

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

In the Matter of the Accusation Against:

Case No. 3700

**ADRIENNE ANDERSON**

13 Pistachio Drive  
Chico, CA 95928

Pharmacy Technician License No. 49864

Respondent.

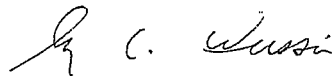
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary 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 April 15, 2011.

It is so ORDERED on March 16, 2011.

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 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
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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. 3700

12 **ADRIENNE ANDERSON**  
13 **13 Pistachio Drive**  
**Chico, California 95928**  
14 **Pharmacy Technician Registration No. TCH**  
**49864**

OAH No. 2010090805

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

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

24 2. Respondent Adrienne Anderson (Respondent) is represented in this proceeding by  
25 attorney Timothy J. Aspinwall, whose address is: Nossaman LLP, 915 L Street, Suite 1000  
26 Sacramento, CA 95814.

27 3. On or about August 12, 2003, the Board of Pharmacy issued Pharmacy Technician  
28 Registration No. TCH 49864 to Adrienne Anderson (Respondent). The Pharmacy Technician

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. 3700 and will expire on June 30, 2011, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3700 was filed before the Board of Pharmacy (Board), Department  
5 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on July 30, 2010.

7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation  
8 No. 3700 is attached as exhibit A and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 3700. Respondent has also carefully read, fully  
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
13 Order.

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

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

23 **CULPABILITY**

24 8. For the purposes of resolving the Accusation without the expense and uncertainty of  
25 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
26 basis for the charges in the Accusation and that those charges constitute cause for discipline.  
27 Respondent hereby gives up her right to contest that cause for discipline exists based on those  
28 charges. Respondent further agrees that in any future proceedings before the Board all of the

1 allegations set forth in Accusation No. 3700, shall be deemed admitted. These admissions are  
2 effective only for this administrative matter and any other administrative matter, but not for any  
3 civil or criminal matter.

4 9. Respondent agrees that her Pharmacy Technician Registration is subject to discipline  
5 and she agrees to be bound by the Board of Pharmacy (Board)'s probationary terms as set forth in  
6 the Disciplinary Order below.

7 CONTINGENCY

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

17 11. The parties understand and agree that facsimile copies of this Stipulated Settlement  
18 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
19 effect as the originals.

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

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

28 Disciplinary Order:

1 DISCIPLINARY ORDER

2 T IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 49864 issued  
3 to Respondent Adrienne Anderson (Respondent) is revoked. However, the revocation is stayed  
4 and Respondent is placed on probation for five (5) years on the following terms and conditions.

5 1. **Suspension**

6 As part of probation, respondent is suspended from working as a pharmacy technician for  
7 three (3) days beginning the effective date of this decision. Respondent may satisfy this term by  
8 providing written documentation to the board showing that she has completed a three day  
9 evaluation at the Betty Ford Center, a licensed chemical dependency recovery hospital located in  
10 Rancho Mirage, California.

11 During suspension, respondent shall not enter any pharmacy area or any portion of or any  
12 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
13 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
14 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
15 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
16 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
17 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
18 substances.

19 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
20 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
21 licensed premises in which he or she holds an interest at the time this decision becomes effective  
22 unless otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 2. **Certification Prior to Resuming Work**

25 Respondent shall be automatically suspended from working as a pharmacy technician until  
26 she is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
27 satisfactory proof of certification to the board. Respondent shall not resume working as a  
28 pharmacy technician until notified by the board. Failure to achieve certification within one

1 (1) year shall be considered a violation of probation. Respondent shall not resume working as a  
2 pharmacy technician until notified by the board.

3 During suspension, respondent shall not enter any pharmacy area or any portion of any  
4 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
5 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
6 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
7 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
8 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
9 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
10 substances. Respondent shall not resume work until notified by the board.

11 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
12 licensed premises by the board in which he or she holds an interest at the time this decision  
13 becomes effective unless otherwise specified in this order.

14 Failure to comply with this suspension shall be considered a violation of probation.

15 **3. Obey All Laws**

16 Respondent shall obey all state and federal laws and regulations.

17 Respondent shall report any of the following occurrences to the board, in writing, within  
18 seventy-two (72) hours of such occurrence:

- 19  an arrest or issuance of a criminal complaint for violation of any provision of the  
20 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
21 substances laws
- 22  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
23 criminal complaint, information or indictment
- 24  a conviction of any crime
- 25  discipline, citation, or other administrative action filed by any state or federal agency  
26 which involves respondent's pharmacy technician license or which is related to the  
27 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
28 or charging for any drug, device or controlled substance.

1 Failure to timely report any such occurrence shall be considered a violation of probation.

2 **4. Report to the Board**

3 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
4 designee. The report shall be made either in person or in writing, as directed. Among other  
5 requirements, respondent shall state in each report under penalty of perjury whether there has  
6 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
7 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
8 in submission of reports as directed may be added to the total period of probation. Moreover, if  
9 the final probation report is not made as directed, probation shall be automatically extended until  
10 such time as the final report is made and accepted by the board.

11 **5. Interview with the Board**

12 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
13 with the board or its designee, at such intervals and locations as are determined by the board or its  
14 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
15 or failure to appear at two (2) or more scheduled interviews with the board or its designee during  
16 the period of probation, shall be considered a violation of probation.

17 **6. Cooperate with Board Staff**

18 Respondent shall cooperate with the board's inspection program and with the board's  
19 monitoring and investigation of respondent's compliance with the terms and conditions of her  
20 probation. Failure to cooperate shall be considered a violation of probation.

21 **7. Notice to Employers**

22 During the period of probation, respondent shall notify all present and prospective  
23 employers of the decision in case number 3700 and the terms, conditions and restrictions imposed  
24 on respondent by the decision, as follows:

25 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
26 respondent undertaking any new employment, respondent shall cause her direct supervisor,  
27 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
28 tenure of employment) and owner to report to the board in writing acknowledging that the listed

1 individual(s) has/have read the decision in case number 3700 and the terms and conditions  
2 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or  
3 supervisor(s) submit timely acknowledgement(s) to the board.

4 If respondent works for or is employed by or through a pharmacy employment service,  
5 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy  
6 of the terms and conditions of the decision in case number 3700 in advance of the respondent  
7 commencing work at each pharmacy. A record of this notification must be provided to the board  
8 upon request.

9 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
10 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
11 service, respondent shall cause her direct supervisor with the pharmacy employment service to  
12 report to the board in writing acknowledging that she has read the decision in case number 3700  
13 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
14 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

15 Failure to timely notify present or prospective employer(s) or to cause that/those  
16 employer(s) to submit timely acknowledgements to the board shall be considered a violation of  
17 probation.

18 "Employment" within the meaning of this provision shall include any full-time,  
19 part-time, temporary or relief service or pharmacy management service as a pharmacy  
20 technician or in any position for which a pharmacy technician license is a requirement  
21 or criterion for employment, whether the respondent is considered an employee,  
22 independent contractor or volunteer.

#### 23 8. Reimbursement of Board Costs

24 As a condition precedent to successful completion of probation, respondent shall pay to the  
25 board its costs of investigation and prosecution in the amount of \$3,000.00. Respondent may be  
26 able to make installment payments with the prior authorization and approval of a payment  
27 schedule by the board. There shall be no deviation from the approved payment schedule absent  
28 prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as



1 directed shall be considered a violation of probation.

2 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to  
3 reimburse the board its costs of investigation and prosecution.

4 **9. Probation Monitoring Costs**

5 Respondent shall pay any costs associated with probation monitoring as determined by the  
6 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
7 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
8 be considered a violation of probation.

9 **10. Status of License**

10 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
11 technician license with the board, including any period during which suspension or probation is  
12 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

13 If respondent's pharmacy technician license expires or is cancelled by operation of law or  
14 otherwise at any time during the period of probation, including any extensions thereof due to  
15 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
16 terms and conditions of this probation not previously satisfied.

17 **11. License Surrender While on Probation/Suspension**

18 Following the effective date of this decision, should respondent cease work due to  
19 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
20 respondent may tender her pharmacy technician license to the board for surrender. The board or  
21 its designee shall have the discretion whether to grant the request for surrender or take any other  
22 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
23 license, respondent will no longer be subject to the terms and conditions of probation. This  
24 surrender constitutes a record of discipline and shall become a part of the respondent's license  
25 history with the board.

26 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician  
27 license to the board within ten (10) days of notification by the board that the surrender is  
28 accepted. Respondent may not reapply for any license, permit, or registration from the board for

1 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
2 applicable to the license sought as of the date the application for that license is submitted to the  
3 board.

4 **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
5 **Employment**

6 Respondent shall notify the board in writing within ten (10) days of any change of  
7 employment. Said notification shall include the reasons for leaving, the address of the new  
8 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
9 shall further notify the board in writing within ten (10) days of a change in name, residence  
10 address and mailing address, or phone number.

11 Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
12 phone number(s) shall be considered a violation of probation.

13 **13. Tolling of Probation**

14 Except during periods of suspension, respondent shall, at all times while on probation, be  
15 employed as a pharmacy technician in California for a minimum of 20 hours per calendar month.  
16 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
17 period of probation shall be extended by one month for each month during which this minimum is  
18 not met. During any such period of tolling of probation, respondent must nonetheless comply  
19 with all terms and conditions of probation.

20 Should respondent, regardless of residency, for any reason (including vacation) cease  
21 working as a pharmacy technician for a minimum of 20 hours per calendar month in California,  
22 respondent must notify the board in writing within ten (10) days of cessation of work and must  
23 further notify the board in writing within ten (10) days of the resumption of the work. Any failure  
24 to provide such notification(s) shall be considered a violation of probation.

25 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
26 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
27 exceeding thirty-six (36) months.

28 "Cessation of work" means calendar month during which respondent is not

1 working for at least 20 hours as a pharmacy technician, as defined in Business and  
2 Professions Code section 4115. "Resumption of work" means any calendar month  
3 during which respondent is working as a pharmacy technician for at least 20 hours as  
4 a pharmacy technician as defined by Business and Professions Code section 4115.

5 **14. Violation of Probation**

6 If a respondent has not complied with any term or condition of probation, the board shall  
7 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
8 all terms and conditions have been satisfied or the board has taken other action as deemed  
9 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
10 to impose the penalty that was stayed.

11 If respondent violates probation in any respect, the board, after giving respondent notice  
12 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
13 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
14 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
15 a petition to revoke probation or an accusation is filed against respondent during probation, the  
16 board shall have continuing jurisdiction, and the period of probation shall be automatically  
17 extended until the petition to revoke probation or accusation is heard and decided.

18 **15. Completion of Probation**

19 Upon written notice by the board indicating successful completion of probation,  
20 respondent's pharmacy technician license will be fully restored.

21 **16. No Ownership of Licensed Premises**

22 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
23 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
24 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
25 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
26 days following the effective date of this decision and shall immediately thereafter provide written  
27 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
28 documentation thereof shall be considered a violation of probation.

1           **17. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

2           Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
3 attendance at a recognized and established substance abuse recovery support group in California,  
4 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
5 or its designee. Respondent must attend at least one group meeting per week unless otherwise  
6 directed by the board or its designee. Respondent shall continue regular attendance and submit  
7 signed and dated documentation confirming attendance with each quarterly report for the duration  
8 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
9 probation.

10           **18. Random Drug Screening**

11           Respondent, at her own expense, shall participate in random testing, including but not  
12 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
13 screening program as directed by the board or its designee. Respondent may be required to  
14 participate in testing for the entire probation period and the frequency of testing will be  
15 determined by the board or its designee. At all times respondent shall fully cooperate with the  
16 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
17 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
18 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
19 of probation. Upon request of the board or its designee, respondent shall provide documentation  
20 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
21 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
22 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
23 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
24 shall be considered a violation of probation and shall result in the automatic suspension of work  
25 by respondent. Respondent may not resume work as a pharmacy technician until notified by the  
26 board in writing.

27           During suspension, respondent shall not enter any pharmacy area or any portion of or any  
28 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other

1 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
2 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
3 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
4 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
5 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
6 substances. Respondent shall not resume work until notified by the board.

7 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
8 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
9 licensed premises in which she holds an interest at the time this decision becomes effective unless  
10 otherwise specified in this order.

11 Failure to comply with this suspension shall be considered a violation of probation.

12 **19. Work Site Monitor**

13 Within ten (10) days of the effective date of this decision, respondent shall identify a work  
14 site monitor, for prior approval by the board, who shall be responsible for supervising respondent  
15 during working hours. Respondent shall be responsible for ensuring that the work site monitor  
16 reports in writing to the board quarterly. Should the designated work site monitor determine at  
17 any time during the probationary period that respondent has not maintained sobriety, she shall  
18 notify the board immediately, either orally or in writing as directed. Should respondent change  
19 employment, a new work site monitor must be designated, for prior approval by the board, within  
20 ten (10) days of commencing new employment. Failure to identify an acceptable initial or  
21 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be  
22 considered a violation of probation.

23 **20. Abstain from Drugs and Alcohol Use**

24 Respondent shall completely abstain from the possession or use of alcohol, controlled  
25 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
26 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
27 request of the board or its designee, respondent shall provide documentation from the licensed  
28 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the

1 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
2 violation of probation. Respondent shall ensure that she is not in the same physical location as  
3 individuals who are using illicit substances even if respondent is not personally ingesting the  
4 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
5 not supported by the documentation timely provided, and/or any physical proximity to persons  
6 using illicit substances, shall be considered a violation of probation.

7 **21. Prescription Coordination and Monitoring of Prescription Use**

8 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
9 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
10 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
11 history with the use of controlled substances and who will coordinate and monitor any  
12 prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs.  
13 The approved practitioner shall be provided with a copy of the board's accusation and decision. A  
14 record of this notification must be provided to the board upon request. Respondent shall sign a  
15 release authorizing the practitioner to communicate with the board about respondent's  
16 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist  
17 shall report to the board on a quarterly basis for the duration of probation regarding respondent's  
18 compliance with this condition. If any substances considered addictive have been prescribed, the  
19 report shall identify a program for the time limited use of any such substances. The board may  
20 require that the single coordinating physician, nurse practitioner, physician assistant or  
21 psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.  
22 Should respondent, for any reason, cease supervision by the approved practitioner, respondent  
23 shall notify the board immediately and, within thirty (30) days of ceasing treatment, submit the  
24 name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of  
25 respondent's choice to the board or its designee for its prior approval. Failure to timely submit the  
26 selected practitioner or replacement practitioner to the board for approval, or to ensure the  
27 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

28

1 If at any time an approved practitioner determines that respondent is unable to practice  
2 safely or independently as a pharmacist, the practitioner shall notify the board immediately by  
3 telephone and follow up by written letter within three (3) working days. Upon notification from  
4 the board or its designee of this determination, respondent shall be automatically suspended and  
5 shall not resume practice until notified by the board that practice may be resumed.

6 During suspension, respondent shall not enter any pharmacy area or any portion of the  
7 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
8 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
9 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
10 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
11 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
12 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
13 and controlled substances. Respondent shall not resume practice until notified by the board.

14 During suspension, respondent shall not engage in any activity that requires the  
15 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
16 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
17 designated representative for any entity licensed by the board.

18 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
19 licensed premises in which he or she holds an interest at the time this decision becomes effective  
20 unless otherwise specified in this order.

21 Failure to comply with this suspension shall be considered a violation of probation.

22 **22. Tolling of Suspension**

23 During the period of suspension, respondent shall not leave California for any period  
24 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess  
25 of ten (10) days during suspension shall be considered a violation of probation. Moreover, any  
26 absence from California during the period of suspension exceeding ten (10) days shall toll the  
27 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days

1 respondent is absent from California. During any such period of tolling of suspension, respondent  
2 must nonetheless comply with all terms and conditions of probation.

3 ? Respondent must notify the board in writing within ten (10) days of departure, and must  
4 further notify the board in writing within ten (10) days of return. The failure to provide such  
5 notification(s) shall constitute a violation of probation. Upon such departure and return,  
6 respondent shall not return to work until notified by the board that the period of suspension has  
7 been satisfactorily completed.

8  
9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
11 discussed it with my attorney, Timothy J. Aspinwall. I understand the stipulation and the effect it  
12 will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and  
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
14 Decision and Order of the Board of Pharmacy.

15  
16 DATED: 12/31/10 Adrienne Anderson  
17 ADRIENNE ANDERSON  
18 Respondent  
19

20 I have read and fully discussed with Respondent Adrienne Anderson the terms and  
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
22 I approve its form and content.

23 DATED: \_\_\_\_\_  
24 Timothy J. Aspinwall  
25 Attorney for Respondent  
26  
27  
28



1 respondent is absent from California. During any such period of tolling of suspension, respondent  
2 must nonetheless comply with all terms and conditions of probation.

3 Respondent must notify the board in writing within ten (10) days of departure, and must  
4 further notify the board in writing within ten (10) days of return. The failure to provide such  
5 notification(s) shall constitute a violation of probation. Upon such departure and return,  
6 respondent shall not return to work until notified by the board that the period of suspension has  
7 been satisfactorily completed.

8  
9 ACCEPTANCE

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
11 discussed it with my attorney, Timothy J. Aspinwall. I understand the stipulation and the effect it  
12 will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and  
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
14 Decision and Order of the Board of Pharmacy.

15  
16 DATED: \_\_\_\_\_

17 ADRIENNE ANDERSON  
18 Respondent

19  
20 I have read and fully discussed with Respondent Adrienne Anderson the terms and  
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
22 I approve its form and content.

23 DATED: 12/31/10

24 Timothy J. Aspinwall  
25 Attorney for Respondent

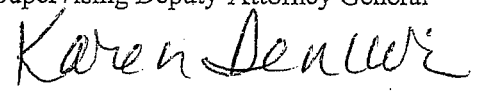
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order are hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 1/3/11

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
ARTHUR D. TAGGART  
Supervising Deputy Attorney General



KAREN R. DENVIR  
Deputy Attorney General  
*Attorneys for Complainant*

SA2010101279  
Stipulation.rtf

**Exhibit A**

**Accusation No. 3700**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 KAREN R. DENVER  
Deputy Attorney General  
4 State Bar No. 197268  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5333  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **ADRIENNE ANDERSON**  
13 13 PISTACHIO DRIVE  
CHICO, CALIFORNIA 95928  
14 PHARMACY TECHNICIAN LICENSE  
15 NO. TCH 49864  
16 Respondent.

Case No. 3700

**A C C U S A T I O N**

17  
18 Complainant alleges:

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 August 12, 2003, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 49864 to Adrienne Anderson (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 June 30, 2011, unless renewed.

26 ///

27 ///

28

JURISDICTION

1  
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 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  
8 board, whose default has been entered or whose case has been heard by the board and  
found guilty, by any of the following methods:

9                           (1) Suspending judgment.

10                           (2) Placing him or her upon probation.

11                           (3) Suspending his or her right to practice for a period not exceeding one  
12 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 discretion may deem proper.

15           5.     Section 4301 of the Code states, in pertinent part:

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

19                           ...  
20                           (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  
21 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

26                           ...  
27                           (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.

28                           ...

1 (o) Violating or attempting to violate, directly or indirectly, or assisting in  
2 or abetting the violation of or conspiring to violate any provision or term of this  
3 chapter or of the applicable federal and state laws and regulations governing  
4 pharmacy, including regulations established by the board or by any other state or  
5 federal regulatory agency.

6 . . . .  
7  
8 6. Section 4060 of the Code states:

9  
10 No person shall possess any controlled substance, except that furnished to  
11 a person upon the prescription of a physician, dentist, podiatrist, optometrist,  
12 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant  
13 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
14 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to  
15 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist  
16 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
17 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

18 7. Health and Safety Code section 11350, subdivision (a) states, in pertinent part:

19  
20 Except as otherwise provided in this division, every person who possesses  
21 . . . (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic  
22 drug, unless upon the written prescription of a physician, dentist, podiatrist, or  
23 veterinarian licensed to practice in this state, shall be punished by imprisonment in  
24 the state prison.

25 8. Health and Safety Code section 11173, subdivision (a) states, in pertinent part:

26  
27 No person shall obtain or attempt to obtain controlled substances, or procure  
28 or attempt to procure the administration of or prescription for controlled substances,  
(1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a  
material fact. . . .

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

### CONTROLLED SUBSTANCES AT ISSUE

10. Hydrocodone is an opiate and a Schedule III controlled substance as designated by  
Health & Safety Code section 11056, subdivision (e)(4).

### COST RECOVERY

11. Section 125.3 of the Code states, in pertinent part, 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**  
**(Unlawfully Obtaining and Possessing Controlled Substances)**

12. Respondent is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivision (j) (violation of laws regulating controlled substances), in that Respondent violated section 4060 (possession of a controlled substance without a prescription), and Health and Safety Code sections 11350(a) (possession of narcotic controlled substances) and 11173(a) (obtaining controlled substances). The circumstances are as follows:

13. In or about October of 2008, the exact dates of which are unknown, Respondent, per her own admission, stole approximately 120 tablets of hydrocodone-containing Schedule III controlled substance medication from the Walgreens pharmacy in Chico, California. On May 1, 2009, Respondent admitted that on two separate occasions she had stolen 60 tablets of hydrocodone-containing medication from Walgreens while on duty as a licensed pharmacy technician. Respondent stated that she diverted the drugs because she had knee surgery and became addicted to pain medication.

**SECOND CAUSE FOR DISCIPLINE**  
**(Unlawful Self-Administration of Controlled Substances)**

14. Respondent is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivision (h) (unlawful self-administration of controlled substances), in that Respondent stole controlled substances for self-administration, as fully set forth in paragraph 13, above.

**THIRD CAUSE FOR DISCIPLINE**  
**(Dishonest Acts)**

15. Respondent is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivision (f), in that on two occasions in or about the month of October 2008, while employed as a pharmacy technician at Walgreens, Respondent stole controlled substances, as fully set forth in paragraph 13, above.

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**FOURTH CAUSE FOR DISCIPLINE**  
**(Violation of Laws Governing Pharmacy)**

16. Respondent is subject to disciplinary action for unprofessional conduct under section 4301, subdivision (o) (violation of laws governing pharmacy), in that Respondent diverted and used controlled substances in large amounts per day, as set forth fully in paragraph 13, above, thereby violating section 4060 (possession of controlled substances without a prescription).

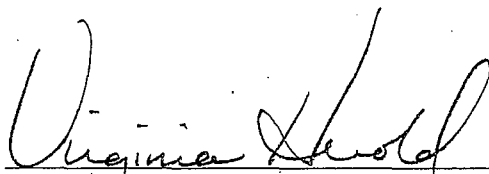
**PRAYER**

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 49864, issued to Adrienne Anderson.
2. Ordering Adrienne Anderson 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: \_\_\_\_\_

7/15/10



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