

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

In the Matter of the First Amended Accusation  
Against:

**CHRISTINA IVY MORELAND  
2190 Ellington Drive  
Corona, CA 92880**

**Pharmacy Technician Registration No. TCH  
86174**

Case No. 3900

OAH No. 2011040604

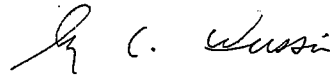
**DECISION AND ORDER**

The attached Stipulated Revocation of License 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 May 4, 2012.

It is so ORDERED on April 4, 2012.

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 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 MARICHELLE S. TAHIMIC  
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*Attorneys for Complainant*

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10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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13 **CHRISTINA IVY MORELAND**  
14 **2190 Ellington Drive**  
**Corona, CA 92880**

OAH No. 2011040604

**STIPULATED REVOCATION OF  
LICENSE AND ORDER**

15 **Pharmacy Technician Registration No. TCH**  
16 **86174**

17 Respondent.

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

23 PARTIES

24 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
25 She brought this action solely in her official capacity and is represented in this matter by Kamala  
26 D. Harris, Attorney General of the State of California, by Marichelle S. Tahimic, Deputy  
27 Attorney General.  
28





**ORDER**

1  
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 86174, issued  
3 to Respondent Christina Ivy Moreland, is revoked.

4 1. Respondent shall relinquish her technician license to the board within ten (10) days of  
5 the effective date of this decision. Respondent may not reapply or petition the board for  
6 reinstatement of her revoked technician license for three (3) years from the effective date of this  
7 decision.

8 2. A condition of reinstatement shall be that the respondent is certified as defined in  
9 Business and Professions Code section 4302(a)(4) and provides satisfactory proof of certification  
10 to the board.

11 3. The stipulated revocation of Respondent's Pharmacy Technician Registration shall  
12 constitute the imposition of discipline against Respondent. This stipulation constitutes a record of  
13 the discipline and shall become a part of Respondent's license history with the Board of  
14 Pharmacy.

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

17 5. If Respondent ever files an application for licensure or a petition for reinstatement in  
18 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must  
19 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
20 effect at the time the petition is filed, and all of the charges and allegations contained in  
21 Accusation No. 3900 shall be deemed to be true, correct and admitted by Respondent when the  
22 Board determines whether to grant or deny the petition.

23 7. Respondent shall pay the agency its costs of investigation and enforcement in the  
24 amount of \$7,769.50 prior to issuance of a new or reinstated license. Said amount shall be paid in  
25 full prior to the reapplication or reinstatement of her revoked technician license, unless otherwise  
26 ordered by the board.

27 8. If Respondent should ever apply or reapply for a new license or certification, or  
28 petition for reinstatement of a license, by any other health care licensing agency in the State of

1 California, all of the charges and allegations contained in Accusation, No. 3900 shall be deemed  
 2 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
 3 other proceeding seeking to deny or restrict licensure.

4  
 5 ACCEPTANCE

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

10  
 11 DATED: 2-7-12

*Christina Ivy Moreland*  
 12 CHRISTINA IVY MORELAND  
 13 Respondent

14  
 15 ENDORSEMENT

16 The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted  
 17 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

18  
 19 Dated:

Respectfully submitted,  
 20 KAMALA D. HARRIS  
 Attorney General of California  
 21 JAMES M. LEDAKIS  
 Supervising Deputy Attorney General

22  
 23 MARICHÈLLE S. TAHIMIC  
 24 Deputy Attorney General  
 25 *Attorneys for Complainant*

26 SD2010703192/0542604.doc

1 California, all of the charges and allegations contained in Accusation, No. 3900 shall be deemed  
2 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
3 other proceeding seeking to deny or restrict licensure.

4  
5 ACCEPTANCE

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

10  
11 DATED: \_\_\_\_\_

12 CHRISTINA IVY MORELAND  
13 Respondent

14  
15 ENDORSEMENT

16 The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted  
17 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

18  
19 Dated: *Feb. 7, 2012*

Respectfully submitted,

20 KAMALA D. HARRIS  
21 Attorney General of California  
22 JAMES M. LEDAKIS  
23 Supervising Deputy Attorney General

24 *Marichelle S. Tahimic*  
25 MARICHELE S. TAHIMIC  
26 Deputy Attorney General  
27 *Attorneys for Complainant*

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**Exhibit A**

**First Amended Accusation No. 3900**

]»



1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 MARICHELLE S. TAHIMIC  
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12 **CHRISTINA IVY MORELAND**  
13 **2190 Ellington Drive**  
**Corona, CA 92880**

**FIRST AMENDED**  
**ACCUSATION**

14 **Pharmacy Technician Registration No. TCH**  
15 **86174**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this First Amended Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
22 Affairs.  
23 2. On or about September 24, 2008, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 86174 to Christina Ivy Moreland (Respondent). The Pharmacy  
25 Technician Registration was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on July 31, 2012, unless renewed.

27 ///

1 ///

2 ///

3 **JURISDICTION**

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

7 4. Section 4300 of the Code states:

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

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

11 (1) Suspending judgment.

12 (2) Placing him or her upon probation.

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

14 (4) Revoking his or her license.

15 (5) Taking any other action in relation to disciplining him or her as the board  
16 in its discretion may deem proper.

17 ...

18 (e) The proceedings under this article shall be conducted in accordance with  
Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
19 Government Code, and the board shall have all the powers granted therein. The  
action shall be final, except that the propriety of the action is subject to review by  
20 the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

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

25 **STATUTORY PROVISIONS AND REGULATIONS**

26 6. Section 482 of the Code states:

27 Each board under the provisions of this code shall develop criteria to  
28 evaluate the rehabilitation of a person when:

1 (a) Considering the denial of a license by the board under Section 480; or

2 (b) Considering suspension or revocation of a license under Section 490.

3 Each board shall take into account all competent evidence of rehabilitation  
4 furnished by the applicant or licensee."

5 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
6 revoke a license on the ground that the licensee has been convicted of a crime substantially  
7 related to the qualifications, functions, or duties of the business or profession for which the  
8 license was issued.

9 8. Section 493 of the Code states:

10 Notwithstanding any other provision of law, in a proceeding conducted by a  
11 board within the department pursuant to law to deny an application for a license or  
12 to suspend or revoke a license or otherwise take disciplinary action against a person  
13 who holds a license, upon the ground that the applicant or the licensee has been  
14 convicted of a crime substantially related to the qualifications, functions, and duties  
15 of the licensee in question, the record of conviction of the crime shall be conclusive  
16 evidence of the fact that the conviction occurred, but only of that fact, and the board  
17 may inquire into the circumstances surrounding the commission of the crime in  
18 order to fix the degree of discipline or to determine if the conviction is substantially  
19 related to the qualifications, functions, and duties of the licensee in question.

20 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
21 'registration.'

22 9. Section 4059, subdivision (a) of the Code states:

23 (a) A person may not furnish any dangerous drug, except upon the  
24 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
25 naturopathic doctor pursuant to Section 3640.7. A person may not furnish any  
26 dangerous device, except upon the prescription of a physician, dentist, podiatrist,  
27 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

28 10. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a  
person upon the prescription of a physician, dentist, podiatrist, optometrist,  
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished  
pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant  
pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a  
pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section  
shall not apply to the possession of any controlled substance by a manufacturer,  
wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,  
veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or  
physician assistant, when in stock in containers correctly labeled with the name and  
address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse

1 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own  
2 stock of dangerous drugs and devices.

3 ///

4 11. Section 4301 of the Code states:

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

9 ...  
10 (g) Knowingly making or signing any certificate or other document that  
11 falsely represents the existence or nonexistence of a state of facts.

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

18 ...  
19 (j) The violation of any of the statutes of this state, or any other state, or of  
20 the United States regulating controlled substances and dangerous drugs.

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

12. Title 16, of the Code of Regulations, section 1769, subdivision (b) sets forth the  
following factors to consider with regard to evidence of rehabilitation:

(b) When considering the suspension or revocation of a facility or a personal

1 license on the ground that the licensee or the registrant has been convicted of a  
2 crime, the board, in evaluating the rehabilitation of such person and his present  
3 eligibility for a license will consider the following criteria:

- 4 (1) Nature and severity of the act(s) or offense(s).
- 5 (2) Total criminal record.
- 6 (3) The time that has elapsed since commission of the act(s) or  
7 offense(s).
- 8 (4) Whether the licensee has complied with all terms of parole,  
9 probation, restitution or any other sanctions lawfully imposed against the licensee.
- 10 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

#### 19 DRUGS

20 14. Marijuana is a Schedule I controlled substance under Health and Safety Code section  
21 11054(d)(13) and is a dangerous drug pursuant to Business and Professions Code section 4022

#### 22 COST RECOVERY

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

#### 27 FIRST CAUSE FOR DISCIPLINE

##### 28 **(Knowingly Making or Signing Document That Falsely Represents the Facts)**

16. Respondent is subject to disciplinary action under Code section 4301, subdivision (g),  
for knowingly making or signing a document that falsely represents the facts or nonexistence of  
facts in that Respondent's application for licensure as a Pharmacy Technician falsely represented  
the nature of criminal proceeding against her. The circumstances are as follows:

17. On or about August 15, 2008, Respondent signed her application for licensure as a  
Pharmacy Technician under penalty of perjury. In response to the question whether Respondent  
had ever been convicted or pled no contest to a violation of any law, Respondent said "Yes". If  
her response was "Yes", the application required her to attach an explanation including the type

1 of violation, the date, circumstances, location and the complete penalty received. In her  
2 explanation to the Board, Respondent stated:

3 I received a misdemeanor charge for D.U.I. on October 4, 2002. I completed  
4 all the required classes and paid all associated fines. My [driver's] license was not  
5 suspended because the judge ruled in my favor against the police. I have never been  
6 in trouble before or after this incident. My life is on track and going great. My  
7 biggest concern has now become my career. Please don't let this six year old  
8 mistake get in the way of my future.

9 18. Respondent's application for licensure was not formally investigated and the details  
10 of the DUI charge of October 4, 2002 were not known by the Board. Those details follow.

11 19. On or about February 23, 2003, in *The People of the State of California v. Christina*  
12 *Ivy Moreland*, Riverside Superior Court, Case No. RIM424692, Respondent was convicted on her  
13 guilty plea of violation of Vehicle Code Section 23152(b), driving under the influence of alcohol  
14 with a blood alcohol content of 0.08% or greater. Breath tests at the incident scene indicated  
15 Respondent's blood alcohol content was 0.17%. Contrary to Respondent's statement to the  
16 Board, as a result of the conviction Respondent was sentenced to 36 months probation, ordered to  
17 pay fines and fees of \$1552.00, attend a First Offender DUI program, and her license was  
18 restricted for a period of 3 months, except travel to/from work, within the scope of her  
19 employment and to/from an alcohol treatment program.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(April 22, 2010 Conviction of Possession of a Controlled Substance on January 23, 2010)**

22 20. Respondent is subject to disciplinary action under Code sections 482, 490 and 4301,  
23 subdivision (l), for conviction of a crime that is substantially related to the qualifications,  
24 functions and duties of a pharmacy technician. The circumstances are as follows.

25 21. On or about April 22, 2010, in *The People of the State of California v. Christina Ivy*  
26 *Moreland*, Riverside Superior Court, Case No. RIM10003717, Respondent was convicted on her  
27 guilty plea to violation of Health and Safety Code 11357(b), possession of less than 1 ounce of  
28 marijuana, a misdemeanor.

29 22. As a result of the conviction, Respondent was ordered to pay a \$160 fine.



1                                   **(Self-Administration of Controlled Substance on September 16, 2009)**

2           26. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)  
3 for unprofessional conduct in administering a controlled substance to herself to the extent or in a  
4 manner as to be dangerous or injurious to herself or to any other person or to the public. The  
5 circumstances are as follows.

6           27. On or about September 16, 2009, at 0332 hours, an officer of the California Highway  
7 Patrol made a traffic stop after observing that Respondent's vehicle was traveling at a speed of 80  
8 mph on SR-91. When the officer made contact with Respondent through an open window, the  
9 officer smelled the strong odor of marijuana coming from the vehicle. The officer asked  
10 Respondent how long it had been since she smoked last and Respondent replied, "Way, way  
11 earlier today." The officer observed that Respondent's eyes were red. Respondent told the  
12 officer that she just got off of work at a pharmacy. Respondent denied having any marijuana in  
13 her car.

14           28. The officer asked Respondent where and when she last smoked marijuana.  
15 Respondent stated she last smoked marijuana at her friend's house and then went to work. She  
16 admitted that she did not have a medical marijuana card. When asked why she smoked  
17 marijuana, Respondent stated it was to "have a good day at work." Respondent explained that  
18 she had a stressful job and marijuana makes her relax. She claims that she did not smoke  
19 marijuana very often, just every other day.

20           29. The officer then asked Respondent to perform field sobriety tests, which Respondent  
21 failed. Respondent then admitted that she had smoke some marijuana during her lunch break at  
22 2200 hours. The officer determined that Respondent was under the influence of marijuana and  
23 was unable to safely operate a motor vehicle based upon his observations of her driving, her  
24 admissions regarding smoking marijuana, her display of objective symptoms of drug impairment,  
25 her rapid pulse, her unsteady gait, her yellow coated tongue, her poor performance of the field  
26 sobriety tests and his training and experience.

27           30. A search of Respondent's vehicle also revealed three empty, orange plastic  
28 prescription bottles in the glove compartment with the labels removed, a glass pipe with burnt



1 marijuana residue and a white metal marijuana pipe with burnt marijuana residue, both in the  
2 glove compartment. A glass pipe containing burnt marijuana residue was found in the center  
3 console. Under the driver's seat, loose marijuana lying on the floorboard next to a glass pipe  
4 filled with unburnt marijuana and burnt marijuana residue were found.

5 31. A Drug Influence Evaluation was performed of Respondent at the CHP office. It was  
6 determined that Respondent was under the influence of a combination of a central nervous system  
7 depressant and Cannabis and was unable to safely operate a vehicle.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct-Violation of Law Regarding Furnishing on September 16, 2009)**

10 32. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),  
11 in conjunction with section 4059, subdivision (a), for unprofessional conduct in violating the laws  
12 of this state in that Respondent violated the laws of the state of California when she furnished a  
13 dangerous drug, marijuana, to herself, without a prescription, as set forth more fully in paragraphs  
14 26-31, above, and incorporated by this reference as though set forth in full herein.

15 **DISCIPLINARY CONSIDERATIONS**

16 33. To determine the degree of discipline, if any, to be imposed on Respondent,  
17 Complainant alleges the following under title 16, California Code of Regulations, section  
18 1769(b)(2):

19 a. On February 25, 2003, in *The People of the State of California vs. Christina Ivy*  
20 *Moreland*, Riverside County Superior Court, Case No. RIM424692, Respondent was convicted  
21 on her guilty plea of violation of Vehicle Code section 23152(b), driving under the influence of  
22 alcohol with a blood alcohol content of 0.08% or higher.

23 **PRAYER**

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

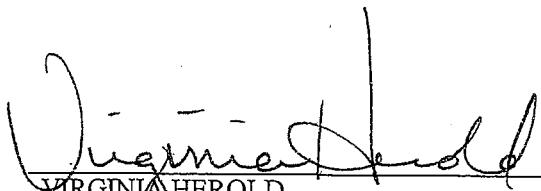
26 1. Revoking or suspending Pharmacy Technician Registration Number TCH 86174,  
27 issued to Christina Ivy Moreland;

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2. Ordering Christina Ivy Moreland 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; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 12/5/11



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

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