

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

In the Matter of the Accusation Against:

**ANDREA JOYCE CONNER
P.O. Box 748
Paradise, CA 95967**

**Pharmacy Technician Registration No. TCH
67462**

Respondent.

Case No. 4502

OAH No. 2014020230

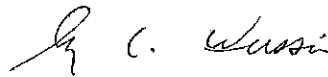
DECISION AND ORDER

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 June 4, 2015.

It is so ORDERED on May 28, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

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Attorney General of California
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8

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

11 In the Matter of the Accusation Against:	Case No. 4502
12 ANDREA JOYCE CONNER	OAH No. 2014020230
13 P.O. Box 748	STIPULATED SURRENDER OF LICENSE AND ORDER
14 Paradise, CA 95967	
15 Pharmacy Technician Registration No. TCH 67462	
16 Respondent.	

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

20 **PARTIES**

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

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

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

4 CONTINGENCY

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

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Surrender of License and Order, including Portable Document Format
16 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

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ORDER

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2 **IT IS ORDERED** that Pharmacy Technician Registration No. TCH 67462, issued to
3 Respondent Andrea Joyce Conner, is surrendered and accepted by the Board of Pharmacy as of
4 the effective date of this decision. Respondent shall relinquish her pharmacy technician license to
5 the board within ten (10) days of the effective date of this decision.

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

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

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

14 4. Respondent understands and agrees that if he or she ever files an application for
15 licensure or a petition for reinstatement in the State of California, the board shall treat it as a new
16 application for licensure.

17 5. Respondent shall pay the agency its costs of investigation and enforcement in the
18 amount of \$2,308.00 prior to the issuance of a new registration.

19 6. If Respondent should ever apply or reapply for a new license or certification, or
20 petition for reinstatement of a license, by any other health care licensing agency in the State of
21 California, all of the charges and allegations contained in Accusation, No. 4502 shall be deemed
22 to be true, correct, admitted and proven by Respondent for the purpose of any Statement of Issues
23 or any other proceeding seeking to deny or restrict licensure.

24 7. Respondent may not apply for any license, permit, or registration from the board for
25 three (3) years from the effective date of this decision. Respondent stipulates that should he or she
26 apply for any license from the board on or after the effective date of this decision, all allegations
27 set forth in the [accusation or petition to revoke probation] shall be deemed to be true, correct and
28 admitted by respondent when the board determines whether to grant or deny the application.

1 Respondent shall satisfy all requirements applicable to that license as of the date the application is
 2 submitted to the board, including, but not limited to certification by a nationally recognized body
 3 prior to the issuance of a new license. Respondent is required to report this surrender as
 4 disciplinary action.

ACCEPTANCE

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 6 I have carefully read the Stipulated Surrender 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 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
 9 be bound by the Decision and Order of the Board of Pharmacy.

10
 11 DATED: 1-12-15 Andrea Joyce Conner
 12 ANDREA JOYCE CONNER
 13 Respondent

ENDORSEMENT

14
 15 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
 16 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

17
 18 Dated: 1/12/15 Respectfully submitted,
 19 KAMALA D. HARRIS
 20 Attorney General of California
 21 JANICE K. LACHMAN
 22 Supervising Deputy Attorney General
 23 Brian S. Turner
 24 BRIAN S. TURNER
 25 Deputy Attorney General
 26 Attorneys for Complainant

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Exhibit A

Accusation No. 4502

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

In the Matter of the Accusation Against:
ANDREA JOYCE CONNER
455 Nathan Lane
Paradise, CA 95969
Pharmacy Technician License No. TCH 67462
Respondent.

Case No. 4502

ACCUSATION

Virginia Herold (Complainant) alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
2. On or about May 12, 2006, the Board of Pharmacy issued Pharmacy Technician License Number TCH 67462 to Andrea Joyce Conner (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought herein, and will expire on April 30, 2014, unless renewed.

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JURISDICTION

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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.

STATUTORY AND REGULATORY PROVISIONS

5
6 4. Section 480(a)(3)(A) provides in pertinent part the Board may deny a license to
7 anyone who performs an act or acts which if done by a licentiate would be grounds for suspension
8 or revocation of the license.

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

13 6. Section 492 of the Code states in pertinent part, successful completion of any
14 diversion program under the Penal Code, or successful completion of an alcohol assessment
15 program provided by the Vehicle Code, shall not prohibit any agency from taking disciplinary
16 action against a licensee even if the evidence appears in an arrest report.

17 7. Section 493 of the Code states in pertinent part, in a proceeding conducted by a
18 board within the department to suspend or revoke a license or otherwise take disciplinary action
19 against a person who holds a license, upon the ground that the applicant or the licensee has been
20 convicted of a crime substantially related to the qualifications, functions, and duties of the
21 licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact
22 that the conviction occurred and the board may inquire into the circumstances surrounding the
23 commission of the crime in order to fix the degree of discipline.

24 8. Section 4300 provides in relevant part:

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

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9. Section 4301 provides in relevant part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to, any of the following:

(h) ...use of any dangerous drug or...alcoholic beverage to the extent or in a manner dangerous to oneself ... or to others or the public.

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

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.

10. Title 16 California Code of Regulations section 1770 provides:

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

DANGEROUS DRUGS

11. Section 4022 provides:

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

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

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

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

1 12. Section 4060 provides in relevant part:

2 No person shall possess any controlled substance, except that
3 furnished to a person upon the prescription of a physician, dentist...

4 **COST RECOVERY**

5 13. Section 125.3 of the Code provides, in pertinent part, that the Director may request
6 the administrative law judge to direct a licentiate found to have committed a violation or
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
8 and enforcement of the case.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of a Crime Substantially Related)**

11 14. Respondent's pharmacy technician license is subject to disciplinary action for
12 unprofessional conduct pursuant to section 4301(l) and Title 16 Code of Regulations section 1770
13 in that Respondent was convicted of a crime substantially related to the duties, functions and
14 qualifications of a pharmacy technician. The circumstances are as follows:

15 15. On or about June 28, 2012, Respondent was convicted by her plea of no contest to
16 violating Health and Safety Code section 11550(a), Use or Under the Influence of a Controlled
17 Substance, a misdemeanor, in Butte County Superior Court, Case No. SCR 88026; *People v.*
18 *Andrea Joyce Conner*. The circumstances of the crime are that on February 15, 2012,
19 Respondent was operating a vehicle after ingesting the controlled substance commonly referred to
20 as ecstasy in violation of Health and Safety Code section 11550(a). While under the influence of
21 the drug and operating a motor vehicle, Respondent failed to obey a red light for her direction of
22 travel and was observed by a police officer driving through an intersection against the red light

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct-Dangerous Conduct)**

25 16. Respondent's pharmacy technician license is subject to disciplinary action for
26 unprofessional conduct pursuant to section 4301(h) because Respondent used a controlled
27 substance and dangerous drug to an extent and in a manner that was dangerous to herself or
28 others. The circumstances are as follows:

1 17. Paragraph 15 is incorporated herein as though set forth at length. Respondent's
2 conduct by operating a motor vehicle after ingesting ecstasy and the conviction for violation
3 Health and Safety Code section 11550(a) demonstrates a lack of fitness to perform the functions,
4 duties and obligations of a pharmacy technician and constitute a danger to public health, safety
5 and welfare.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct-Violation of Statutes)**

8 18. Respondent's pharmacy technician license is subject to disciplinary action for
9 unprofessional conduct pursuant to sections 4301(j) and 4060 in that Respondent violated statutes
10 and laws regulating controlled substances and dangerous drugs. The circumstances are as
11 follows:

12 19. Paragraphs 15 and 17 are incorporated herein as though set forth at length.
13 Respondent's acts and conduct leading to Respondent's convictions demonstrates Respondent is
14 not fit to perform the duties, obligations and functions of a pharmacy technician and warrants
15 denial of a pharmacist technician license.

16 **PRAYER**

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

19 1. Revoking or suspending Pharmacy Technician license No. TCH-67462, issued to
20 Andrea Joyce Conner;

21 2. Ordering Andrea Joyce Conner to pay the Board of Pharmacy the reasonable costs
22 of the investigation and enforcement of this case, pursuant to Business and Professions Code
23 section 125.3; and

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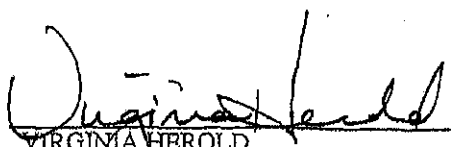
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3. Taking such other and further action as deemed necessary and proper.

DATED: 11/4/13



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