Sacramento, CA 94244-2550 Telephone: (916) 445-0603	
7	Facsimile: (916) 327-8643 Attorneys for Complainant	
8		
	BEFORE THE BOARD OF PHARMACY	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11	In the Matter of the Accusation Against: Case No. 5348	
12	BRITTANI DIANE OVERSTREET P.O. Box 1016	
13	Loomis, CA 95650 A C C U S A T I O N	
14 15	Pharmacy Technician Registration No. TCH 107697	
16	Respondent.	
17	Complainant alleges:	
18	<u>PARTIES</u>	
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.	
28	///	
	1	

1	4. Section 4300 states, in pertinent part:
2	2 (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
4	found guilty, by any of the following methods:
5	5 (1) Suspending judgment.
6	(2) Placing him or her upon probation,
7	(3) Suspending his or her right to practice for a period not exceeding one year.
8	(4) Revoking his or her license.
9	(4) Revering his of her needisc.
10	(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper
11	5. Section 4300.1 states:
12	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
13	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
14	investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.
15	a decision suspending of revoking the neonic.
16	6. Section 4301 states, in pertinent part:
17	The board shall take action against any holder of a license who is guilty of
18	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:
19	not minted to, any of the following.
20	(h) The administering to oneself, of any controlled substance, or the use
21	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
22	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.
23	
24	(1) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this
25	chapter.
26	(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the board
27	myosuganon of the board
28	

10

11

14 15

16

18

19

24

25

26

27

28

7. Health and Safety Code section 11170 states that "[n]o person shall prescribe, administer, or furnish a controlled substance for himself."

COST RECOVERY

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

DRUGS

9. "Methamphetamine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2).

FACTUAL ALLEGATIONS

- 10. On or about April 14, 2014, at approximately 0038 hours, a Roseville Police Officer was on duty was driving through a Walmart parking lot when he observed a vehicle parked in one of the stalls occupied by a male and Respondent who exited the vehicle. The officer learned the vehicle belonged to Respondent who subsequently gave consent to search her vehicle. When asked, Respondent denied possessing narcotics or paraphernalia in the vehicle but then admitted to using "meth" in the past and had started "rehab". The officer searched the vehicle and located a backpack on the front passenger floorboard that contained diagonal cutters, two screwdrivers, a metal pry bar, and a black glove. The officer found a red hacksaw and a metal pry bar in the trunk. Respondent claimed that the tools belonged to her and were used for "scrapping for parts and things to sell". Respondent and the male subject were arrested for possession of burglary tools.
- 11. On or about September 23, 2014, the Board notified Respondent by letter that an investigation was initiated because of the April 14, 2014 arrest. Respondent was requested to submit a written explanation by October 10, 2014, regarding the admitted use of methamphetamine and drug rehabilitation. Respondent was warned that failure to respond to the letter may result in disciplinary action against her license pursuant to section 4301(q). The Board received documentation showing that the letter was delivered to Respondent's address of record

28 | ///

///

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

- 12. On or about March 22, 2015, at approximately 0258 hours, a Rocklin Police Officer while on duty observed a Honda Accord traveling south in front of him on Pacific Street in Rocklin. The officer noted the vehicles' right and center brake lights were not functioning and initiated traffic stop. Respondent was the driver of the vehicle and was directed by the officer to exit the vehicle. Respondent had objective symptoms of being under the influence of a controlled substance, including slurred, raspy speech and constricted pupils. Respondent also appeared disoriented. The officer searched the vehicle and located a capped hypodermic syringe, several knives, and various burglary tools. When asked about the syringe, Respondent admitted she used methamphetamine regularly, she snorted or used methamphetamine that night, and that she regularly injected or snorted methamphetamine. Respondent failed field sobriety tests and was arrested for violating Vehicle Code section 23152(e) (driving a vehicle while under the influence of drugs). During the booking process at the jail, Respondent provided a blood sample and showed the officer several fresh injection points.
- 13. On or about July 17, 2015, in Placer County Superior Court, Case No. 62-139388, Respondent was charged with violating Vehicle Code section 23512(e), Health and Safety Code section 11550(a) (unlawful use of controlled substances), and Penal Code section 466 (possession of burglary tools). On or about December 1, 2015, Respondent was convicted by the court based on her plea of no contest to violating Vehicle Code section 23152(e).

FIRST CAUSE FOR DISCIPLINE

(Self-Administration of Controlled Substances)

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

SECOND CAUSE FOR DISCIPLINE 1 (Subverting or Attempting to Subvert an Investigation of the Board) 2 Respondent is subject to disciplinary action pursuant to section 4301(q), for 3 unprofessional conduct, in that Respondent engaged in conduct that subverted or attempted to 4 subvert an investigation of the Board when she failed or refused to respond to the Board's letter of 5 September 23, 2014, as set forth in paragraph 11 above. 6 THIRD CAUSE FOR DISCIPLINE 7 8 (Conviction of a Crime Substantially Related) 16. Paragraphs 12 and 13 are incorporated herein as though set forth at length. 9 Respondent is subject to disciplinary action for unprofessional conduct pursuant to section 10 4301(1) for being convicted of a crime substantially related to the duties, responsibilities and 11 qualifications of a pharmacy technician. 12 13 PRAYER WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 14 and that following the hearing, the Board of Pharmacy issue a decision: 15 1. 16 Revoking or suspending Pharmacy Technician Registration Number TCH 107697. 17 issued to Brittani Diane Overstreet; Ordering Brittani Diane Overstreet to pay the Board of Pharmacy the reasonable costs 18 of the investigation and enforcement of this case, pursuant to Business and Professions Code 19 20 section 125.3; 3. Taking such other and further action as deemed necessary and proper. 21 22 7/19/16 23 DATED: VIRGINIA HEROLD 24 Executive Officer **Board of Pharmacy** 25 Department of Consumer Affairs State of California 26 Complainant

27

28

SA2014119237