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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. 6080

12 **JAMES EARL MANSFIELD**
13 **506 Airport Boulevard, #11**
14 **Santa Rosa, CA 95403**

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
66503

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about December 15, 2005, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 66503 to James Earl Mansfield (Respondent). The Pharmacy
24 Technician Registration expired on March 31, 2017, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

1 board or by any other state or federal regulatory agency.

2 6. Section 4327 of the Code states that any person who, while on duty, sells, dispenses
3 or compounds any drug while under the influence of any dangerous drug or alcoholic beverages
4 shall be guilty of a misdemeanor.

5 7. Section 4059 of the Code states, in pertinent part, that a person may not furnish any
6 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,
7 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

8 8. Section 4060 of the Code states:

9 A person shall not possess any controlled substance, except that furnished to a person
10 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
11 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order
12 issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner
13 pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a
14 naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to Section
15 4052.1, 4052.2, or 4052.6. This section does not apply to the possession of any
16 controlled substance by a manufacturer, wholesaler, third-party logistics provider,
17 pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian,
18 naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant,
19 if in stock in containers correctly labeled with the name and address of the supplier or
20 producer.

21 This section does not authorize a certified nurse-midwife, a nurse practitioner, a
22 physician assistant, or a naturopathic doctor, to order his or her own stock of
23 dangerous drugs and devices.

24 9. Health and Safety Code section 11170 states that no person shall prescribe, administer,
25 or furnish a controlled substance for himself.

26 10. Health and Safety Code section 11173, subd. (a), states that no person shall obtain or
27 attempt to obtain controlled substances, or procure or attempt to procure the administration of or
28 prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2)
by the concealment of a material fact.

24 COST RECOVERY PROVISION

25 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee 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.

1 **DRUG**

2 12. Ketamine is a Schedule III controlled substance under Health and Safety Code section
3 11056, subdivision (g), and a dangerous drug under Business and Professions Code section 4022.
4 It is used for pain relief and sedation.

5 **FACTUAL BACKGROUND**

6 13. On or about September 23, 2016, while working as a pharmacy technician at Health
7 First Pharmacy in Windsor, California, Respondent injected himself with ketamine that he took
8 from the pharmacy. He obtained access to the drug by removing the drawer above the locked
9 cabinet where it was kept. Respondent subsequently displayed symptoms of impairment at work,
10 including slurred speech and unsteady gait. Respondent lacked a valid prescription for the
11 ketamine.

12 **FIRST CAUSE FOR DISCIPLINE**
13 **(Unprofessional Conduct: Theft of Controlled Substance)**
14 **(Bus. & Prof. Code, § 4301, subd. (f))**

15 14. Respondent has subjected his pharmacy technician registration to discipline for
16 unprofessional conduct in that he committed theft of a controlled substance (Bus. & Prof. Code, §
17 4301, subd. (f)). The circumstances are described in paragraph 13, above.

18 **SECOND CAUSE FOR DISCIPLINE**
19 **(Unprofessional Conduct: Unlawful Possession of Controlled Substance)**
20 **(Bus. & Prof. Code, §§ 4060 and 4301, subd. (j) and/or (o))**

21 15. Respondent has subjected his pharmacy technician registration to discipline for
22 unprofessional conduct in that he unlawfully possessed a controlled substance (Bus. & Prof. Code,
23 §§ 4060 and 4301, subd. (j) and/or (o)). The circumstances are described in paragraph 13, above.

24 **THIRD CAUSE FOR DISCIPLINE**
25 **(Unprofessional Conduct: Unlawful Self-Administration of Controlled Substance)**
26 **(Bus. & Prof. Code, § 4301, subd. (h) and/or (o); Health & Saf. Code, § 11170)**

27 16. Respondent has subjected his pharmacy technician registration to discipline for
28 unprofessional conduct in that he unlawfully self-administered a controlled substance (Bus. & Prof.
Code, § 4301, subd. (h) and/or (o); Health & Saf. Code, § 11170). The circumstances are
described in paragraph 13, above.

1 **FOURTH CAUSE FOR DISCIPLINE**
2 **(Unprofessional Conduct: Unlawful Furnishing of Controlled Substance)**
3 **(Bus. & Prof. Code, §§ 4301, subd. (j) and/or (o), and 4059, subd. (a))**

4 17. Respondent has subjected his pharmacy technician registration to discipline for
5 unprofessional conduct in that he unlawfully furnished a controlled substance (Bus. & Prof. Code,
6 §§ 4301, subd. (j) and/or (o), and 4059, subd. (a)). The circumstances are described in paragraph
7 13, above.

8 **FIFTH CAUSE FOR DISCIPLINE**
9 **(Unprofessional Conduct: Obtaining Controlled Substance by Fraud, Deceit, or Subterfuge)**
10 **(Bus. & Prof. Code, § 4301, subd. (j) and/or (o); Health & Saf. Code, § 11173, subd. (a))**

11 18. Respondent has subjected his pharmacy technician registration to discipline for
12 unprofessional conduct in that he obtained a controlled substance by fraud, deceit, or subterfuge
13 (Bus. & Prof. Code, § 4301, subd. (j) and/or (o); Health & Saf. Code, § 11173, subd. (a)). The
14 circumstances are described in paragraph 13, above.

15 **SIXTH CAUSE FOR DISCIPLINE**
16 **(Unprofessional Conduct: Sale, Dispensing, Compounding While Under Influence of Drug)**
17 **(Bus. & Prof. Code, §§ 4301, subd. (h), and 4327)**

18 19. Respondent has subjected his pharmacy technician registration to discipline for
19 unprofessional conduct in that he engaged in sale, dispensing, or compounding of a drug under
20 while under the influence of a dangerous drug (Bus. & Prof. Code, §§ 4301, subd. (h), and 4327).
21 The circumstances are described in paragraph 13, above.

22 **PRAYER**

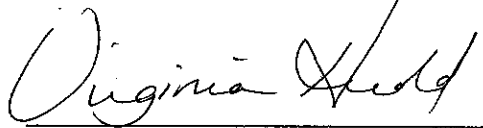
23 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
24 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 66503,
26 issued to James Earl Mansfield;
- 27 2. Ordering James Earl Mansfield to pay the Board of Pharmacy the reasonable costs of
28 the investigation and enforcement of this case, pursuant to Business and Professions Code section
125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: 10/8/17



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

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