

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

In the Matter of the Accusation Against:

Case No. 3292

**KRISTA R. CAULEY**  
16718 Annie Drive  
Grass Valley, CA 95949

Pharmacy Technician Registration No. TCH  
30909

Respondent.

**DECISION AND ORDER**

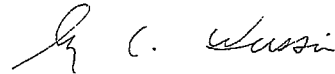
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on December 31, 2010.

It is so ORDERED on December 1, 2010.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
4 State Bar No. 186131  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-7384  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3292

12 **KRISTA R. CAULEY**  
16718 Annie Drive  
13 Grass Valley, CA 95949

OAH No. 2010010056

14 **Original Pharmacy Technician Registration**  
15 **No. TCH 30909**

**STIPULATED SURRENDER OF**  
**REGISTRATION AND ORDER**

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
19 proceeding that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
22 She brought this action solely in her official capacity and is represented in this matter by Edmund  
23 G. Brown Jr., Attorney General of the State of California, by Janice K. Lachman, Supervising  
24 Deputy Attorney General.

25 2. Krista R. Cauley (Respondent) is representing herself in this proceeding and has  
26 chosen not to exercise her right to be represented by counsel.

27 3. On or about September 23, 1999, the Board of Pharmacy issued Original Pharmacy  
28 Technician Registration No. TCH 30909 to Krista R. Cauley (Respondent). The registration was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 3292 and  
2 will expire on March 31, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3292 was filed before the Board of Pharmacy (Board), Department of  
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on November 2, 2009.  
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation  
8 No. 3292 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 3292. Respondent also has carefully read, and understands the effects of this  
12 Stipulated Surrender of Registration and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
17 compel the attendance of witnesses and the production of documents; the right to reconsideration  
18 and court review of an adverse decision; and all other rights accorded by the California  
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 3292, agrees that cause exists for discipline and hereby surrenders her Original Pharmacy  
25 Technician Registration No. TCH 30909 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue  
27 an order accepting the surrender of her Original Pharmacy Technician Registration without  
28 further process.



**ORDER**

1  
2 IT IS HEREBY ORDERED that Original Pharmacy Technician Registration No. TCH  
3 30909, issued to Respondent Krista R. Cauley, is surrendered and accepted by the Board of  
4 Pharmacy.

5 15. The surrender of Respondent's Original Pharmacy Technician Registration and the  
6 acceptance of the surrendered registration by the Board shall constitute the imposition of  
7 discipline against Respondent. This stipulation constitutes a record of the discipline and shall  
8 become a part of Respondent's license history with the Board.

9 16. Respondent shall lose all rights and privileges as a Pharmacy Technician in California  
10 as of the effective date of the Board's Decision and Order.

11 17. Respondent shall cause to be delivered to the Board both her wall registration  
12 certificate and, if one was issued, pocket certificate on or before the effective date of the Decision  
13 and Order.

14 18. If Respondent ever applies for licensure or registration or petitions for reinstatement  
15 in the State of California, the Board shall treat it as a new application for licensure or registration.  
16 Respondent must comply with all the laws, regulations and procedures for licensure in effect at  
17 the time the application or petition is filed, and all of the charges and allegations contained in  
18 Accusation No. 3292 shall be deemed to be true, correct and admitted by Respondent when the  
19 Board determines whether to grant or deny the application or petition.

20 19. If Respondent should ever apply or reapply for a new license or registration, or  
21 petition for reinstatement of a license, by any other health care licensing agency in the State of  
22 California, all of the charges and allegations contained in Accusation, No. 3292 shall be deemed  
23 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
24 other proceeding seeking to deny or restrict licensure.

25 20. Respondent stipulates that should she apply for any license, certificate or registration  
26 on or after the effective date of this decision, investigation and prosecution costs in the amount of  
27 \$3,303.00 shall be paid to the Board prior to issuance of the license, registration or certificate.  
28

1 21. Respondent may not apply for any license, permit, or registration from the board for  
2 three (3) years from the effective date of this decision. Respondent stipulates that should he or  
3 she apply for any license from the board on or after the effective date of this decision, all  
4 allegations set forth in the accusation shall be deemed to be true, correct and admitted by  
5 respondent when the board determines whether to grant or deny the application. Respondent shall  
6 satisfy all requirements applicable to that license as of the date the application is submitted to the  
7 board, including, but not limited to certification by a nationally recognized body prior to the  
8 issuance of a new license. Respondent is required to report this surrender as disciplinary action.

9 ACCEPTANCE

10 I have carefully read the Stipulated Surrender of Registration and Order. I understand the  
11 stipulation and the effect it will have on my Original Pharmacy Technician Registration. I enter  
12 into this Stipulated Surrender of Registration and Order voluntarily, knowingly, and intelligently,  
13 and agree to be bound by the Decision and Order of the Board of Pharmacy.

14 DATED: \_\_\_\_\_

15 KRISTA R. CAULEY  
16 Respondent

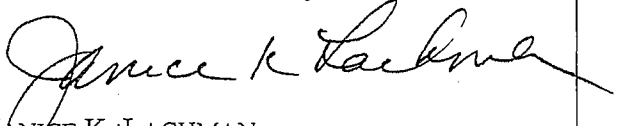
17 ENDORSEMENT

18 The foregoing Stipulated Surrender of Registration and Order is hereby respectfully  
19 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

20 Dated: July <sup>12</sup>9, 2010

Respectfully submitted,

21 EDMUND G. BROWN JR.  
22 Attorney General of California  
23 ALFREDO TERRAZAS  
24 Senior Assistant Attorney General

25   
26 JANICE K. LACHMAN  
27 Supervising Deputy Attorney General  
28 *Attorneys for Complainant*

1           21. Respondent may not apply for any license, permit, or registration from the board for  
 2 three (3) years from the effective date of this decision. Respondent stipulates that should he or  
 3 she apply for any license from the board on or after the effective date of this decision, all  
 4 allegations set forth in the accusation shall be deemed to be true, correct and admitted by  
 5 respondent when the board determines whether to grant or deny the application. Respondent shall  
 6 satisfy all requirements applicable to that license as of the date the application is submitted to the  
 7 board, including, but not limited to certification by a nationally recognized body prior to the  
 8 issuance of a new license. Respondent is required to report this surrender as disciplinary action.

ACCEPTANCE

9  
 10           I have carefully read the Stipulated Surrender of Registration and Order. I understand the  
 11 stipulation and the effect it will have on my Original Pharmacy Technician Registration. I enter  
 12 into this Stipulated Surrender of Registration and Order voluntarily, knowingly, and intelligently,  
 13 and agree to be bound by the Decision and Order of the Board of Pharmacy.

14 DATED: 7/12/10

*Krista R. Cauley*  
 KRISTA R. CAULEY  
 Respondent

ENDORSEMENT

17  
 18           The foregoing Stipulated Surrender of Registration and Order is hereby respectfully  
 19 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

20 Dated: July 9, 2010

Respectfully submitted,  
 EDMUND G. BROWN JR.  
 Attorney General of California  
 ALFREDO TERRAZAS  
 Senior Assistant Attorney General

*Janice K. Lachman*  
 JANICE K. LACHMAN  
 Supervising Deputy Attorney General  
 Attorneys for Complainant

**Exhibit A**

**Accusation No. 3292**



1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
4 State Bar No. 186131  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-7384  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

10  
11 In the Matter of the Accusation Against,

Case No. 3292

12 **KRISTA R. CAULEY**  
16718 Annie Drive  
13 Grass Valley, CA 95949

**ACCUSATION**

14 Original Pharmacy Technician Registration  
15 No. TCH 30909

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about September 23, 1999, the Board of Pharmacy issued Original Pharmacy  
22 Technician Registration Number TCH 30909 to Krista R. Cauley ("Respondent"). The Original  
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on March 31, 2011, unless 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           4.    Section 118, subdivision (b), of the Code provides that the  
2 suspension/expiration/surrender/cancellation of a license shall not deprive the  
3 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period  
4 within which the license may be renewed, restored, reissued or reinstated.

5           5.    Section 4300 of the Code states, in pertinent part:

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:

10               “(1) Suspending judgment.

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.

16           6.    Section 4301 of the Code states:

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

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

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

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

///

1           (k) The conviction of more than one misdemeanor or any felony involving the use,  
2 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,  
5 functions, and duties of a licensee under this chapter. The record of conviction of a  
6 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
7 States Code regulating controlled substances or of a violation of the statutes of this  
8 state regulating controlled substances or dangerous drugs shall be conclusive  
9 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
10 be conclusive evidence only of the fact that the conviction occurred. The Board may  
11 inquire into the circumstances surrounding the commission of the crime, in order to  
12 fix the degree of discipline or, in the case of a conviction not involving controlled  
13 substances or dangerous drugs, to determine if the conviction is of an offense  
14 substantially related to the qualifications, functions, and duties of a licensee under this  
15 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
16 contendere is deemed to be a conviction within the meaning of this provision. The  
17 board may take action when the time for appeal has elapsed, or the judgment of  
18 conviction has been affirmed on appeal or when an order granting probation is made  
19 suspending the imposition of sentence, irrespective of a subsequent order under  
20 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
21 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
22 dismissing the accusation, information, or indictment.

14           (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
15 abetting the violation of or conspiring to violate any provision or term of this chapter or of the  
16 applicable federal and state laws and regulations governing pharmacy, including regulations  
17 established by the Board or by any other state or federal regulatory agency.

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

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

25           8. Section 4060 of the Code states:

26           "No person shall possess any controlled substance, except that furnished to a person upon  
27 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
28 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified

1 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
2 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
3 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
4 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
5 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
6 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
7 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
8 labeled with the name and address of the supplier or producer.

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

12 9. Section 4022 of the Code states

13 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in  
14 humans or animals, and includes the following:

15 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing  
16 without prescription," "Rx only," or words of similar import.

17 "(b) Any device that bears the statement: "Caution: federal law restricts this device to  
18 sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be  
19 filled in with the designation of the practitioner licensed to use or order use of the device.

20 "(c) Any other drug or device that by federal or state law can be lawfully dispensed  
21 only on prescription or furnished pursuant to Section 4006."

22 10. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
23 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
24 disciplinary action during the period within which the license may be renewed, restored, reissued  
25 or reinstated.

26 ///

27 ///

28 ///

1           11. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
2 Administrative Law Judge to direct a licentiate found to have committed a violation or violations  
3 of the Licensing Act to pay a sum not to exceed the reasonable costs of the investigation and  
4 enforcement of the case.

5   **DRUGS**

6           12. A. Hydrocodone is a Schedule III controlled substance as designated by Health and  
7 Safety Code section 11056(e) and a dangerous drug pursuant to Code section 4022. In  
8 combination with acetaminophen, it is known by the brand names of Norco, Vicodin, Lortab, and  
9 Lorcet.

10                                       **FIRST CAUSE FOR DISCIPLINE**

11   (Substantially Related Criminal Conviction)

12           13. Respondent is subject to disciplinary action under section pursuant to Section 4301,  
13 subdivisions (l) and (k), in that on or about August 4, 2008, in Placer County Superior Court in  
14 the case entitled *People vs. Krista Renee Cauley*, Case No. 62-78082B, Respondent was  
15 convicted of violating Penal Code section 487(a) (Grand Theft- property exceeding value of  
16 \$400) and Health and Safety Code 11350(a) (possession of controlled substance). Between  
17 February 7, 2008 and February 12, 2008, while employed as a pharmacy technician at Target in  
18 Auburn, California, Respondent stole and possessed the controlled substance hydrocodone from  
19 the pharmacy. Respondent's actions were uncovered after Target discovered inventory  
20 discrepancies for hydrocodone and initiated an investigation. Video surveillance revealed that on  
21 February 7, 8, and 12, 2008, Respondent took hydrocodone from pharmacy inventory during  
22 work hours and concealed it on her person. Respondent later admitted that she had been stealing  
23 hydrocodone from the Target pharmacy and self-administering the hydrocodone since December  
24 2007.

25                                       **SECOND CAUSE FOR DISCIPLINE**

26   (Violation of Laws Governing Controlled Substances)

27           14. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
28 Code section 4301, subdivision (j) for violating state laws governing controlled substances.

1 Respondent violated Health and Safety Code section 11350(a), as set forth above in paragraph 12,  
2 and also violated Code section 4060, in that between December 2007 and February 12, 2008,  
3 Respondent unlawfully possessed the controlled substance hydrocodone.

4 **THIRD CAUSE FOR DISCIPLINE**

5 (Unlawful Self-Administration of Controlled Substances)

6 15. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)  
7 in that on multiple occasions between December 2007 and February 12, 2008, Respondent  
8 unlawfully self administered hydrocodone, a controlled substance.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 (Dishonest/Fraudulent/Corrupt/Deceitful Acts)

11 16. Respondent is subject to disciplinary action under section 4301, subdivision (f) in  
12 that, between December 2007 and February 12, 2008, while employed and on duty as a pharmacy  
13 technician at the Target store in Auburn, California, Respondent committed dishonest, fraudulent,  
14 corrupt, and/or deceitful acts by stealing unknown quantities of hydrocodone, a controlled  
15 substance, from the Target pharmacy, as described above in paragraph 12.

16 **FIFTH CAUSE FOR DISCIPLINE**

17 (Violation of Laws Governing Pharmacy)

18 17. Respondent is subject to disciplinary action under Code section 4301, subsection (o),  
19 in that from December 2007 through February 12, 2008, Respondent committed acts in violation  
20 of the laws governing pharmacy, as set forth above in paragraphs 12 through 15.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

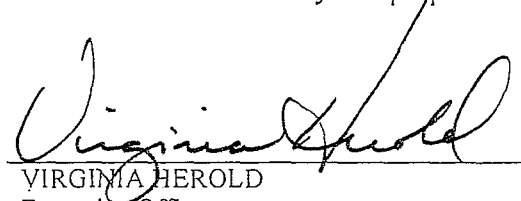
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PRAYER

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

1. Revoking or suspending Original Pharmacy Technician Registration Number TCH 30909, issued to Krista R. Cauley;
2. Ordering Krista R. Cauley to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/27/09



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

SA2009308394/30742150.doc