1 2 3 4 5 6	 BILL LOCKYER, Attorney General of the State of California DIANE DE KERVOR, State Bar No. 174721 Deputy Attorney General California Department of Justice 110 West "A" Street, Suite 1100 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-2611 Facsimile: (619) 645-2061 	
7	Attorneys for Complainant	
8	BEFORE 1	THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CAL	
11	In the Matter of the Accusation Against:	Case No. 2936
12	ANGELA THOMPSON	STIPULATED SURRENDER OF
13	26455 Via Conchita Mission Viejo, CA 92691	LICENSE AND ORDER
14	Pharmacy Technician License No. 38526	
15	Respondent.	
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17	In the interest of a prompt and speedy	resolution of this matter, consistent with the
18	public interest and the responsibility of the Board of	Pharmacy of the Department of Consumer
19	Affairs, the parties hereby agree to the following Stipulated Surrender of License and Order	
20	which will be submitted to the Board for approval an	d adoption as the final disposition of the
21	Accusation.	
22	PARTIES	
23	1. Patricia F. Harris (Complaina	ant) is the Executive Officer of the Board of
24	Pharmacy. She brought this action solely in her offic	cial capacity and is represented in this matter
25	by Bill Lockyer, Attorney General of the State of Ca	lifornia, by Diane de Kervor, Deputy
26	Attorney General.	
27	2. ANGELA THOMPSON (Resp	pondent) is representing herself in this
28	proceeding and has chosen not to exercise her right to be represented by counsel.	
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3. 1 On or about October 31, 2001, the Board of Pharmacy issued Pharmacy 2 Technician License No. 38526 to ANGELA THOMPSON (Respondent). The License was in 3 full force and effect at all times relevant to the charges brought in Accusation No. 2936 and will 4 expire on September 30, 2007, unless renewed. 5 JURISDICTION 4. Accusation No. 2936 was filed before the Board of Pharmacy (Board), 6 7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation 8 and all other statutorily required documents were properly served on Respondent on March 6, 9 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of 10 Accusation No. 2936 is attached as exhibit A and incorporated herein by reference. 11 **ADVISEMENT AND WAIVERS** 5. 12 Respondent has carefully read, and understands the charges and allegations 13 in Accusation No. 2936. Respondent also has carefully read, and understands the effects of this 14 Stipulated Surrender of License and Order. 15 6. Respondent is fully aware of her legal rights in this matter, including the 16 right to a hearing on the charges and allegations in the Accusation; the right to be represented by 17 counsel, at her own expense; the right to confront and cross-examine the witnesses against her; 18 the right to present evidence and to testify on her own behalf; the right to the issuance of 19 subpoenas to compel the attendance of witnesses and the production of documents; the right to 20 reconsideration and court review of an adverse decision; and all other rights accorded by the 21 California Administrative Procedure Act and other applicable laws. 22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up 23 each and every right set forth above. 24 <u>CULPABILITY</u> 8. 25 Respondent admits the truth of each and every charge and allegation in 26 Accusation No. 2936, agrees that cause exists for discipline and hereby surrenders her Pharmacy 27 Technician License No. 38526 for the Board's formal acceptance. 28 9. Respondent understands that by signing this stipulation she enables the

Board to issue an order accepting the surrender of her Pharmacy Technician License without
 further process.

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CONTINGENCY

4 10. This stipulation shall be subject to approval by the Board of Pharmacy. 5 Respondent understands and agrees that counsel for Complainant and the staff of the Board of 6 Pharmacy may communicate directly with the Board regarding this stipulation and surrender, 7 without notice to or participation by Respondent. By signing the stipulation, Respondent 8 understands and agrees that she may not withdraw her agreement or seek to rescind the 9 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this 10 stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of 11 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between 12 the parties, and the Board shall not be disqualified from further action by having considered this 13 matter.

14 11. The parties understand and agree that facsimile copies of this Stipulated
15 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
16 and effect as the originals.

17 12. In consideration of the foregoing admissions and stipulations, the parties
18 agree that the Board may, without further notice or formal proceeding, issue and enter the
19 following Order:

20ORDER21IT IS HEREBY ORDERED that Pharmacy Technician License No. 38526, issued22to Respondent ANGELA THOMPSON is surrendered and accepted by the Board of Pharmacy.2313. The surrender of Respondent's Pharmacy Technician License and the24acceptance of the surrendered license by the Board shall constitute the imposition of discipline25against Respondent. This stipulation constitutes a record of the discipline and shall become a26part of Respondent's license history with the Board.

27 14. Respondent shall lose all rights and privileges as a Pharmacy Technician
28 in California as of the effective date of the Board's Decision and Order.

115.Respondent shall cause to be delivered to the Board her Wall License on2or before the effective date of the Decision and Order.

16. Respondent fully understands and agrees that if she ever files an
application for licensure or a petition for reinstatement in the State of California, the Board shall
treat it as a new application. Respondent must comply with all the laws, regulations and
procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all
of the charges and allegations contained in Accusation No. 2936 shall be deemed to be true,
correct and admitted by Respondent when the Board determines whether to grant or deny the
petition.

10 17. Should Respondent ever apply or reapply for a new license or certification, 11 or petition for reinstatement of a license, by any other heath care licensing agency in the State of 12 California, all of the charges and allegations contained in Accusation, No. 2936 shall be deemed 13 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any 14 other proceeding seeking to deny or restrict licensure.

15 18. Respondent shall pay the Board its costs of investigation and enforcement
16 in the amount of \$3,248.50 prior to issuance of a new or reinstated license.

ACCEPTANCE

18 I have carefully read the Stipulated Surrender of License and Order. I understand
19 the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
20 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
21 be bound by the Decision and Order of the Board of Pharmacy.

DATE Respondent

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ENDORSEMENT The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs. DATED: BILL LOCKYER, Attorney General of the State of California Revel DIANE DE OR Deputy Attorney General Attorneys for Complainant DOJ Matter ID: SD2005800171 70053461.wpd

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

In the Matter of the Accusation Against:

Case No. 2936

ANGELA THOMPSON 26455 Via Conchita Mission Viejo, CA 92691

Pharmacy Technician License No. 38526

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the

Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on <u>May 31, 2006</u>.

It is so ORDERED _____May 1, 2006_____

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

STANLEY W. GOLDENBERG Board President

Exhibit A Accusation No. 2936 .

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1 2 3 4	 BILL LOCKYER, Attorney General of the State of California DIANE DE KERVOR, State Bar No. 174721 Deputy Attorney General California Department of Justice 110 West "A" Street, Suite 1100 San Diego, CA 92101 		
5 6 7	P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-2611 Facsimile: (619) 645-2061		
8	Attorneys for Complainant	FILTE	
9 10	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CAL		
12	In the Matter of the Accusation Against:	Case No. 2936	
13	ANGELA MARIE THOMPSON	OAH No.	
14	26455 Via Conchita	ΑССИЅАТΙΟΝ	
15	Mission Viejo, CA 92691		
16	Pharmacy Technician No. TCH 38526		
17	Respondent.		
18	Complainant alleges:		
19	PARTIE	<u>2S</u>	
20	1. Patricia F. Harris (Complainant) brings this Accusation solely in her		
21	official capacity as the Executive Officer of the Boar	rd of Pharmacy, Department of Consumer	
22	Affairs.		
23	2. On or about March October 3	1, 2001, the Board of Pharmacy issued	
24	Original Pharmacy Technician Registration Number	TCH 38526 to Angela Marie Thompson	
25	(Respondent). The license was in full force and effe	ect at all times relevant to the charges herein	
26	and will expire on September 30, 2007, unless renew	ved.	
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1	JURISDICTION
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 118, subdivision (b), of the Code provides that the expiration of a
6	license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
7	period within which the license may be renewed, restored, reissued or reinstated.
8	5. Section 480 of the Code states, in pertinent part:
9	(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
10 11	(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo
12	contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed,
12	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
13	a subsequent order under the provisions of Section 1203.4 of the Penal Code.
14	(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or
16	(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
17 18	The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.
19	6. Section 490 of the Code states:
20	A board may suspend or revoke a license on the ground that the licensee has been
21	convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
22	A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is
23	permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed
24	on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section
25	1203.4 of the Penal Code.
26	7. Section 493 of the Code states:
27 28	Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person
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who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.
As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'

8. Section 4301 of the Code states:

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

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

15 (1) 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 16 of Chapter 13 (commencing with Section 801) of Title 21 of the United States 17 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 18 conclusive evidence only of the fact that the conviction occurred. The board may 19 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 20 controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a 21 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 22 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 23 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 24 the verdict of guilty, or dismissing the accusation, information, or indictment. 25

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.
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1	9. Section 125.3 of the Code states, in pertinent part, that the Board
2	may request the administrative law judge to direct a licentiate found to have committed a
3	violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
4	investigation and enforcement of the case.
5	DRUGS
6	10. Ambien , which has the generic name Zolpidem , is a dangerous
7	drug pursuant to section 4022 and a schedule IV controlled substance pursuant to Health and
8	Safety Code section 11057(d)(32). Ambien, a depressant, is used to treat insomnia.
9	11. Augmentin, which has the generic name
10	Amoxicillin/Clavulanate, is a dangerous drug pursuant to section 4022. Augmentin is an
11	antibiotic.
12	12. Clonazepam, generic for Klonopin, is a dangerous drug pursuant
13	to section 4022 and a schedule IV controlled substance pursuant to Health and Safety Code
14	section 11057(d)(7). Clonazepam, a depressant, is used to treat seizures.
15	13. Methamphetamine is a schedule II controlled substance pursuant
16	to Health and Safety Code section 11055(d)(2). Methamphetamine is a stimulant.
17	14. Trazodone , generic for Desyril , is a dangerous drug pursuant to
18	section 4022. Trazodone is used to treat depression.
19	15. Viagra, which has the generic name Sildenafil, is a dangerous
20	drug pursuant to section 4022. Viagra is used to treat erectile dysfunction.
21	16. Zoloft , which has the generic name Sertraline , is a dangerous drug
22	pursuant to section 4022. Zoloft is used to treat depression.
23	FIRST CAUSE FOR DISCIPLINE
24	(2004 Criminal Conviction - Receiving Stolen Property, Possession of a Designated Substance, and Possession of a Controlled Substance Without a Prescription)
25	Substance, and I ossession of a Controlled Substance and a sub-
26	17. Respondent is subject to disciplinary action under section 4301,
27	subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about September 30,
28	2004, Respondent pled guilty to the following charges, all misdemeanors: (1) Penal Code section
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1	17(b) (Receiving Stolen Property); Health and Safety Code section 11375 (b)(2) (Possession of a
2	Designated Substance - Clonazepam); and Business and Professions Code section 4060
3	(Possession of a Controlled Substance Without a Prescription- Ambien and Clonazepam.)
4	18. The facts and circumstances surrounding this conviction are as
5	follows. On or about April 16, 2004, the Tustin Police Department conducted a traffic stop and
6	arrested Respondent for possession of controlled substances. The officers collected the following
7	drugs from Respondent's vehicle: 3 bottles of 100 tablets of Ambien 10mg; 1 bottle of 100
8	tablets of Clonazepam 1 mg; 1 bottle of 100 tablets of Trazodone 100 mg; 1 bottle of 100 tablets
9	of Zoloft 100 mg; 2 bottles of Augmentin 600 mg powder; and two empty bottles of Viagra 100
10	mg and 50 mg. Respondent admitted that she stole the substances from her previous employer,
11	Sav-On Drugs.
12	19. For this conviction, Respondent was sentenced to a term of 3 years
13	of informal probation and 30 days in Jail.
14	SECOND CAUSE FOR DISCIPLINE
15	(2004 Criminal Conviction - Possession of Methamphetamine For Sale)
	 (2004 Criminal Conviction - Possession of Methamphetamine For Sale) 20. Respondent is subject to disciplinary action under section 4301,
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15 16	20. Respondent is subject to disciplinary action under section 4301,
15 16 17	20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29,
15 16 17 18	20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29, 2004, Respondent pled guilty to a violation of Health and Safety Code section 11378 (Possession
15 16 17 18 19	20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29, 2004, Respondent pled guilty to a violation of Health and Safety Code section 11378 (Possession of Methamphetamine For Sale), a felony.
15 16 17 18 19 20	 20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29, 2004, Respondent pled guilty to a violation of Health and Safety Code section 11378 (Possession of Methamphetamine For Sale), a felony. 21. The facts and circumstances surrounding this conviction are as
15 16 17 18 19 20 21	 20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29, 2004, Respondent pled guilty to a violation of Health and Safety Code section 11378 (Possession of Methamphetamine For Sale), a felony. 21. The facts and circumstances surrounding this conviction are as follows: On or about December 19, 2004 the Anaheim Police Department arrested Respondent
 15 16 17 18 19 20 21 22 	20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29, 2004, Respondent pled guilty to a violation of Health and Safety Code section 11378 (Possession of Methamphetamine For Sale), a felony. 21. The facts and circumstances surrounding this conviction are as follows: On or about December 19, 2004 the Anaheim Police Department arrested Respondent for possession of a controlled substance for sale. A quantity of Methamphetamine was found in
 15 16 17 18 19 20 21 22 23 	20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29, 2004, Respondent pled guilty to a violation of Health and Safety Code section 11378 (Possession of Methamphetamine For Sale), a felony. 21. The facts and circumstances surrounding this conviction are as follows: On or about December 19, 2004 the Anaheim Police Department arrested Respondent for possession of a controlled substance for sale. A quantity of Methamphetamine was found in Respondent's vehicle.
 15 16 17 18 19 20 21 22 23 24 	 20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29, 2004, Respondent pled guilty to a violation of Health and Safety Code section 11378 (Possession of Methamphetamine For Sale), a felony. 21. The facts and circumstances surrounding this conviction are as follows: On or about December 19, 2004 the Anaheim Police Department arrested Respondent for possession of a controlled substance for sale. A quantity of Methamphetamine was found in Respondent's vehicle. 22. Respondent was sentenced to serve 120 days in jail, to pay a fine of
 15 16 17 18 19 20 21 22 23 24 25 	 20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29, 2004, Respondent pled guilty to a violation of Health and Safety Code section 11378 (Possession of Methamphetamine For Sale), a felony. 21. The facts and circumstances surrounding this conviction are as follows: On or about December 19, 2004 the Anaheim Police Department arrested Respondent for possession of a controlled substance for sale. A quantity of Methamphetamine was found in Respondent's vehicle. 22. Respondent was sentenced to serve 120 days in jail, to pay a fine of \$200.00, and to 3 years of formal probation.
 15 16 17 18 19 20 21 22 23 24 25 26 	 20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j), (l) and (o) as well as 480(a), 490, and 493 in that on or about December 29, 2004, Respondent pled guilty to a violation of Health and Safety Code section 11378 (Possession of Methamphetamine For Sale), a felony. 21. The facts and circumstances surrounding this conviction are as follows: On or about December 19, 2004 the Anaheim Police Department arrested Respondent for possession of a controlled substance for sale. A quantity of Methamphetamine was found in Respondent's vehicle. 22. Respondent was sentenced to serve 120 days in jail, to pay a fine of \$200.00, and to 3 years of formal probation.

1	PRAYER
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein
3	alleged, and that following the hearing, the Board of Pharmacy issue a decision:
4	1. Revoking or suspending Pharmacy Technician Registration
5	Number TCH 38526, issued to Angela Thompson.
6	2. Ordering Angela Thompson to pay the Board of Pharmacy the
7	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8	Professions Code section 125.3;
9	3. Taking such other and further action as deemed necessary and
10	proper.
11	DATED: 2/24/06
12	
13	P. J. Starris
14	PATRICIA F. HARRIS Executive Officer
15	Board of Pharmacy Department of Consumer Affairs State of California
16	Complainant
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