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

In the Matter of the Accusation Against:

Case No. 5397

ASHLYN NICOLE HILDEBRANDT
931 Sandstone Dr.
Glendora, CA 91740

DEFAULT DECISION AND ORDER

Pharmacy Technician Registration
No. TCH 134933

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about July 22, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5397 against Ashlyn Nicole Hildebrandt (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about October 24, 2013, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 134933 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5397 and expired on August 31, 2015.

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1 3. On or about July 30, 2015, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 5397, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
5 required to be reported and maintained with the Board. Respondent's address of record was and
6 is: 931 Sandstone Dr., Glendora, CA 91740.

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

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

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

16 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5397.

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

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 5397, finds that
28 the charges and allegations in Accusation No. 5397, are separately and severally, found to be true
and correct by clear and convincing evidence.

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1 9. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$702.50 as of August 28, 2015.

4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent Ashlyn Nicole Hildebrandt has
6 subjected her Pharmacy Technician Registration No. TCH 134933 to discipline.

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

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

11 (a) Business and Professions Code section 4301, subdivision (j), as defined in section
12 4060, in that on or about October 2, 2014, an officer observed a drug transaction between
13 Respondent's boyfriend and another and both Respondent and her boyfriend entered a vehicle.

14 (b) Business and Professions Code section 4301, subdivision (h), in that on or about
15 October 2, 2014, Respondent used and/or was under the influence of a controlled substance.

16 (c) Business and Professions Code sections 4301, subdivision (j) and 4060, in that on or
17 about October 2, 2014, Respondent violated provisions of the Pharmacy Practice Act regulating
18 controlled substances and dangerous drugs.

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ORDER


IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 134933, heretofore issued to Respondent Ashlyn Nicole Hildebrandt, 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 October 30, 2015.

It is so ORDERED September 30, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

51903826.DOC
DOJ Matter ID:LA2015500423
Jz(9/9/15)
Attachment:

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 LINDA L. SUN
Supervising Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804

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:
12 **ASHLYN NICOLE HILDEBRANDT**
13 931 Sandstone Dr.
14 Glendora, CA 91740
15 Pharmacy Technician Registration
No. TCH 134933
16 Respondent.

Case No. 5397
ACCUSATION

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 October 24, 2013, the Board of Pharmacy (Board) issued Pharmacy
22 Technician Registration No. TCH 134933 to Ashlyn Nicole Hildebrandt (Respondent). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on August 31, 2015, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 4. Section 4060 provides in pertinent part, that no person shall possess any controlled
2 substance, except that furnished to a person upon the prescription of a physician, dentist,
3 podiatrist, optometrist, veterinarian, or other authorized prescriber.

4 5. Section 4300 provides, in pertinent part, that every license issued by the Board is
5 subject to discipline, including suspension or revocation.

6 6. Section 4300.1 states:

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

12 7. Section 4301 states, in pertinent part:

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

16

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

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

25 COST RECOVERY

26 8. Section 125.3 states, in pertinent part, that the Board may request the administrative
27 law judge to direct a licensee found to have committed a violation or violations of the licensing

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1 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
2 case.

3 **CONTROLLED SUBSTANCES**

4 9. "Alprazolam," is a Schedule IV controlled substance as designated by Health and
5 Safety Code section 11057, subdivision (d) and is categorized as a dangerous drug pursuant to
6 section 4022.

7 10. "Heroin," is a Schedule I controlled substance as designated by Health and Safety
8 Code section 11054, subdivision (c)(11) and is categorized as a dangerous drug pursuant to
9 section 4022.

10 11. "Hydrocodone," is a Schedule II controlled substance as designated by Health and
11 Safety Code section 11055, subdivision (b)(1)(I) and is categorized as a dangerous drug pursuant
12 to section 4022.

13 12. "Lorazepam," is the generic name for Ativan. It is a Schedule IV controlled
14 substance as designated by Health and Safety Code section 11057, subdivision (d)(11) and is
15 categorized as a dangerous drug pursuant to section 4022.

16 13. "Opiates," is a Schedule II controlled substance as designated by Health and Safety
17 Code section 11055, subdivision (b)(1) and is categorized as a dangerous drug pursuant to section
18 4022.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Obtained or Possessed a Controlled Substance)**

21 14. Respondent is subject to disciplinary action under section 4301, subdivision (j), as
22 defined in section 4060, in that on or about October 2, 2014, an officer observed a drug
23 transaction between Respondent's boyfriend and another and both Respondent and her boyfriend
24 entered a vehicle. During a search of Respondent's vehicle, the officer located a small quantity of
25 Heroin from inside the vehicle console. The officer noticed that the bag containing the Heroin
26 was the same bag he witnessed in the drug transaction. The officer also located one Alprazolam
27 prescription pill bottle labeled with Respondent's name, containing Alprazolam pills and three
28 bindles that contained a total of 0.66g of Heroin. In addition, the officer located an unmarked

1 prescription pill bottle containing three Hydrocodone pills and one plastic baggie containing four
2 Lorazepam pills. During a search of Respondent, the officer located a cut straw and a piece of
3 aluminum foil with burnt Heroin residue hidden inside Respondent's bra. Respondent admitted
4 to using opiates for approximately four months and admitted that she uses Heroin everyday.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Use/Under the Influence of a Controlled Substance)**

7 15. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
8 that on or about October 2, 2014, Respondent used and/or was under the influence of a controlled
9 substance. Complainant refers to, and by this reference incorporates, the allegations set forth
10 above in paragraph 14, as though set forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Illegal Possession of a Controlled Substance)**

13 16. Respondent is subject to disciplinary action under sections 4301, subdivision (j) and
14 4060, in that on or about October 2, 2014, Respondent violated provisions of the Pharmacy
15 Practice Act regulating controlled substances and dangerous drugs. Complainant refers to, and by
16 this reference incorporates, the allegations set forth above in paragraph 14, as though set forth
17 fully

18 **PRAYER**

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

- 21 1. Revoking or suspending Pharmacy Technician Registration No. TCH 134933, issued
22 to Ashlyn Nicole Hildebrandt;
- 23 2. Ordering Ashlyn Nicole Hildebrandt to pay the Board of Pharmacy the reasonable
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
25 section 125.3; and

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

DATED: 7/22/15 Virginia Herold

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

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51834037.doc
Jz(7/14/15)