· 1	t		
	1		
1	KAMALA D. HARRIS		
2	Attorney General of California LINDA K. SCHNEIDER		
3	Senior Assistant Attorney General JOSHUA A. ROOM		
4	Supervising Deputy Attorney General State Bar No. 214663		
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004		
6	Telephone: (415) 703-1299 Facsimile: (415) 703-5480		
7	Attorneys for Complainant BEFORE THE		
8	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
9	STATE OF CALIFORNIA		
10	In the Matter of the Accusation Against:	Case No. 5718	
11	JEANNIE MARIE ESQUIVEL		
12	aka JEANNIE MARIE KNAPP 8859 Valley View Drive	ACCUSATION	
13	Ukiah, CA 95482	ACCUSATION .	
14	Pharmacy Technician License No. TCH 66183		
15	Respondent.		
16	Complainant alleges:	1	
17	PART	IES	
18	1. Virginia Herold (Complainant) brings	this Accusation solely in her official capacity	
19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
20	2. On or about November 17, 2005, the Board of Pharmacy issued Pharmacy Technician		
21	License No. TCH 66183 to Jeannie Marie Esquivel aka Jeannie Marie Knapp (Respondent). The		
22	License was in effect at all times relevant and will expire on January 31, 2017, unless renewed.		
23	JURISDICTION		
24	3. This Accusation is brought before the Board of Pharmacy (Board), Department of		
25	Consumer Affairs, under the authority of the following laws. All section references are to the		
26	Business and Professions Code (Code) unless otherwise indicated.		
27	4. Section 4300(a) of the Code provides that every license issued by the Board may be		
28	suspended or revoked.		
	1		

(JEANNIE MARIE ESQUIVEL) ACCUSATION

Section 4011 of the Code provides that the Board shall administer and enforce both
 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
 Act [Health & Safety Code, § 11000 et seq.].

6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
suspension of a Board-issued license, 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.

9

## STATUTORY AND REGULATORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
not be 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.

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

8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
revoke a license when it finds that the licensee has been convicted of a crime substantially related
to the qualifications, functions or duties of the license.

- 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
  administrative law judge to direct a licentiate found to have committed a violation of the licensing
  act to pay a sum not to exceed its reasonable costs of investigation and enforcement.
- 26

111

111

111

- 27
- 28

2

10. California Code of Regulations, title 16, section 1770, states: 1 "For the purpose of denial, suspension, or revocation of a personal or facility license 2 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 3 crime or act shall be considered substantially related to the qualifications, functions or duties of a 4 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 5 licensee or registrant to perform the functions authorized by her license or registration in a manner 6 consistent with the public health, safety, or welfare." 7 8 FIRST CAUSE FOR DISCIPLINE 9 (Conviction of Substantially Related Crime(s)) 1011. Respondent is subject to discipline under section 4301(1) and/or section 490 of the 11 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of 12 substantially related crime(s), in that on or about August 4, 2014, in the criminal case *People* y. 13 Jeannie Marie Knapp, Case No. 12M06663 in Sacramento County Superior Court, Respondent 14 was convicted of violating Vehicle Code section 23152, subdivision (a) (Driving While Under the 15 Influence of Alcohol/Drugs), a misdemeanor, as follows: 16 On or about August 4, 2012, at approximately 7:00 p.m., California Highway 17 a. Patrol (CHP) received a call regarding a possibly impaired driver traveling eastbound on I-80 at 18 Longview Drive; the report described the vehicle, said it was swerving erratically, had several 19 near-collisions, and was traveling on the shoulder of the freeway. The responding officer(s) saw a 20car matching the description being driven by Respondent, observed it traveling at high speed, 21 22 driving erratically, and just narrowly avoiding collisions with other vehicles. The officer(s) initiated an enforcement stop, but when Respondent pulled the car onto the shoulder she failed to 23 adequately follow instructions regarding how far to pull off the highway. When the officer(s) 24 contacted Respondent, she exhibited signs of being under the influence of alcohol or drugs, and 25 an empty prescription bottle was discovered in her purse. Respondent admitted to taking several 262.7medications, including Norco. She was unable to perform Field Sobriety Tests (FSTs). She was placed under arrest on suspicion of violating Vehicle Code section 23152, subdivision (a). 28

3

b. 1 Respondent was subjected to a Drug Recognition Evaluation (DRE), which detected signs that Respondent was under the influence of a narcotic analgesic and a central 2 nervous system (CNS) depressant, and determined she was unable to safely operate a motor 3 vehicle. A search of Respondent's purse found seven (7) prescription bottles prescribed by three 4 5 (3) different doctors, containing/labeled for Hydrocodone Acetaminophen (generic Norco, a Schedule III narcotic analgesic), Hydrochlorothiazide (typically prescribed to prevent fluid 6 retention), Ondansetron (typically prescribed to prevent surgery-related nausea and vomiting), 7 Tramadol (a Schedule IV painkiller), Clonazepam (a Schedule III benzodiazepine), Buproprion 8 (generic Wellbutrin, an anti-depressant), and Hydrochloride. 9 On or about April 18, 2014, Respondent was charged in Case No. 12M06663 in 10c. Sacramento County Superior Court with violating (1) Vehicle Code section 23152, subdivision 11 (a) (Driving Under the Influence of Alcohol/Drugs), a misdemeanor, and (2) Health and Safety 12 Code section 11550, subdivision (a) (Using or Being Under the Influence of a Controlled 13 Substance, to wit, alprazolam, lorazepam, donazepam, and hydrocodone), a misdemeanor. 14 15 c. On or about August 4, 2014, Respondent entered a plea of nolo contendere to and was found guilty of Count (1). Count (2) was dismissed. Imposition of judgment/sentence 16 was suspended and Respondent was placed on Informal Probation for a period of three (3) years, 17 with terms and conditions including twenty (20) days in jail (1 day CTS), with eligibility for the 18 Work Program, a First Offender DUI Program, search conditions, and fines and fees. 19 20 SECOND CAUSE FOR DISCIPLINE (Dangerous Use of Drugs) 21 12. Respondent is subject to discipline under section 4301(h) of the Code, in that as 22 described in paragraph 11, Respondent used drugs in a dangerous manner. 23 THIRD CAUSE FOR DISCIPLINE 24 (Unprofessional Conduct) 25Respondent is subject to discipline under section 4301 of the Code in that, as 13. 26described in paragraphs 11-12 above, Respondent engaged in unprofessional conduct. 27 /// 28

4

,		
1		
2	<ul> <li>WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged</li> <li>and that following the hearing, the Board of Pharmacy issue a decision:</li> <li>Revoking or suspending Pharmacy Technician License Number TCH 66183, issued</li> <li>Jeannie Marie Esquivel aka Jeannie Marie Knapp (Respondent);</li> <li>Ordering Respondent to pay the Board the reasonable costs of the investigation and</li> <li>enforcement of this case, pursuant to Business and Professions Code section 125.3;</li> <li>Taking such other and further action as is deemed necessary and proper.</li> </ul>	
3		
4		
5		
6		
7		
8		
9	$z_{lal}$ $z_{l-} - z_{l-1}$	
10	DATED: HI9/16 Uugina Akedo	
11	VIRGINIA HEROLD Executive Officer	
12	Board of Pharmacy Department of Consumer Affairs	
13	State of California Complainant	
14		
15	SF2016400109 12309350.doc	
16		
17		
18		
19		
20	·	
21		
22		
23		
24		
25		
26		
27		
28		
	5	
	(JEANNIE MARIE ESQUIVEL) ACCUSATIO	