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

In the Matter of the Accusation Against:
LAURA ASHLEY GREER
1969 Chalon Glen Court
Livermore, CA 94550
Pharmacy Technician Registration No. TCH
118641

Respondent.

Case No. 5073
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 8, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5073 against Laura Ashley Greer (Respondent) before the Board of Pharmacy. (Accusation attached as exhibit A.)
2. On or about December 27, 2011, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 118641 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5073 and will expire on March 31, 2015, unless renewed.
3. On or about May 8, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5073, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100,

1 is required to be reported and maintained with the Board. Respondent's address of record was
2 and is: 1969 Chalon Glen Court, Livermore, CA 94550.

3 4. Service of the Accusation was effective as a matter of law under the provisions of
4 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
5 124.

6 5. Government Code section 11506, subdivision (c), states:

7 The respondent shall be entitled to a hearing on the merits if the respondent
8 files a notice of defense, and the notice shall be deemed a specific denial of all parts
9 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

10 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
11 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5073.

12 7. California Government Code section 11520, subdivision (a), states:

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

16 8. Pursuant to its authority under Government Code section 11520, the Board finds
17 Respondent is in default. The Board will take action without further hearing and, based on the
18 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
19 taking official notice of all the investigatory reports, exhibits and statements on file at the Board's
20 offices regarding the allegations contained in Accusation No. 5073, finds that the charges and
21 allegations in Accusation No. 5073, are separately and severally, found to be true and correct by
22 clear and convincing evidence.

23 9. Taking official notice of its own internal records, pursuant to Business and
24 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
25 and Enforcement is \$1,522.50 as of June 5, 2014.

26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent Laura Ashley Greer has
28 subjected her Pharmacy Technician Registration No. TCH 118641 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.
3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation that are supported by the evidence contained in the Default Decision Evidence Packet in this case:
 - a. Violation of drug laws (Bus. & Prof. Code §4301, subd. (j));
 - b. Use of drugs to a dangerous extent (Bus. & Prof. Code §4301, subd. (h)); and
 - c. Substantially related conviction (Bus. & Prof. Code §4301, subd. (l) and Cal. Code Regs., tit. 16, § 1770).

ORDER .

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 118641, issued to Respondent Laura Ashley Greer, is revoked.

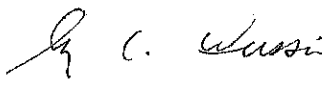
Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant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

This Decision shall become effective on August 7, 2014.

It is so ORDERED July 8, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____


STAN C. WEISSER
Board President

90407078.DOC/ DOJ Matter ID:SF2014902116

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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2 DIANN SOKOLOFF
Supervising Deputy Attorney General
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Deputy Attorney General
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5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5073

12 **LAURA ASHLEY GREER**
1969 Chalon Glen Court
13 Livermore, CA 94550

ACCUSATION

14 **Pharmacy Technician Registration No. TCH**
15 **118641**

16 Respondent.

17
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 December 27, 2011, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 118641 to Laura Ashley Greer (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought in
25 this Accusation and will expire on March 31, 2015, 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 (Code) unless otherwise indicated.

5 4. Code section 4300.1 states:

6 The expiration, cancellation, forfeiture, or suspension of a board-issued license
7 by operation of law or by order or decision of the board or a court of law, the
8 placement of a license on a retired status, or the voluntary surrender of a license by a
9 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.

STATUTORY PROVISIONS

10
11 5. Code section 4300 states, in part:

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

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

16 (1) Suspending judgment.

17 (2) Placing him or her upon probation.

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

19 (4) Revoking his or her license.

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

22 6. Code section 4301 of the Code states, in part:

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

26 . . .

27 (h) The administering to oneself, of any controlled substance, or the use of any
28 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

1 to any other person or to the public, or to the extent that the use impairs the ability of
2 the person to conduct with safety to the public the practice authorized by the license.

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

5 (l) The conviction of a crime substantially related to the qualifications,
6 functions, and duties of a licensee under this chapter. The record of conviction of . . .
7 a violation of the statutes of this state regulating controlled substances or dangerous
8 drugs shall be conclusive evidence of unprofessional conduct. . . . The board may
9 inquire into the circumstances surrounding the commission of the crime, in order to
10 fix the degree of discipline. . . . A plea or verdict of guilty or a conviction following a
11 plea of nolo contendere is deemed to be a conviction within the meaning of this
12 provision.

13 REGULATORY PROVISION

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

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

22 COST RECOVERY

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

26 DRUG

27 9. Hydrocodone is the generic name for the trade name drug Norco. It is a Schedule III
28 controlled substance (Health & Saf. Code §11056, subd. (e)(4)) and a dangerous drug (Bus. &
Prof. Code §4022).

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FIRST CAUSE FOR DISCIPLINE

(Violation of Drug Laws)

10. Respondent's license is subject to disciplinary action because she violated California statutes regulating controlled substances and dangerous drugs. (Bus. & Prof. Code §4301, subd. (j).) The circumstances are as follows:

11. On or about November 30, 2013, in a criminal matter entitled *The People of the State of California v. Laura Ashley Greer*, Case No. 145924-3, in Alameda Superior Court, Respondent was convicted by plea of no contest for driving under the influence (Veh. Code § 23152, subd. (a)) and unlawful possession of a controlled substance (Health & Saf. Code § 11350, subd. (b)), misdemeanors. The court sentenced Respondent to serve one day in county jail, serve six months in an outpatient drug treatment program, complete a drinking/drugged driver program, register as a drug offender (Health & Saf. Code § 11590), and to comply with other terms and conditions.

12. The factual circumstances of the conviction are that on September 1, 2013, the arresting officer observed Respondent fail to stop her car for pedestrians in a crosswalk and exhibit signs of drug intoxication. The arresting officer found over 90 tablets of Norco in Respondent's possession. Respondent admitted to ingesting Norco.

SECOND CAUSE FOR DISCIPLINE

((Unprofessional Conduct: Use of Drugs to a Dangerous Extent))

13. Respondent's license is subject to disciplinary action because she used drugs to the extent or in a manner as to be dangerous or injurious to herself and/or to the public. (Bus. & Prof. Code §4301, subd. (h).) The circumstances are more particularly set forth in paragraphs 11 and 12, above.

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THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Substantially Related Conviction)

14. Respondent's license is subject to disciplinary action because she was convicted of a crime substantially related to the qualifications, functions, and duties of a pharmacy technician. (Bus. & Prof. Code §4301, subd. (l) and Cal. Code Regs., tit. 16, § 1770.) The circumstances are more particularly set forth in paragraphs 11 and 12, above.

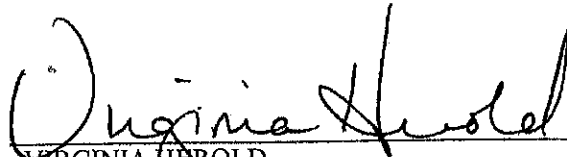
PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 118641, issued to Laura Ashley Greer
2. Ordering Laura Ashley Greer 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: _____

5/3/14



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

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