

1 XAVIER BECERRA  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 MALISSA N. SIEMANTEL  
Deputy Attorney General  
4 State Bar No. 240157  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 327-7855  
Facsimile: (916) 324-5567  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **LINDA SAYNHASITH**  
2532 Belair Street  
13 Stockton, CA 95205  
14 **Pharmacy Technician Registration**  
**No. TCH 106434**  
15  
16 Respondent.

Case No. 5950

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

17  
18 Virginia Herold ("Complainant") alleges:

19 **PARTIES**

- 20 1. Complainant brings this Accusation solely in her official capacity as the Executive  
21 Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.  
22 2. On or about September 15, 2010, the Board issued Pharmacy Technician Registration  
23 Number TCH 106434 to Linda Saynhasith ("Respondent"). The license was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on June 30, 2018, unless  
25 renewed.

26 **STATUTORY/REGULATORY PROVISIONS**

- 27 3. Business and Professions Code ("Code") section 4300 states, in pertinent part:  
28 (a) Every license issued may be suspended or revoked.

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

4 (1) Suspending judgment.

5 (2) Placing him or her upon probation.

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

7 (4) Revoking his or her license.

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

10 4. Code section 4300.1 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  
15 investigation of, or action or disciplinary proceeding against, the licensee or to render  
16 a decision suspending or revoking the license.

17 5. Code section 4301 states, in pertinent part:

18 The board shall take action against any holder of a license who is guilty of  
19 unprofessional conduct or whose license has been issued by mistake. Unprofessional  
20 conduct shall include, but is not limited to, any of the following:

21 . . .

22 (j) The violation of any of the statutes of this state, of any other state, or of the  
23 United States regulating controlled substances and dangerous drugs.

24 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
25 abetting the violation of or conspiring to violate any provision or term of this chapter  
26 or of the applicable federal and state laws and regulations governing pharmacy,  
27 including regulations established by the board or by any other state or federal  
28 regulatory agency.

6. Code section 4060 states, in pertinent part:

No person shall possess any controlled substance, except that furnished to a  
person upon the prescription of a physician, dentist, podiatrist, optometrist,  
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant  
to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to  
Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist  
pursuant to either Section 4052.1 or 4052.2. . . .

7. Health and Safety Code section 11377, subdivision (a), states:

Except as authorized by law and as otherwise provided in subdivision (b) or  
Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of  
Division 2 of the Business and Professions Code, every person who possesses any

1 controlled substance which is (1) classified in Schedule III, IV, or V, and which is not  
2 a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs  
3 (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of  
4 subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision  
5 (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,  
6 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed  
7 to practice in this state, shall be punished by imprisonment in a county jail for a period  
8 of not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal  
9 Code.

10 8. Health and Safety Code section 11350, subdivision (a), states:

11 Except as otherwise provided in this division, every person who possesses (1)  
12 any controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of  
13 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of  
14 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section  
15 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled  
16 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the  
17 written prescription of a physician, dentist, podiatrist, or veterinarian licensed to  
18 practice in this state, shall be punished by imprisonment in a county jail for not more  
19 than one year, except that such person shall instead be punished pursuant to  
20 subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior  
21 convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2)  
22 of subdivision (e) of Section 667 of the Penal Code or for an offense requiring  
23 registration pursuant to subdivision (c) of Section 290 of the Penal Code.

#### 24 COST RECOVERY

25 9. Code section 125.3 states, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case.

#### DRUGS

10 10. Adderall, a brand name of an amphetamine, is a Schedule II controlled substance as  
11 designated by Health and Safety Code section 11055, subdivision (d)(1).

12 11. Alprazolam is a Schedule IV controlled substance as designated by Health and Safety  
13 Code section 11057, subdivision (d)(1).

14 12. Diazepam is a Schedule IV controlled substance as designated by Health and Safety  
15 Code section 11057, subdivision (d)(9). Valium is a brand name of diazepam.

16 13. Methadone Hydrochloride is a Schedule II controlled substance as designated by  
17 Health and Safety Code section 11055, subdivision (c)(14).

18 ///

1 **BACKGROUND**

2 14. On or about April 17, 2015, a Ripon Police Department (“RPD”) officer conducted a  
3 traffic enforcement stop on a vehicle for illegally making a U-turn, Respondent was as passenger in  
4 the stopped vehicle. Upon initial contact, the officer observed five (5) occupants in the vehicle.  
5 Each identified themselves with a valid California driver’s license. The RPD officer ran a CLETS  
6 inquiry and determined that the driver was driving on a suspended license and one of the  
7 passengers was on active searchable probation with no limitations. The RPD officer instructed the  
8 occupants to exit the vehicle in order to conduct a search of the vehicle. The RPD officer located  
9 a brown purse inside the vehicle that contained two (2) orange pill bottles and one (1) Hello Kitty  
10 container. Inside the pill bottles and container were the following: one (1) 0.5 milligram (“mg”)  
11 tablet of alprazolam; thirty-three (33) 1mg tablets of alprazolam; two (2) 2mg tablets of  
12 alprazolam; one (1) 350mg tablet of carisoprodol; two (2) 220mg tablets of naproxen; twenty-  
13 four (24) 10mg tablets of diazepam; one (1) tablet of acetaminophen; one hundred and seven (107)  
14 10mg/325mg tablets of hydrocodone/acetaminophen; one (1) 10mg tablet of Adderall; and nine (9)  
15 tablets of methadone. Respondent admitted to the RPD officer that the brown purse was hers.  
16 She also admitted to using the following: over the counter naproxen as needed; Norco  
17 (hydrocodone/acetaminophen) and Soma (carisoprodol), both prescribed by her physician for her  
18 lower back pain. Respondent further admitted to using Valium (diazepam) and alleged it was  
19 prescribed by her physician for lower back pain. Respondent admitted to using methadone, and  
20 alprazolam without a prescription. Lastly, Respondent admitted that the Adderall found in her  
21 purse was not prescribed to her and may belong to her brother.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Violation of Statutes Regulating Controlled Substances)**

24 15. Respondent is subject to disciplinary action for unprofessional conduct under Code  
25 section 4301, subdivision (j), in that Respondent possessed controlled substances without a  
26 prescription, as required by Code section 4060, as follows:

27 a. Respondent possessed a total of 36 tablets of Alprazolam (1- 0.5mg tablet, 33- 1mg  
28 tablets, and 2- 2mg tablets), in violation of Health and Safety Code section 11377, subdivision (a).

