



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
 Phone: (916) 574-7900
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 www.pharmacy.ca.gov

RECEIVED
 BOARD OF PHARMACY
 2016 MAY 11 AM 7:33

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Latrice Walton</u>	Case No. <u>AC 4648</u>
Address of Record: <u>1332 N. Almond way</u> <u>Banning, Ct 92220</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC 4648, I hereby request to surrender my pharmacy technician license, License No. TCH 76453. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

[Signature]
 Applicant's Signature

5/5/2016
 Date

[Signature]
 Executive Officer's Approval

5/12/16
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

Case No. 4648

OAH No. 2013090447

LATRICE RENAE WALTON

1332 N. Almond Way
Banning, CA 92220

Pharmacy Technician Registration No.
TCH 76453

Respondent.

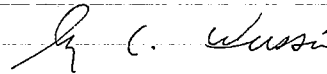
DECISION AND ORDER

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 4, 2014.

It is so ORDERED on March 28, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
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4 Senior Legal Analyst
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13 **LATRICE RENAE WALTON**
14 **456 E. Nicolet Street, Apt. 101**
Banning, CA 92220
15 **Pharmacy Technician Registration**
No. TCH 76453
16
17 Respondent.

Case No. 4648
OAH No. 2013090447
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

21 **PARTIES**

- 22 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Kamala
24 D. Harris, Attorney General of the State of California, by Amanda Dodds, Senior Legal Analyst.
25 2. Respondent Latrice Renae Walton ("Respondent") is representing herself in this
26 proceeding and has chosen not to exercise her right to be represented by counsel.
27 3. On or about June 11, 2007, the Board of Pharmacy issued Pharmacy Technician
28 Registration No. TCH-76453 to Latrice Renae Walton (Respondent). The Pharmacy Technician

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 4648 and will expire on September 30, 2014, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 4648 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on August 1, 2013.

7 Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 4648 is attached as Exhibit A and incorporated herein by
9 reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 4648. Respondent has also carefully read, and understands the effects of this
13 Stipulated Settlement and Disciplinary Order.

14 7. 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 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 **CULPABILITY**

24 9. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 4648.

26 10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
27 and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary
28 Order below.

CONTINGENCY

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

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 76453 issued to Respondent Latrice Renae Walton (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

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1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

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

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

2. Report to the Board

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

3. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board

1 staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee
2 during the period of probation, shall be considered a violation of probation.

3 **4. Cooperate with Board Staff**

4 Respondent shall cooperate with the Board's inspection program and with the Board's
5 monitoring and investigation of respondent's compliance with the terms and conditions of her
6 probation. Failure to cooperate shall be considered a violation of probation.

7 **5. Notice to Employers**

8 During the period of probation, respondent shall notify all present and prospective
9 employers of the decision in case number 4648 and the terms, conditions and restrictions imposed
10 on respondent by the decision, as follows:

11 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
12 respondent undertaking any new employment, respondent shall cause her direct supervisor,
13 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
14 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
15 individual(s) has/have read the decision in case number 4648 and the terms and conditions
16 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
17 supervisor(s) submit timely acknowledgement(s) to the Board.

18 If respondent works for or is employed by or through a pharmacy employment service,
19 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
20 of the terms and conditions of the decision in case number 4648 in advance of the respondent
21 commencing work at each pharmacy. A record of this notification must be provided to the Board
22 upon request.

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
24 (15) days of respondent undertaking any new employment by or through a pharmacy employment
25 service, respondent shall cause her direct supervisor with the pharmacy employment service to
26 report to the Board in writing acknowledging that she has read the decision in case number 4648
27 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
28 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

1 Failure to timely notify present or prospective employer(s) or to cause that/those
2 employer(s) to submit timely acknowledgements to the Board shall be considered a violation of
3 probation.

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

9 **6. Reimbursement of Board Costs**

10 As a condition precedent to successful completion of probation, respondent shall pay to the
11 Board its costs of investigation and prosecution in the amount of \$642.50 in a payment plan
12 approved by the Board. There shall be no deviation from the schedule absent prior written
13 approval by the Board or its designee. Failure to pay costs by the deadline(s) as directed shall be
14 considered a violation of probation.

15 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
16 reimburse the Board its costs of investigation and prosecution.

17 **7. Probation Monitoring Costs**

18 Respondent shall pay any costs associated with probation monitoring as determined by the
19 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
20 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
21 shall be considered a violation of probation.

22 **8. Status of License**

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

26 If respondent's pharmacy technician license expires or is cancelled by operation of law or
27 otherwise at any time during the period of probation, including any extensions thereof due to
28 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all

1 terms and conditions of this probation not previously satisfied.

2 **9. License Surrender While on Probation**

3 Following the effective date of this decision, should respondent cease work due to
4 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
5 respondent may tender her pharmacy technician license to the Board for surrender. The Board or
6 its designee shall have the discretion whether to grant the request for surrender or take any other
7 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
8 license, respondent will no longer be subject to the terms and conditions of probation. This
9 surrender constitutes a record of discipline and shall become a part of the respondent's license
10 history with the Board.

11 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician
12 license to the Board within ten (10) days of notification by the Board that the surrender is
13 accepted. Respondent may not reapply for any license, permit, or registration from the Board for
14 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
15 applicable to the license sought as of the date the application for that license is submitted to the
16 Board.

17 **10. Notification of a Change in Name, Residence Address, Mailing Address or**
18 **Employment**

19 Respondent shall notify the Board in writing within ten (10) days of any change of
20 employment. Said notification shall include the reasons for leaving, the address of the new
21 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
22 shall further notify the Board in writing within ten (10) days of a change in name, residence
23 address and mailing address, or phone number.

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

26 **11. Tolling of Probation**

27 Except during periods of suspension, respondent shall, at all times while on probation, be
28 employed as a pharmacy technician in California for a minimum of forty (40) hours per calendar

1 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,
2 the period of probation shall be extended by one month for each month during which this
3 minimum is not met. During any such period of tolling of probation, respondent must
4 nonetheless comply with all terms and conditions of probation.

5 Should respondent, regardless of residency, for any reason (including vacation) cease
6 working as a pharmacy technician for a minimum of forty (40) hours per calendar month in
7 California, respondent must notify the Board in writing within ten (10) days of cessation of work
8 and must further notify the Board in writing within ten (10) days of the resumption of the work.
9 Any failure to provide such notification(s) shall be considered a violation of probation.

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

13 "Cessation of work" means calendar month during which respondent is not
14 working for at least forty (40) hours as a pharmacy technician, as defined in Business
15 and Professions Code section 4115. "Resumption of work" means any calendar
16 month during which respondent is working as a pharmacy technician for at least forty
17 (40) hours as a pharmacy technician as defined by Business and Professions Code
18 section 4115.

19 12. Violation of Probation

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

25 If respondent violates probation in any respect, the Board, after giving respondent notice
26 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
27 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
28 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If

1 a petition to revoke probation or an accusation is filed against respondent during probation, the
2 Board shall have continuing jurisdiction, and the period of probation shall be automatically
3 extended until the petition to revoke probation or accusation is heard and decided.

4 **13. No Ownership of Licensed Premises**

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

12 **14. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

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

21 **15. Random Drug Screening**

22 Respondent, at her own expense, shall participate in random testing, including but not
23 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
24 screening program as directed by the Board or its designee. Respondent may be required to
25 participate in testing for the entire probation period and the frequency of testing will be
26 determined by the Board or its designee. At all times respondent shall fully cooperate with the
27 Board or its designee, and shall, when directed, submit to such tests and samples for the detection
28 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or

1 its designee may direct. Failure to timely submit to testing as directed shall be considered a
2 violation of probation. Upon request of the Board or its designee, respondent shall provide
3 documentation from a licensed practitioner that the prescription for a detected drug was
4 legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely
5 provide such documentation shall be considered a violation of probation. Any confirmed positive
6 test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a
7 documented medical treatment shall be considered a violation of probation and shall result in the
8 automatic suspension of work by respondent. Respondent may not resume work as a pharmacy
9 technician until notified by the Board in writing.

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

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

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

23 **16. Work Site Monitor**

24 Within ten (10) days of the effective date of this decision, respondent shall identify a work
25 site monitor, for prior approval by the Board, who shall be responsible for supervising respondent
26 during working hours. Respondent shall be responsible for ensuring that the work site monitor
27 reports in writing to the Board quarterly. Should the designated work site monitor determine at
28 any time during the probationary period that respondent has not maintained sobriety, she shall

1 notify the Board immediately, either orally or in writing as directed. Should respondent change
2 employment, a new work site monitor must be designated, for prior approval by the Board, within
3 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
4 replacement work site monitor, or to ensure quarterly reports are submitted to the Board, shall be
5 considered a violation of probation.

6 **17. Notification of Departure**

7 Prior to leaving the probationary geographic area designated by the Board or its designee
8 for a period greater than twenty-four (24) hours, respondent shall notify the Board verbally and in
9 writing of the dates of departure and return. Failure to comply with this provision shall be
10 considered a violation of probation.

11 **18. Abstain from Drugs and Alcohol Use**

12 Respondent shall completely abstain from the possession or use of alcohol, controlled
13 substances, dangerous drugs and their associated paraphernalia except when the drugs are
14 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
15 request of the Board or its designee, respondent shall provide documentation from the licensed
16 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
17 treatment of the respondent. Failure to timely provide such documentation shall be considered a
18 violation of probation. Respondent shall ensure that she is not in the same physical location as
19 individuals who are using illicit substances even if respondent is not personally ingesting the
20 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
21 not supported by the documentation timely provided, and/or any physical proximity to persons
22 using illicit substances, shall be considered a violation of probation.

23 **19. Prescription Coordination and Monitoring of Prescription Use**

24 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
25 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
26 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
27 history with the use of alcohol, controlled substances, and/or dangerous drugs, and who will
28 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled

1 substances or mood-altering drugs. The approved practitioner shall be provided with a copy of
2 the Board's Accusation and decision. A record of this notification must be provided to the Board
3 upon request. Respondent shall sign a release authorizing the practitioner to communicate with
4 the Board about respondent's treatment(s). The coordinating physician, nurse practitioner,
5 physician assistant, or psychiatrist shall report to the Board on a quarterly basis for the duration of
6 probation regarding respondent's compliance with this condition. If any substances considered
7 addictive have been prescribed, the report shall identify a program for the time limited use of any
8 such substances. The Board may require that the single coordinating physician, nurse
9 practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or consult a
10 specialist in addictive medicine. Should respondent, for any reason, cease supervision by the
11 approved practitioner, respondent shall notify the Board immediately and, within thirty (30) days
12 of ceasing treatment, submit the name of a replacement physician, nurse practitioner, physician
13 assistant, or psychiatrist of respondent's choice to the Board or its designee for its prior approval.
14 Failure to timely submit the selected practitioner or replacement practitioner to the Board for
15 approval, or to ensure the required reporting thereby on the quarterly reports, shall be considered
16 a violation of probation.

17 If at any time an approved practitioner determines that respondent is unable to practice
18 safely or independently as a pharmacy technician, the practitioner shall notify the Board
19 immediately by telephone and follow up by written letter within three (3) working days. Upon
20 notification from the Board or its designee of this determination, respondent shall be
21 automatically suspended and shall not resume practice until notified by the Board that practice
22 may be resumed.

23 During suspension, respondent shall not enter any pharmacy area or any portion of the
24 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
25 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices
26 or controlled substances are maintained. Respondent shall not practice as a pharmacy technician
27 nor do any act involving drug selection, selection of stock, manufacturing, compounding,
28 dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to

1 any licensee of the board, or have access to or control the ordering, manufacturing or dispensing
2 of dangerous drugs and controlled substances. Respondent shall not resume practice until
3 notified by the board.

4 During suspension, respondent shall not engage in any activity that requires the
5 professional judgment of a pharmacy technician. Respondent shall not direct or control any
6 aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy
7 technician or a designated representative for any entity licensed by the Board.

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

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

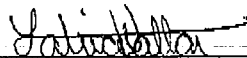
12 **20. Completion of Probation**

13 Upon written notice by the Board indicating successful completion of probation,
14 respondent's pharmacy technician license will be fully restored.

15 **ACCEPTANCE**

16 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
17 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
18 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
19 to be bound by the Decision and Order of the Board of Pharmacy.

20
21 DATED: 12/30/2013


22 LATRICE RENAE WALTON
23 Respondent

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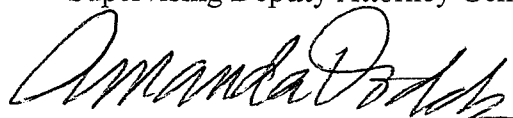
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: 12/31/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General



AMANDA DODDS
Senior Legal Analyst
Attorneys for Complainant

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Exhibit A

Accusation No. 4648

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
AMANDA DODDS
4 Senior Legal Analyst
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
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7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

Case No. 4648

13 **LATRICE RENAE WALTON**
1332 N. Almond Way
14 **Banning, CA 92220**

ACCUSATION

15 **Pharmacy Technician Registration**
16 **No. TCH 76453**

Respondent.
17

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about June 11, 2007, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 76453 to Latrice Renae Walton (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 September 30, 2014, unless renewed.

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JURISDICTION

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

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

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

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STATUTORY PROVISIONS

6. Section 482 of the Code states:

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

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

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

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

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order

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to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

9. Section 4301 of the Code states:

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

....

(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 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 the person to conduct with safety to the public the practice authorized by the license.

....

(i) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction 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.

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REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1769, states:

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(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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.

COSTS

12. Section 125.3 of the Code provides, 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(February 19, 2013 Criminal Conviction for DUI on November 16, 2012)

13. Respondent has subjected her registration to discipline under sections 490 and 4301, subdivision (l) of the Code in that she was convicted of a crime that is substantially related to the qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

1 a. On or about February 19, 2013, in a criminal proceeding entitled *People of the*
2 *State of California v. Latrice Renae Walton*, in San Bernardino County Superior Court, case
3 number TSB1300047, Respondent was convicted on her plea of guilty to violating Vehicle Code
4 section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of .08 or more,
5 a misdemeanor. Pursuant to a plea agreement, the court dismissed an additional count of
6 violating Vehicle Code section 23152, subdivision (a), driving under the influence.

7 b. As a result of the conviction, on or about February 19, 2013, the court granted
8 conditional and revocable release for a period of 36 months. Respondent was sentenced to serve
9 10 days in the San Bernardino County Jail, suspended pending successful completion of
10 probation. Respondent was further ordered to complete a nine-month alcohol program, attend 40
11 AA meetings, pay fees, fines, and restitution, and comply with DUI probation terms. An ignition
12 interlock device was ordered for any vehicle driven by Respondent for a period of two years.

13 c. The facts that led to the conviction are that on or about the evening of
14 November 16, 2012, a patrol officer with the Redlands Police Department was working as a
15 roving unit at a DUI checkpoint when he received a call regarding a possible DUI driver parked at
16 a local convenience store. A second patrol officer caught up with Respondent's vehicle as she
17 drove out of the parking lot and conducted a traffic stop. Upon contact with Respondent, the
18 officers observed a strong odor of alcohol on Respondent's breath, her eyes were watery and
19 bloodshot, and her speech was slurred. Respondent told the officers she had consume tequila at
20 her residence earlier in the evening. Respondent submitted to field sobriety tests, but she became
21 uncooperative and argumentative and refused to complete the tests. Respondent was arrested for
22 driving under the influence. Respondent's 14-year-old stepdaughter, a passenger in the vehicle,
23 was released to her father at the scene. A second passenger was arrested on a warrant for DUI in
24 Riverside County. Two open cans and two glasses containing alcoholic beverages were found on
25 the front passenger floorboard. During booking, Respondent provided a blood sample, which was
26 analyzed with a BAC of .24 percent.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Dangerous Use of Alcohol)

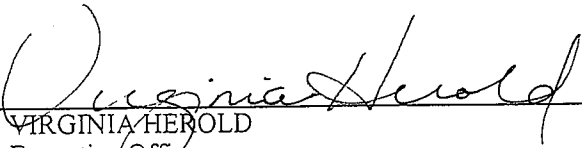
3 14. Respondent has subjected her registration to disciplinary action under section 4301,
4 subdivision (h) of the Code for unprofessional conduct in that on or about November 16, 2012, as
5 described in paragraph 13, above, she operated a motor vehicle while significantly impaired by
6 alcoholic beverages, conduct dangerous or injurious to herself, her passengers, and the public.

7 PRAYER

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

- 10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 76453,
11 issued to Latrice Renae Walton;
- 12 2. Ordering Latrice Renae Walton to pay the Board of Pharmacy the reasonable costs of
13 the investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.
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18 DATED: 7/22/13


19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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