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

In the Matter of the Accusation Against:  
**WENDY LYNN WILCOX**  
7215 Goldboro Lane  
Riverside, CA 92506-6106  
**Pharmacy Technician Registration**  
No. TCH 18877  
  
Respondent.

Case No. 4575

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 22, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4575 against Wendy Lynn Wilcox (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about April 5, 1996, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 18877 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4575 and expired on October 31, 2013. This lapse in licensure, however, pursuant to Business and

///

1 Professions Code (Code) section 4300.1, does not deprive the Board of its authority to institute or  
2 continue this disciplinary proceeding.

3 3. On or about July 30, 2013, Respondent was served by Certified and First Class Mail  
4 copies of Accusation No. 4575, 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 Code section 4100, is required to be reported  
7 and maintained with the Board. Respondent's address of record was and is: 7215 Goldboro Lane,  
8 Riverside, CA 92506-6106.

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 Code section 124.

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

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

17 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
18 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4575.

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

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

24 8. Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Accusation No. 4575, finds that  
the charges and allegations in Accusation No. 4575, are separately and severally, found to be true  
and correct by clear and convincing evidence.

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ORDER

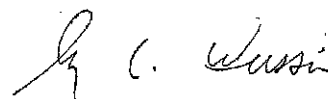
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 18877, heretofore issued to Respondent Wendy Lynn Wilcox, is revoked.

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 February 10, 2014.

It is so ORDERED ON January 10, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_  
STANLEY C. WEISSER  
Board President

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DOJ Matter ID:SD2013705002

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation Case No. 4575

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 RITA M. LANE  
Deputy Attorney General  
4 State Bar No. 171352  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2614  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12  
13 **WENDY LYNN WILCOX**  
**7215 Goldboro Lane**  
**Riverside, CA 92506-6106**  
14  
15 **Pharmacy Technician Registration No. TCH**  
**18877**  
16  
17 Respondent.

Case No. 4575  
**ACCUSATION**

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 April 5, 1996, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 18877 to Wendy Lynn Wilcox (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 October 31, 2013, unless renewed.

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1 **JURISDICTION**

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

9 5. Section 4300, subdivision (a) of the Code states "Every license issued may be  
10 suspended or revoked."

11 **STATUTORY PROVISIONS**

12 6. Section 4301 of the Code states:

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

17 ...

18 (c) Gross negligence.

19 ...

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

26 **COSTS**

27 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
28 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, in addition the Board may include investigation and enforcement costs in  
any stipulated settlement.

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**FIRST CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct - Gross Negligence)**

8. Respondent has subjected her registration to discipline under sections 4301, subdivision (c) of the Code in she was grossly negligent in that she arrived at work as a pharmacy technician while under the influence of alcohol. The circumstances are as follows:

a. On May 8, 2012, at approximately 8:10 a.m. Respondent arrived at the Kaiser Permanente Pharmacy in Riverside, California where she was employed as a pharmacy technician. Respondent clocked into work and began her shift. Respondent's supervisors noticed the smell of alcohol coming from Respondent's breath. Upon questioning Respondent admitted to having consumed alcohol earlier that morning. Respondent was ordered to take a for cause drug/alcohol test. Respondent's blood alcohol was found to be 0.17 g/dl, which is equivalent to a Blood Alcohol Concentration by weight of 0.17.

**SECOND CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct – Dangerous Use of Alcohol)**

9. Respondent has subjected her registration to disciplinary action under section 4301, subdivision (h) of the Code in that on or about May 8, 2012, Respondent consumed alcohol to the extent or in a manner dangerous to herself or the public, as detailed in paragraph 15, above.

**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 18877, issued to Wendy Lynn Wilcox;
2. Ordering Wendy Lynn Wilcox 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;

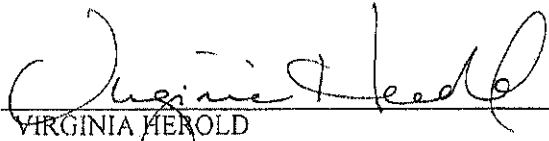
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3. Taking such other and further action as deemed necessary and proper.

DATED: 7/22/13



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

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