

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

In the Matter of the Accusation Against:

Case No. 3676

KRISTA LYNN FORREST
P.O. Box 658
Oceano, CA 93475

Pharmacy Technician Registration No. TCH
12072

Respondent.

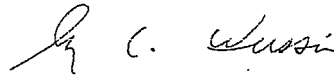
DECISION AND ORDER

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 July 27, 2011.

It is so ORDERED June 27, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3676

11 **KRISTA LYNN FORREST**
12 **PO Box 658**
13 **Oceano, CA 93475**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician Reg. No. TCH 12072**

15 Respondent.

16
17 In the interest of a prompt and speedy resolution of this matter, consistent with the public
18 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs
19 the parties hereby agree to the following Stipulated Surrender of License and Order which will be
20 submitted to the Board for approval and adoption as the final disposition of the Accusation.

21 **PARTIES**

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Kamala
24 D. Harris, Attorney General of the State of California, by Antonio Lopez, Jr., Deputy Attorney
25 General.

26 2. Krista Lynn Forrest (Respondent) is representing herself in propria persona.

27 3. On or about March 8, 1994, the Board of Pharmacy issued Pharmacy Technician
28 Registration No. TCH 12072 to Krista Lynn Forrest (Respondent). The Pharmacy Technician

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 3676 and will expire on September 30, 2011, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3676 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 October 25, 2010.
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3676 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read and understands the charges and allegations in
11 Accusation No. 3676. Respondent also has carefully read and understands the effects of this
12 Stipulated Surrender of License 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 confront and cross-examine
15 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
16 to the issuance of subpoenas to compel the attendance of witnesses and the production of
17 documents; the right to reconsideration and court review of an adverse decision; and all other
18 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

21 **CULPABILITY**

22 8. Respondent understands all the charges and allegations in Accusation No. 3676.
23 Respondent hereby admits fully all the allegations and charges contained in Accusation No. 3676.
24 Respondent understands that these admissions constitute cause for discipline upon her Pharmacy
25 Technician Registration.

26 9. For the purpose of resolving the Accusation without the expense and uncertainty of
27 further proceedings, Respondent agrees that the charges in the Accusation are true and that those
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1 charges constitute cause for discipline. Respondent hereby gives up her right to contest that cause
2 for discipline exists based on those charges.

3 10. Respondent understands that by signing this stipulation she enables the Board to issue
4 an order accepting the surrender of her Pharmacy Technician Registration without further
5 process.

6 CONTINGENCY

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

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

19 13. This Stipulated Surrender of License and Order is intended by the parties to be an
20 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
21 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
22 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
23 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
24 executed by an authorized representative of each of the parties.

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

1
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. 12072, issued to
3 Respondent Krista Lynn Forrest, is surrendered and accepted by the Board of Pharmacy.

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

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

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

12 18. If Respondent ever files an application for licensure or a petition for reinstatement in
13 the State of California, the Board shall treat it as a new application for licensure. Respondent
14 must comply with all the laws, regulations and procedures for reinstatement of a revoked license
15 in effect at the time the petition is filed, and all of the charges and allegations contained in
16 Accusation No. 3676 shall be deemed to be true, correct and admitted by Respondent when the
17 Board determines whether to grant or deny the petition.

18 19. Upon relicensure of the license, Respondent shall pay to the Board costs associated
19 with its investigation and enforcement of this case pursuant to Business and Professions Code
20 section 125.3 in the amount of \$2,852.50.

21 20. If Respondent should ever apply or reapply for a new license or certification, or
22 petition for reinstatement of a license, by any other health care licensing agency in the State of
23 California, all of the charges and allegations contained in Accusation No. 3676 shall be deemed to
24 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
25 other proceeding seeking to deny or restrict licensure.

26 21. Respondent shall not apply for licensure for three (3) years from the effective date of
27 the Board of Pharmacy's Decision and Order.

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ACCEPTANCE

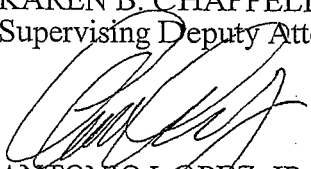
I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision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

DATED: 4/5/11 Krista Lynn Forrest
Krista Lynn Forrest
Respondent

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: March 21, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

ANTONIO LOPEZ, JR.
Deputy Attorney General
Attorneys for Complainant

LA2009603935

Exhibit A

Accusation No. 3676

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
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3 ANTONIO LOPEZ, JR.
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BOARD OF PHARMACY
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10 In the Matter of the Accusation Against:
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12 **KRISTA LYNN FORREST**
P.O. Box 658
13 **Oceano, CA 93475**
Pharmacy Technician Registration No. TCH
14 **12072**
15 Respondent.

Case No. 3676

A C C U S A T I O N

16
17 Complainant alleges:
18

19 **PARTIES**

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

22 2. On or about March 8, 1994, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 12072 to Krista Lynn Forrest (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 September 30, 2011, unless renewed.

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JURISDICTION

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

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

STATUTORY PROVISIONS

5. Section 490 of the Code states:

“(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been 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.

“(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

“(c) 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 that a board is 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 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 1203.4 of the Penal Code.”

6. Section 4300 of the Code states in pertinent part:

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

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

4 “(1) Suspending judgment.

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

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

7 “(4) Revoking his or her license.

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

10 7. Section 4301 of the Code states in pertinent part:

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

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

20

21 “(l) The conviction of a crime substantially related to the qualifications, functions, and
22 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
23 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
24 substances or of a violation of the statutes of this state regulating controlled substances or
25 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
26 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
27 The board may inquire into the circumstances surrounding the commission of the crime, in order
28 to fix the degree of discipline or, in the case of a conviction not involving controlled substances

1 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
2 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
3 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
4 of this provision. The board may take action when the time for appeal has elapsed, or the
5 judgment of conviction has been affirmed on appeal or when an order granting probation is made
6 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
7 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
8 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
9 indictment.”

10 REGULATORY PROVISION

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

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

18 DANGEROUS DRUGS/CONTROLLED SUBSTANCES

19 9. Oxymorphone is a controlled substance pursuant to Health and Safety Code section
20 11055, subdivision (b)(1)(O), and a dangerous drug pursuant to Code section 4022.

21 10. Methadone is a controlled substance pursuant to Health and Safety Code section
22 11055, subdivision (c)(14), and a dangerous drug pursuant to Code section 4022.

23 11. Diazepam is a controlled substance pursuant to Health and Safety Code section
24 11057, subdivision (d)(9), and a dangerous drug pursuant to Code section 4022.

25 12. Lorazepam is a controlled substance pursuant to Health and Safety Code section
26 11057, subdivision (d)(16), and a dangerous drug pursuant to Code section 4022.

27 13. Zolpidem is a controlled substance pursuant to Health and Safety Code section
28 11057, subdivision (d)(32), and a dangerous drug pursuant to Code section 4022.

1 COST RECOVERY

2 14. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 FIRST CAUSE FOR DISCIPLINE

7 (Criminal Convictions)

8 15. Respondent is subject to disciplinary action pursuant to Code sections 490, and 4301
9 subdivision (I), in conjunction with California Code of Regulations section 1770, in that
10 Respondent was convicted of crimes substantially related to the qualifications, functions and
11 duties of a licensed pharmacy technician. The circumstances are as follows:

12 a. On or about September 4, 2007, in a proceeding entitled *State of California v. Krista*
13 *Forrest*, (Super. Ct. of California, Cty. of San Luis Obispo, 2007, Case No. M403452),
14 Respondent pled no contest and was convicted of violating Vehicle Code section 23103(a) [Wet
15 Reckless Driving] a misdemeanor. Respondent was placed on three years probation, ordered to
16 pay a fine of \$825.00 and attend a wet reckless program. The circumstances giving rise to the
17 conviction are that on or about May 25, 2007, Respondent, while driving her vehicle collided
18 with a parked vehicle and then fled the scene. Officers contacted Respondent at her home.
19 Respondent admitted she was involved in the traffic collision. The officer noted that Respondent
20 appeared lethargic, unsteady on her feet and her words were slow. Respondent admitted
21 ingesting prescription medications, specifically Opana (Oxymorphone-opiate). The officer
22 located Diazepam, Celebrex, Lyrica. Respondent further admitted ingesting Lyrica and
23 Cymbalta. Respondent was unable to complete the field sobriety tests given by the officer.

24 b. On or about January 28, 2009, in a proceeding entitled *State of California v. Krista*
25 *Forrest*, (Super. Ct. of California, Cty. of San Luis Obispo, 2007, Case No. M423792),
26 Respondent pled no contest and was convicted of violating Vehicle Code section 23152(b)
27 [Driving with a Blood Alcohol level of .08 or higher], a misdemeanor. Respondent was placed on
28 five (5) years probation, ordered to serve 30 days in jail, ordered to pay a fine of \$2091, and

1 attend a second offender drinking driver program. The circumstances giving rise to the
2 conviction are that on or about September 22, 2008, Respondent, drove her vehicle up on the
3 sidewalk. Upon making contact with Respondent, officers noticed she had great difficulty exiting
4 her vehicle, she was confused and had to lean against her vehicle for support. Respondent was
5 unable to perform the field sobriety tests. Officers recovered Methadone, Propoxyphene,
6 Zolpidem, and Lorazepam from the Respondent.

7 c. As a result of Respondent's September 22, 2008 arrest for driving under the
8 influence, Respondent violated her probation related to Case No. M403452. Respondent's
9 probation in that case was extended until January 28, 2010 and Respondent was ordered to spend
10 ten (10) days in jail.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Use of a Controlled Substance in Manner Dangerous to Self or Others)**

13 16. Respondent is subject to disciplinary action pursuant to Code section 4301
14 subdivision (h), in that Respondent used controlled substances and or dangerous drugs in a
15 manner dangerous or injurious to herself and the public. Complainant's allegations, as set forth
16 in paragraph 11, subparagraphs (a) and (b), are incorporated by reference, as though fully set
17 forth.

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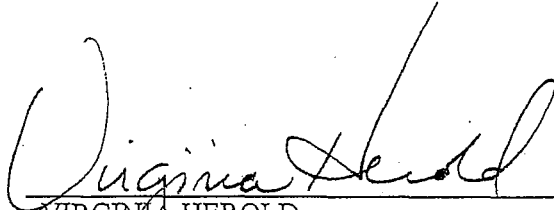
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PRAYER

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 Pharmacy Technician Registration Number TCH 12072, issued to Krista Lynn Forrest;
2. Ordering Krista Lynn Forrest to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/28/10



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

LA2010501475