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

In the Matter of the Accusation Against:

RYAN CAMPBELL WILLIS
3936 Folsom Drive
Antioch, CA 94531
Pharmacy Technician Registration No.
67972

Respondent.

Case No. 4299

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 19, 2012, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4299 against Ryan Campbell Willis (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 13, 2006, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. 67972 to Respondent. The Pharmacy Technician Registration was in

1 full force and effect at all times relevant to the charges brought in Accusation No. 4299 and will
2 expire on September 30, 2013, unless renewed.

3 3. On or about July 19, 2012, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. 4299, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
7 is required to be reported and maintained with the Board. Respondent's address of record was
8 and is: 3936 Folsom Drive, Antioch, CA 94531.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
20 4299.

21 7. California Government Code section 11520 states, in pertinent part:

22 (a) If the respondent either fails to file a notice of defense or to appear at the
23 hearing, the agency may take action based upon the respondent's express admissions
24 or upon other evidence and affidavits may be used as evidence without any notice to
25 respondent.

26 8. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 4299, finds that

1 the charges and allegations in Accusation No. 4299, are separately and severally, found to be true
2 and correct by clear and convincing evidence.

3 9. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$1,902.50, as of September 12, 2012.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Ryan Campbell Willis has
8 subjected his Pharmacy Technician Registration No. 67972 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
11 Registration based upon the following violations alleged in the Accusation which are supported
12 by the evidence contained in the Default Decision Evidence Packet in this case:

13 a. Business and Professions Code (Code) section 4301, subdivision (h) (Use of Alcohol
14 in a Dangerous Manner); Code section 4301, subdivision (f) (Unprofessional Conduct); and Code
15 section 4060 (Unlawful Possession of a Controlled Substance).

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ORDER

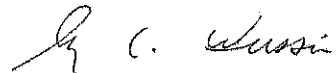
IT IS SO ORDERED that Pharmacy Technician Registration No. 67972, issued to Respondent Ryan Campbell Willis, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 19, 2012.

It is so ORDERED ON October 19, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
STANLEY C. WEISSER
Board President

90263571.DOC
DOJ Matter ID:SF2012900812

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
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5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
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:

Case No. 4299

12 **RYAN CAMPBELL WILLIS**
13 **3936 Folsom Drive**
Antioch, CA 94531

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH**
15 **67972**

16 Respondent.

17 Complainant alleges:

18 PARTIES

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

21 2. On or about March 13, 2006, the Board of Pharmacy issued Pharmacy Technician
22 License Number TCH 67972 to Ryan Campbell Willis (Respondent). The Pharmacy Technician
23 License was in full force and effect at all times relevant to the charges brought in this Accusation
24 and will expire on September 30, 2013, unless renewed.

25 JURISDICTION

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

1 4. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300, subdivision (a), of the Code provides that every license issued by the
5 Board may be suspended or revoked.

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

10 STATUTORY PROVISIONS

11 7. Section 4301 of the Code states:

12 “The board shall take action against any holder of a license who is guilty of unprofessional
13 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

14 Unprofessional conduct shall include, but is not limited to, any of the following:

15 . . .

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

19 . . .

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

25 8. Code section 4060 states:

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

1 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
2 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
3 pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not apply to the
4 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
5 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
6 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled
7 with the name and address of the supplier or producer.”

8 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

9 9. Code section 4021 states:

10 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
11 11053) of Division 10 of the Health and Safety Code.”

12 10. Code section 4022 provides:

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

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

17 “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale
18 by or on the order of a _____,’ ‘Rx only,’ or words of similar import . . .

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

21 11. Vicodin is the trade name for 5 milligrams Hydrocodone Bitartrate and 500
22 milligrams Acetaminophen and is a Schedule III controlled substance as defined by Health and
23 Safety Code section 11056, subdivision (e)(4). Vicodin is a dangerous drug pursuant to Code
24 section 4022. Repeated administration of Vicodin over a course of several weeks may result in
25 psychic and physical dependence. The usual adult dosage is one tablet every four to six hours as
26 needed for pain. The total 24 hour dose should not exceed 5 tablets.

STATEMENT OF FACTS

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2 12. On or about April 27, 2011, two California Highway Patrol (CHP) officers (Officer 1
3 and Officer 2) were parked on westbound State Route 4 in a fully marked patrol vehicle. At
4 approximately 1:07 a.m., Officer 1 observed Respondent's vehicle, a red Volkswagen Bug,
5 travelling in the #4 lane at a high rate of speed. Officer 1's radar locked in a digital reading of
6 Respondent's vehicle as travelling at 90 miles-per-hour in a 65 mile-per-hour zone. The officers
7 followed Respondent's vehicle as he exited Port Chicago Highway and then they initiated an
8 enforcement stop.

9 13. Officer 1 approached the driver's side of Respondent's vehicle and Officer 2
10 approached the passenger side. Officer 2 explained to Respondent the reason for the stop and
11 requested his driver's license, registration, and insurance. While Officer 2 spoke with
12 Respondent, Officer 1 detected a strong odor of alcohol emitting from Respondent's vehicle.
13 Officer 1 also observed that Respondent's eyes were red and watery and his speech was slurred.
14 Respondent exited the vehicle to search the trunk for his registration and insurance. Officer 1
15 asked Respondent a series of pre-field sobriety test questions, and as Respondent answered,
16 Officer 1 detected the odor of alcohol on Respondent's breath. Respondent stated that he had
17 consumed three or four 12 ounce Mickey's while at a friend's house in Antioch. Officer 1 asked
18 Respondent to perform a series of field sobriety tests (FSTs), which Respondent failed to perform
19 satisfactorily. Based upon Respondent's driving, his objective signs of intoxication, and his poor
20 performance on the FSTs, Officer 1 concluded that Respondent was driving under the influence
21 of an alcoholic beverage and he could not safely operate a vehicle. Officer 1 arrested Respondent
22 for violation of Vehicle Code section 23152, subdivision (a) (driving under the influence). After
23 being informed of implied consent, Respondent chose the breath test. Respondent was
24 administered the breath test at the CHP Martinez area office at 2:17 a.m., and again at 2:20 a.m.
25 The results of each test showed that Respondent had a blood alcohol content of .17%.

26 14. Following Respondent's arrest, Officer 2 performed an inventory of Respondent's
27 vehicle prior to storing it. During the inventory Officer 2 found an orange pill bottle in the
28 vehicle's sunglass holder. The bottle contained 12 loose white pills stamped "M357" on one side.

1 While a large portion of the bottle's label was torn off, the following information remained: (1) a
2 barcode; (2) an address for the patient to whom the bottle was prescribed; (3) the prescriber's
3 name; and (4) that the prescription was from a Costco Pharmacy. When Respondent was
4 informed of the violations he was being charged with, including Health and Safety Code section
5 11350, subdivision (a) (possession of a controlled substances) and Code section 4060 (possession
6 of a controlled substance without a prescription), he spontaneously stated that he obtained the
7 Vicodin from a friend.

8 15. On or about January 25, 2012, a Board investigator inspected the Costco Pharmacy in
9 Concord, California, where Respondent was employed at the time of the above arrest. During the
10 investigator's inspection, she determined that the information contained on the orange bottle
11 found in Respondent's vehicle matched prescription information in Costco's records. Costco's
12 records revealed that the prescription was for Hydrocodone/APAP 5/500 milligram tablets
13 (generic Vicodin), and that it was prescribed to someone other than Respondent.

14 COST RECOVERY

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

19 FIRST CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct – Use of Alcohol in a Dangerous Manner)
21 (B&P Code § 4301, subd. (h))

22 17. Complainant realleges the allegations contained in paragraphs 12 through 13 and
23 incorporates them as if fully set forth here.

24 18. Respondent has subjected his pharmacy technician license to discipline under Code
25 section 4301, subdivision (h), in that he used alcoholic beverages to the extent or in a manner as
26 to be dangerous or injurious to himself and to the public. The circumstances are set forth above
27 in paragraphs 12 through 13.
28

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)
3 (B&P Code § 4301, subd. (f))

4 19. Complainant realleges the allegations contained in paragraphs 12 through 15 and
5 incorporates them as if fully set forth here.

6 20. Respondent has subjected his pharmacy technician license to discipline under Code
7 section 4301, subdivision (f), in that he committed an act involving moral turpitude, dishonesty,
8 fraud, deceit, or corruption. The circumstances are set forth above in paragraphs 12 through 15.

9 THIRD CAUSE FOR DISCIPLINE

10 (Unlawful Possession of Controlled Substance)
11 (B&P Code § 4060)

12 21. Complainant realleges the allegations contained in paragraphs 12 through 15 and
13 incorporates them as if fully set forth here.

14 22. Respondent has subjected his pharmacy technician license to discipline under Code
15 section 4060, in that he possessed controlled substances without a valid prescription. The
16 circumstances are set forth above in paragraphs 12 through 15.

17 PRAYER

18 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
19 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 20 1. Revoking or suspending Pharmacy Technician License Number TCH 67972, issued
21 to Ryan Campbell Willis;
- 22 2. Ordering Ryan Campbell Willis to pay the Board of Pharmacy the reasonable costs of
23 the investigation and enforcement of this case, pursuant to Business and Professions Code section
24 125.3; and
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3. Taking such other and further action as deemed necessary and proper.

DATED:

7/19/12

Virginia Herold

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

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