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8	BEFORE THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 6125
12	
13	SHANNAN NOEL DORRIS 1440 Primrose Street Upland, CA 91786 A C C U S A T I O N
14	Pharmacy Technician Registration
15	No. TCH 122148
16	Respondent.
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18	Complainant alleges:
19	<u>PARTIES</u>
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 (Board).
22	2. On or about March 27, 2012, the Board issued Pharmacy Technician Registration No.
23	TCH 122148 to Shannan Noel Dorris (Respondent). The Pharmacy Technician Registration was
24	in full force and effect at all times relevant to the charges brought herein and will expire on July 31
25	2019, unless renewed.
26	JURISDICTION
27	3. This Accusation is brought before the Board under the authority of the following laws.
28	All section references are to the Business and Professions Code unless otherwise indicated.
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- 4. Section 4300 provides in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.
 - 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."

STATUTORY PROVISIONS

- 6. Section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
 - 7. 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 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.
- "(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

. . .

"(I) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled

substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment."

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

9. Section 125.3 provides, in pertinent part, that the 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

10. CONTROLLED SUBSTANCE/DANGEROUS DRUG

- a. "Alprazolam," is a generic name Xanax. It is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(1) and is a dangerous drug pursuant to section 4022.
- b. "Fentanyl," is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (c)(8) and is a dangerous drug pursuant to section 4022.
- c. "Hydromorphone," is a generic name for Dilaudid, an Opium derivative, which is classified as a Schedule II Controlled Substance pursuant to Health and Safety Code section 11055, subdivision (b)(1), and is a dangerous drug within the meaning of section 4022.
- d. "Cyclobenzaprine," is a muscle relaxant and is a dangerous drug pursuant to section 4022.
 - e. "Trazodone," is an antidepressant and is a dangerous drug pursuant to section 4022.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

- 11. Respondent is subject to disciplinary action under section 4301, subdivision (l), in conjunction with, California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that the Respondent was convicted of a crime substantially related to the qualifications, functions, and duties of a pharmacy technician, as follows:
- a. On or about June 20, 2017, after pleading guilty, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (e) [driving under the influence of a drug] in the criminal proceeding entitled *The People of the State of California v. Shannan Noel Dorris* (Super. Ct. Orange County, 2017, No. 16NM09622). The Court ordered Respondent to complete a 3-month first offender alcohol program and placed her on 3 years probation, with terms and conditions.
- b. The circumstances surrounding the conviction are that on or about March 26, 2016, California Highway Patrol officers responded to a report of a property damage only hit and run traffic collision where Respondent was involved. While speaking to Respondent, the officer observed her to have slow and slurred speech, and was unable to make coherent sentences. When

asked if she had consumed any alcohol or drugs prior to the accident, Respondent stated she was 1 currently using a Fentanyl patch and denied any other drugs use. Respondent submitted to a series 2 of field sobriety tests which she was unable to complete as indicated. Respondent later admitted to 3 taking 4 pills, 4 mg each, of Dilaudid, and 2 mg of Xanax earlier that morning. During the 4 booking procedure Respondent provide a sample of blood that tested positive for Alprazolam, 5 Fentanyl, Hydromorphone, Cyclobenzaprine, Cyclobenzaprine metabolite, Trazodone, and 6 Trazodone metabolite. 7 SECOND CAUSE FOR DISCIPLINE 8 (Dangerous Use of Dangerous Drug and/or Controlled Substance) 9 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), on the 10 grounds of unprofessional conduct, in that, on or about March 26, 2016, Respondent used a 11 dangerous drug and/or controlled substance to an extent or in a manner dangerous or injurious to 12 herself, any person, or the public. Complainant refers to, and by this reference incorporates, the 13 allegations set forth above in paragraph 11, subparagraph (b), as though fully set forth herein. 14 111 15 16 17 18 III19 IIIIII20 21 III111 22 111 23 24 III25 26 27 28 ///

PRAYER 1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 2 and that following the hearing, the Board of Pharmacy issue a decision: 3 1. Revoking or suspending Pharmacy Technician Registration Number TCH 122148, 4 issued to Shannan Noel Dorris; 5 2. Ordering Shannan Noel Dorris to pay the Board of Pharmacy the reasonable costs of 6 7 the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and, 8 3. Taking such other and further action as deemed necessary and proper. 9 10 11 12 13 **Executive Officer Board of Pharmacy** 14 Department of Consumer Affairs State of California 15 Complainant 16 LA2017604629 17 52571268.doc 18 19 20 21 22 23 24 25 26 27

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