

1 XAVIER BECERRA
2 Attorney General of California
3 DIANN SOKOLOFF
4 Supervising Deputy Attorney General
5 LAURA PEDICINI
6 Deputy Attorney General
7 State Bar No. 200934
8 1515 Clay Street, 20th Floor
9 P.O. Box 70550
10 Oakland, CA 94612-0550
11 Telephone: (510) 879-0269
12 Facsimile: (510) 622-2270
13 E-mail: Laura.Pedicini@doj.ca.gov
14 *Attorneys for Complainant*

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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 6439

**STEPHANIE MICHELLE WASBOTTON
1596 Dewey Creek
Beaumont, CA 92223**

ACCUSATION

**Original Pharmacy Technician Registration
No. TCH 55352**

Respondent.

Complainant alleges:

PARTIES

1. Virginia K. Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
2. On or about February 25, 2004, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 55352 to Stephanie Michelle Wasbotten (Respondent). The original Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on January 31, 2020, unless renewed.

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JURISDICTION

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

5 4. Section 4300 of the Business and Professions Code, in pertinent part, states:

6 “(a) Every license issued may be suspended or revoked.

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

11 (2) Placing him or her upon probation.

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

13 “(4) Revoking his or her license.

14 “(5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper.”

STATUTORY AND REGULATORY PROVISIONS

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

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

24 || 6. Section 4100 of the Business and Professions Code, in pertinent part, states:

25 "Within 30 days after changing his or her address of record with the board or changing his
26 or her name according to law, a pharmacist...shall notify the executive officer of the board of the
27 change of address or change of name." Additionally, California Code of Regulations, title 16,
28

1 section 1704, also requires State of California licensees to notify the board of a change of
2 residence address within 30 days.

3 7. Section 4300 of the Business and Professions Code, in pertinent part, states:

4 “(a) Every license issued may be suspended or revoked.

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

8 “(1) Suspending judgment.

9 “(2) Placing him or her upon probation.

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

11 “(4) Revoking his or her license.

12 “(5) Taking any other action in relation to disciplining him or her as the board in its
13 discretion may deem proper.”

14 8. Section 4301 of the Business and Professions Code, in pertinent part, states:

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

19 . . .

20 “(h) The administering to oneself, of any controlled substance, or the use of any
21 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
22 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
23 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
24 the public the practice authorized by the license.

26 . . .

27 “(p) Actions or conduct that would have warranted denial of a license.”

COST RECOVERY

9. Section 125.3 of the Business and Professions Code, in pertinent part, states 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.

FIRST CAUSE FOR DISCIPLINE

(Failure to Notify the Board of Change of Address)
(Bus. & Prof. Code § 4100; Cal. Code Regs. tit. 16, § 1704)

10. Respondent has subjected her license to disciplinary action in that she failed to notify the board of a change in her address of record within 30 days. (Bus. & Prof. Code § 4100 and Cal. Code Regs. tit. 16, § 1704). Specifically, on or about September 2017, Respondent changed her address of record and residence address when she moved to Southern California, but failed to notify the board of the change until on or about January 9, 2018. On January 9, 2018, Respondent confirmed with board inspector Hilda Nip that she was no longer residing at her address of record (1090 Francisco Street, San Francisco, CA), and no longer received mail there. Respondent's failure to advise the board of a change in her address of record within 30 days is a violation of Business and Professions Code section 4100 and California Code of Regulations title 16, section 1704.

SECQND CAUSE FOR DISCIPLINE

**(Unprofessional Conduct)
(Bus. & Prof. Code § 4301(h))**

11. Respondent has subjected her license to disciplinary action in that she used alcoholic beverages, to an extent or in a manner dangerous or injurious to herself or, any other person, or the public. (Bus. & Prof. Code § 4301 subd. (h)). Specifically, on July 18, 2017, Respondent sent a text message to her supervisor, Walgreens' pharmacist-in-charge Anne Nelson,

1 in which she stated that she was going to “jump off the bridge.” Because of her suicidal ideation,
2 Respondent was referred to Walgreens’ Employee Assistance Program. On July 19, 2017, Ms.
3 Nelson learned that Respondent was admitted to a hospital in Southern California. On August 30,
4 2017, Respondent disclosed in a meeting with Walgreens’ management that she had a problem
5 with alcohol abuse and was going to be admitted to an inpatient rehabilitation facility for
6 treatment. On November 21, 2017, the board’s inspector learned that Respondent’s physician had
7 not yet released Respondent to return to work at Walgreens. On January 9, 2008, Respondent
8 acknowledged that she spent thirty-two days addressing her alcohol addiction at an inpatient
9 program, followed by three months at an intensive outpatient program. On February 1, 2018,
10 Respondent’s physician released her to return to work at a Walgreens in Riverside, California.
11

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)
(Bus. & Prof. Code § 4301(p))

12. Pursuant to Business and Professions Code section 4301, subdivision (p), Respondent
13 has subjected her license to disciplinary action in that her conduct, as described in paragraph (11),
14 meets the criteria for unprofessional conduct that would have justified denial of a pharmacy
15 technician license. (Bus. & Prof. Code § 4301, subd. (p)).

PRAYER

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

23 1. Revoking or suspending Original Pharmacy Technician Registration Number TCH
24 55352, issued to Stephanie Michelle Wasbotten;

25 2. Ordering Stephanie Michelle Wasbotten to pay the Board of Pharmacy the reasonable
26 costs of the investigation and enforcement of this case, pursuant to Business and Professions
27 Code section 125.3; and,

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

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5 DATED: 10/27/18

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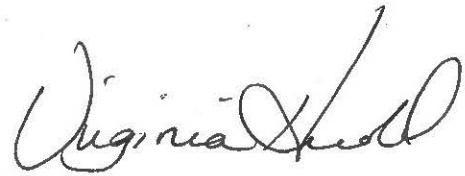
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VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant