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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. 5546

**ALYSSA NICOLE TRUDELL  
15930 Nisqualli Road, Apt. 9E  
Victorville, CA 92395**

**DEFAULT DECISION AND  
ORDER**

**Pharmacy Technician Registration No. TCH 79229**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about September 5, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 5546 against Alyssa Nicole Trudell (Respondent) before the Board. (Accusation attached as Exhibit A.)

2. On or about January 7, 2008, the Board issued Pharmacy Technician Registration No. TCH 79229 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5546, and will expire on July 31, 2017, unless renewed.

///

1           3.    On or about September 15, 2015, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 5546, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is: 8629 Riverside Drive, Descanso, CA 91916. On or about October 6, 2015,  
7 Respondent was also served by Certified and First Class Mail copies of the Accusation No. 5546,  
8 Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes  
9 (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's other address which  
10 was and is: 15930 Nisqualli Road, Apt. 9E, Victorville, CA 92395.

11           4.    Service of the Accusation was effective as a matter of law under the provisions of  
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
13 124.

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

15           ...

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

19           ....

20           6.    Respondent failed to file a Notice of Defense within 15 days after service upon her of  
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5546.

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

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

26           ....

27           8.    Pursuant to its authority under Government Code section 11520, the Board finds  
28 Respondent is in default. The Board will take action without further hearing and, based on the

1 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
2 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
3 file at the Board's offices regarding the allegations contained in Accusation No. 5546, finds that  
4 the charges and allegations in Accusation No. 5546, are separately and severally, found to be true  
5 and correct by clear and convincing evidence.

6 9. Taking official notice of its own internal records, pursuant to Business and  
7 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
8 and Enforcement is \$905.00 as of November 19, 2015.

9 DETERMINATION OF ISSUES

10 1. Based on the foregoing findings of fact, Respondent Alyssa Nicole Trudell has  
11 subjected her Pharmacy Technician Registration No. TCH 79229 to discipline.

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

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

16 a. Respondent subjected her Pharmacy Technician Registration to disciplinary action  
17 under Code section 4301, subdivision (f), in that on June 8, 2014, Respondent unlawfully  
18 possessed 0.04 grams of methamphetamine, an act involving moral turpitude, dishonesty, fraud,  
19 or deceit.

20 b. Respondent subjected her Pharmacy Technician Registration to disciplinary  
21 action under Code section 4301, subdivision (j) in that Respondent violated Health and Safety  
22 Code section 11377, subdivision (a), a statute of the State of California regulating controlled  
23 substances and dangerous drugs, by unlawfully possessing methamphetamine on June 8, 2014.

24 c. Respondent subjected her Pharmacy Technician Registration to disciplinary action  
25 under Code section 4301, subdivision (o), in that on June 8, 2014, Respondent possessed a  
26 controlled substance (methamphetamine) in violation of Code section 4060.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 79229 issued to Respondent Alyssa Nicole Trudell 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 January 29, 2016.

It is so ORDERED December 30, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

81200201.DOC  
DOJ Matter ID:SD2015801744

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(ALYSSA NICOLE TRUDELL)

1 KAMALA D. HARRIS  
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2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
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P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2617  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:

Case No. 5546

13 **ALYSSA NICOLE TRUDELL**  
8629 Riverside Drive  
14 Descanso, CA 91916

**ACCUSATION**

15 **Pharmacy Technician Registration No. TCH 79229**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On January 7, 2008, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 79229 to Alyssa Nicole Trudell (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 July 31, 2017, 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 (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  
7 a disciplinary action during the period within which the license may be renewed, restored,  
8 reissued, or reinstated.

9 5. Section 4300, subdivision (a), of the Code provides that every license issued by  
10 the Board may be suspended or revoked.

11 6. Section 4300.1 of the Code states:

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

16 **STATUTORY PROVISIONS**

17 7. Section 482 of the Code states:

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

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

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

23 8. Section 4022 of the Code states

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

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

28 (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

1 similar import, the blank to be filled in with the designation of the practitioner  
2 licensed to use or order use of the device.

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

5 9. Section 4060 of the Code states:

6 No person shall possess any controlled substance, except that furnished to  
7 a person upon the prescription of a physician, dentist, podiatrist, optometrist,  
8 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished  
9 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
10 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant  
11 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or  
12 a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause  
13 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This  
14 section shall not apply to the possession of any controlled substance by a  
15 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,  
16 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse  
17 practitioner, or physician assistant, when in stock in containers correctly labeled  
18 with the name and address of the supplier or producer.

19 Nothing in this section authorizes a certified nurse-midwife, a nurse  
20 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own  
21 stock of dangerous drugs and devices.

22 10. Section 4301 of the Code states:

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

27 . . . .

28 (f) The commission of any act involving moral turpitude, dishonesty,  
29 fraud, deceit, or corruption, whether the act is committed in the course of relations  
30 as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

31 . . . .

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

34 . . . .

35 (o) Violating or attempting to violate, directly or indirectly, or assisting in  
36 or abetting the violation of or conspiring to violate any provision or term of this  
37 chapter or of the applicable federal and state laws and regulations governing  
38 pharmacy, including regulations established by the board or by any other state or  
39 federal regulatory agency.

40 . . . .



1 11. Health and Safety Code section 11377, subdivision (a) states:

2 Except as authorized by law and as otherwise provided in subdivision (b)  
3 or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of  
4 Division 2 of the Business and Professions Code, every person who possesses any  
5 controlled substance which is (1) classified in Schedule III, IV, or V, and which is  
6 not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except  
7 paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph  
8 (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of  
9 subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of  
10 Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or  
11 veterinarian, licensed to practice in this state, shall be punished by imprisonment  
12 in a county jail for a period of not more than one year or pursuant to subdivision  
13 (h) of Section 1170 of the Penal Code.

### 14 REGULATORY PROVISIONS

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

16 . . . .

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

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

22 (2) Total criminal record.

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

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

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

28 13. 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.

### 29 COST RECOVERY

30 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
31 the administrative law judge to direct a licensee found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
2 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
3 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
4 may be included in a stipulated settlement.

#### 5 DRUG

6 15. Methamphetamine is a Schedule II controlled substance as designated by Health  
7 and Safety Code section 11055(d) and is a dangerous drug under Code section 4022.

#### 8 FACTUAL ALLEGATIONS

9 16. On June 8, 2014, on Oro Street in El Cajon, California, deputies from the San  
10 Diego County Sheriff's Department initiated an enforcement stop after observing a male motorist  
11 driving southbound with a small dog on his lap, the dog's paws on the steering wheel, and a two-  
12 year old toddler and a six-month old baby in the back seat. The driver yielded. During a  
13 consented car search, the deputies found 1.38 grams of marijuana and 0.04 grams of  
14 methamphetamine. Both substances tested positive in a field presumptive test. The driver  
15 admitted to owning the marijuana, while Respondent, who was seated at the front passenger seat,  
16 admitted to owning the methamphetamine.

#### 17 FIRST CAUSE FOR DISCIPLINE

##### 18 (Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)

19 17. Respondent subjected her Pharmacy Technician Registration to disciplinary action  
20 under Code section 4301, subdivision (f), in that on June 8, 2014, Respondent unlawfully  
21 possessed 0.04 grams of methamphetamine, an act involving moral turpitude, dishonesty, fraud,  
22 or deceit.

#### 23 SECOND CAUSE FOR DISCIPLINE

##### 24 (Violation of Drug Laws)

25 18. Respondent subjected her Pharmacy Technician Registration to disciplinary  
26 action under Code section 4301, subdivision (j) in that Respondent violated Health and Safety  
27 Code section 11377, subdivision (a), a statute of the State of California regulating controlled

28 ///

1 substances and dangerous drugs, by unlawfully possessing methamphetamine, as detailed in  
2 paragraph-16, above, and incorporated herein by this reference.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Violation of Pharmacy Laws)**

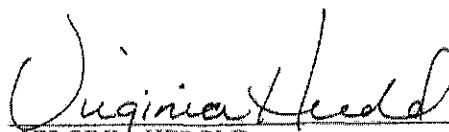
5 19. Respondent subjected her Pharmacy Technician Registration to disciplinary  
6 action under Code section 4301, subdivision (o), in that Respondent possessed a controlled  
7 substance (methamphetamine) in violation of Code section 4060, as detailed in paragraph 16,  
8 above, and incorporated herein by this reference, in violation of pharmacy law.

9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 79229,  
13 issued to Alyssa Nicole Trudell;
- 14 2. Ordering Alyssa Nicole Trudell to pay the Board of Pharmacy the reasonable  
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
16 Code section 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.
- 18  
19

20  
21 DATED: 9/5/15



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

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