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

In the Matter of the Accusation Against:

CHRISTINE MARIE HEAL
19285 Mesa Street
Rialto, CA 92377

Pharmacy Technician Registration
No. TCH 39132

Respondent.

Case No. 2735

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 28, 2005, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy, filed Accusation No. 2735 against Christine Marie Heal (Respondent) before the Board of Pharmacy.

2. On or about August 17, 2001, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 39132 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2006, unless renewed.

3. On or about August 10, 2005, MariaElena Hernandez, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2735, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board of Pharmacy, which was and is 19285 Mesa Street, Rialto, CA 92377. A copy of the Accusation is attached hereto as Exhibit A and incorporated herein by reference.

1 4. Service of the Accusation was effective as a matter of law under
2 the provisions of Government Code section 11505, subdivision (c).

3 5. On or about August 12, 2005, the aforementioned documents were
4 received at the address of record. A copy of the Domestic Return Receipt is attached
5 hereto as Exhibit B and incorporated herein by reference.

6 6. Government Code section 11506 states, in pertinent part:

7 "(c) The respondent shall be entitled to a hearing on the merits if the
8 respondent files a notice of defense, and the notice shall be deemed a specific denial of all
9 parts of the accusation not expressly admitted. Failure to file a notice of defense shall
10 constitute a waiver of respondent's right to a hearing, but the agency in its discretion may
11 nevertheless grant a hearing."

12 7. Respondent failed to file a Notice of Defense within 15 days after
13 service upon her of the Accusation, and therefore waived her right to a hearing on the
14 merits of Accusation No. 2735.

15 8. California Government Code section 11520 states, in pertinent
16 part:

17 “(a) If the respondent either fails to file a notice of defense or to appear at
18 the hearing, the agency may take action based upon the respondent's express admissions
19 or upon other evidence and affidavits may be used as evidence without any notice to
20 respondent.”

21 9. Pursuant to its authority under Government Code section 11520,
22 the Board of Pharmacy finds Respondent is in default. The Board of Pharmacy will take
23 action without further hearing and, based on Respondent's express admissions by way of
24 default and the evidence before it contained in Exhibit A, finds that the allegations in
25 Accusation No. 2735 are true.

26 10. The total costs for investigation and enforcement are \$2,901.50 as
27 of December 8, 2005.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Christine
3 Marie Heal has subjected her Pharmacy Technician Registration No. TCH 39132 to
4 discipline.

5 2. A copy of the Accusation is attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board of Pharmacy is authorized to revoke Respondent's
8 Pharmacy Technician Registration based upon the following violations alleged in the
9 Accusation:

10 a. Business and Professions Code sections 490 and 4301,
11 subdivisions (k) and (l) - conviction of a crime substantially related to the qualifications,
12 functions, or duties of a pharmacy technician.

13 b. Business and Professions Code sections 4301, subdivisions
14 (h), (j), and (p) in conjunction with Health and Safety Code section 11170 - administered
15 controlled substances to herself. ORDER

16 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH
17 39132, heretofore issued to Respondent Christine Marie Heal, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent
19 may serve a written motion requesting that the Decision be vacated and stating the
20 grounds relied on within seven (7) days after service of the Decision on Respondent. The
21 agency in its discretion may vacate the Decision and grant a hearing on a showing of good
22 cause, as defined in the statute.

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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. 2735

CHRISTINE MARIE HEAL

19285 Mesa St
Rialto, CA 92377

Pharmacy Technician Registration
No. TCH 39132

Respondent.

**DEFAULT DECISION
AND ORDER**

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DECISION AND ORDER

The attached Default Decision and Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on February 22, 2006.

It is so ORDERED on January 23, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

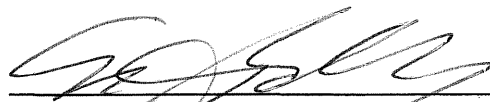

STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2735

1 BILL LOCKYER, Attorney General
of the State of California
2 JAMI L. CANTORE, State Bar No. 165410
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2569
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2735

11 CHRISTINE MARIE HEAL
12 19285 Mesa Street
Rialto, CA 92377
13 Pharmacy Technician Registration
No. TCH 39132
14 Respondent.

A C C U S A T I O N

17 Complainant alleges:

18 PARTIES

- 19 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
21 Affairs.
22 2. On or about August 17, 2001, the Board of Pharmacy issued Pharmacy
23 Technician Registration No. TCH 39132 to Christine Marie Heal (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on December 31, 2006, unless renewed.

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JURISDICTION

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

5 4. Section 4300 of the Code provides, in pertinent part, that every license
6 issued by the Board is subject to discipline, including suspension or revocation.

7 5. Section 118, subdivision (b) states:

8 "The suspension, expiration, or forfeiture by operation of law of a license issued
9 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or
10 by order of a court of law, or its surrender without the written consent of the board, shall not,
11 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board
12 of its authority to institute or continue a disciplinary proceeding against the licensee upon any
13 ground provided by law or to enter an order suspending or revoking the license or otherwise
14 taking disciplinary action against the licensee on any such ground."

15 6. Section 4301 of the Code states:

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

20

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

26

27 "(j) The violation of any of the statutes of this state or of the United States
28 regulating controlled substances and dangerous drugs.

1 "(k) The conviction of more than one misdemeanor or any felony involving the
2 use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
3 combination of those substances.

4 "(l) The conviction of a crime substantially related to the qualifications, functions,
5 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
6 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
7 substances or of a violation of the statutes of this state regulating controlled substances or
8 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
9 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
10 The board may inquire into the circumstances surrounding the commission of the crime, in order
11 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
12 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
13 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
14 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
15 meaning of this provision. The board may take action when the time for appeal has elapsed, or
16 the judgment of conviction has been affirmed on appeal or when an order granting probation is
17 made suspending the imposition of sentence, irrespective of a subsequent order under Section
18 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
19 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
20 or indictment.

21

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

26 "(p) Actions or conduct that would have warranted denial of a license."

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1 7. Section 4060 of the Code states:

2 "No person shall possess any controlled substance, except that furnished to a
3 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished
4 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse
5 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This
6 section shall not apply to the possession of any controlled substance by a manufacturer,
7 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
8 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
9 and address of the supplier or producer.

10 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
11 or a physician assistant to order his or her own stock of dangerous drugs and devices."

12 8. Section 490 of the Code states:

13 "A board may suspend or revoke a license on the ground that the licensee has been
14 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
15 of the business or profession for which the license was issued. A conviction within the meaning
16 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
17 contendere. Any action which a board is permitted to take following the establishment of a
18 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
19 been affirmed on appeal, or when an order granting probation is made suspending the imposition
20 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
21 Penal Code."

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

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

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: Christine Marie Heal**

Case No: **2735**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

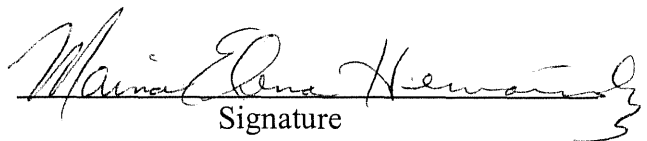
On August 10, 2005, I served the attached **Statement to Respondent, Accusation, Request for Discovery, Notice of Defense, and Government Code Sections** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Statement to Respondent, Accusation, Request for Discovery, Notice of Defense, and Government Code Sections** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at Los Angeles addressed as follows

Christine Marie Heal
19285 Mesa Street
Rialto, CA 92377

Board of Pharmacy
Kim deLong, Enforcement Analyst
400 R Street, Suite 4070
Sacramento, CA 95814-6200

Certified Mail Receipt No.
7001 0360 0003 2702 0924

Under the laws of the State of California the foregoing is true
executed on August 10, 2005, at Los Angeles,


Signature

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)

OFFICIAL USE

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To Christine Marie Heal
Street, Apt. No.;
or PO Box No.
City, State, ZIP+ 4

PS Form 3800, January 2001 See Reverse for Instructions

Exhibit B
Domestic Return Receipt

Christine Heal
Acc. Packet

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Received by (Please Print Clearly) <i>William Heal</i>	B. Date of Delivery <i>8-12-05</i>
	C. Signature <i>X William Heal</i>	
1. Article Addressed to: Christine Marie Heal 19285 Mesa Street Rialto, CA 92377	D. Is delivery address different from item 1? If YES, enter delivery address below	
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	3. Service Type	
	<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Copy from service label)	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
	7001 0360 0003 2702 0924	