



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
 Phone: (916) 574-7900
 Fax: (916) 574-8618
 www.pharmacy.ca.gov

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>Jeannie Esquivel</u>	Case No. <u>AC 5718</u>
Address of Record: <u>8859 Valley View DR</u> <u>Ukiah CA 95482</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC5718, I hereby request to surrender my pharmacy technician license, License No. TCH 66183. 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

[Signature]
 Executive Officer's Approval

10/11/17
 Date

10/24/17
 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 CMI Code.

916-574-8618

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

In the Matter of the Accusation Against:

**JEANNIE MARIE ESQUIVEL
8859 Valley View Drive
Ukiah, CA 95482**

Pharmacy Technician Registration No. TCH 66183

Respondent.

Case No. 5718

OAH No. 2017050813

DECISION AND ORDER

The attached Stipulated Settlement of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on October 25, 2017.

It is so ORDERED on September 25, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

1 XAVIER BECERRA
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **JEANNIE MARIE ESQUIVEL**
14 **8859 Valley View Drive**
15 **Ukiah, CA 95482**

16 **Pharmacy Technician License No. TCH 66183**

17 Respondent.

18 Case No. 5718

19 OAH No. 2017050813

20 **STIPULATED SETTLEMENT AND**
21 **DISCIPLINARY ORDER**

22 In the interest of a prompt and speedy settlement of this matter, consistent with the public
23 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
24 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
25 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

26 PARTIES

27 1. Virginia Herold (Complainant), Executive Officer, Board of Pharmacy, brought this
28 action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney
General of the State of California, by Joshua A. Room, Supervising Deputy Attorney General.

2. Respondent Jeannie Marie Esquivel (Respondent) is represented in this proceeding by
attorney Avner D. Sofer, whose address is: 4040 Civic Center Dr., #200, San Rafael, CA 94903.

3. On or about November 17, 2005, the Board issued Pharmacy Technician License No.
TCH 66183 to Jeannie Marie Esquivel (Respondent). The License was in full force and effect at
all times relevant to the charges herein, and will expire on January 31, 2019, unless renewed.

1 satisfactory proof of certification to the board. Failure to achieve certification within one (1) year
2 shall be considered a violation of probation. Respondent shall not resume working as a pharmacy
3 technician until notified by the Board.

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

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

13 **2. Obey All Laws**

14 Respondent shall obey all state and federal laws and regulations.

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

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

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

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1 **3. Report to the Board**

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

10 **4. Interview with the Board**

11 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
12 with the Board or its designee, at such intervals and locations as are determined by the board or
13 its designee. Failure to appear for any scheduled interview without prior notification to board
14 staff, or failure to appear at two (2) or more scheduled interviews with the board or its designee
15 during the period of probation, shall be considered a violation of probation.

16 **5. Cooperate with Board Staff**

17 Respondent shall cooperate with the Board's inspection program and with the Board's
18 monitoring and investigation of Respondent's compliance with the terms and conditions of her
19 probation. Failure to cooperate shall be considered a violation of probation.

20 **6. Status of License**

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

24 If Respondent's pharmacy technician license expires or is cancelled by operation of law or
25 otherwise at any time during the period of probation, including any extensions thereof due to
26 tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all
27 terms and conditions of this probation not previously satisfied.

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1 **7. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, Respondent shall pay to the
3 Board \$4,695.50 to reimburse its costs of investigation and prosecution. Respondent shall be
4 permitted to pay this amount according to a payment plan approved by the Board or its designee,
5 so long as payment full is made by four (4) years from the effective date of this decision. There
6 shall be no deviation from the schedule absent prior written approval by the Board or its designee.
7 Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

8 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility
9 to reimburse the Board its costs of investigation and prosecution.

10 **8. Probation Monitoring Costs**

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

15 **9. Notice to Employers**

16 During the period of probation, Respondent shall notify all present and prospective
17 employers of the decision in case number 5718 and the terms, conditions and restrictions imposed
18 on Respondent by the decision, as follows: Within thirty (30) days of the effective date of this
19 decision, and within fifteen (15) days of Respondent undertaking any new employment,
20 Respondent shall cause her direct supervisor, pharmacist-in-charge (including each new
21 pharmacist-in-charge employed during Respondent's tenure of employment) and owner to report
22 to the Board in writing acknowledging that the listed individual(s) has/have read the decision in
23 case number 5718 and the terms and conditions imposed thereby. It shall be Respondent's
24 responsibility to ensure that these acknowledgments are timely submitted.

25 If Respondent works for or is employed by or through a pharmacy employment service,
26 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
27 of the terms and conditions of the decision in case number 5718 in advance of commencing work
28 at each pharmacy. A record of this notification must be provided to the Board upon request.

1 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
2 (15) days of Respondent undertaking any new employment by / through a pharmacy employment
3 service, Respondent shall cause her direct supervisor with the pharmacy employment service to
4 report to the Board in writing acknowledging that s/he has read the decision in case number 5718
5 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure
6 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

7 Failure to timely notify present or prospective employer(s) or to cause employer(s) to
8 submit timely acknowledgements to the Board shall be considered a violation of probation.

9 "Employment" within the meaning of this provision shall include any full-time,
10 part-time, temporary or relief service or pharmacy management service as a pharmacy
11 technician or in any position for which a pharmacy technician license is a requirement
12 or criterion for employment, whether the Respondent is considered an employee,
13 independent contractor or volunteer.

14 **10. Notification of Change in Employment, Name, Address, Phone**

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

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

22 **11. Employment Requirement(s); Tolling of Probation**

23 Except during periods of suspension, Respondent shall, at all times while on probation, be
24 employed as a pharmacy technician in California for a minimum of forty (40) hours per calendar
25 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,
26 the period of probation shall be extended by one month for each month during which this
27 minimum is not met. During any such period of tolling of probation, Respondent must
28 nonetheless comply with all terms and conditions of probation.

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

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

9 "Cessation of work" means any calendar month during which Respondent is not
10 working for at least forty (40) hours as a pharmacy technician, as defined in Business
11 and Professions Code section 4115. "Resumption of work" means any calendar
12 month during which Respondent works for at least forty (40) hours as a pharmacy
13 technician as defined by Business and Professions Code section 4115.

14 **12. No Ownership of Licensed Premises**

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

22 **13. Notification of Departure**

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

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1 **14. Abstain from Drugs and Alcohol Use**

2 Respondent shall completely abstain from the possession or use of alcohol, controlled
3 substances, dangerous drugs and their associated paraphernalia except when the drugs are
4 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
5 request of the Board or its designee, Respondent shall provide documentation from the licensed
6 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
7 treatment of Respondent. Failure to timely provide such documentation shall be considered a
8 violation of probation. Respondent shall ensure that she is not in the same physical location as
9 individuals who are using illicit substances even if Respondent is not personally ingesting the
10 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
11 not supported by the documentation timely provided, and/or any physical proximity to persons
12 using illicit substances, shall be considered a violation of probation.

13 **15. Random Drug Screening**

14 Respondent, at her own expense, shall participate in random testing, including but not
15 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
16 screening program as directed by the Board or its designee. Respondent may be required to
17 participate in testing for the entire probation and the frequency of testing will be determined by
18 the Board or its designee. At all times Respondent shall fully cooperate with the Board or its
19 designee, and shall, when directed, submit to such tests and samples for the detection of alcohol,
20 narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or its designee
21 may direct. Failure to timely submit to testing as directed shall be considered a violation of
22 probation. Upon request of the Board or its designee, Respondent shall provide documentation
23 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
24 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
25 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
26 drug not lawfully prescribed by a licensed practitioner as part of documented medical treatment
27 shall be considered a violation of probation and shall result in an automatic suspension.
28 Respondent may not resume work as a pharmacy technician until notified by the Board in writing.

1 During any such suspension, Respondent shall not enter any pharmacy area or any portion
2 of or any other Board licensed premises (wholesaler, veterinary food-animal drug retailer or any
3 other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs
4 and devices or controlled substances are maintained. Respondent shall not do any act involving
5 drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall
6 respondent manage, administer, or assist any licensee of the Board. Respondent shall not have
7 access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or
8 controlled substances. Respondent shall not resume work until notified by the Board.

9 Failure to comply with any such suspension shall be considered a violation of probation.

10 **16. Prescription Coordination and Monitoring of Prescription Use**

11 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
12 Board or its designee, for prior approval, the name and qualifications of a single physician, nurse
13 practitioner, physician assistant, or psychiatrist of Respondent's choice, who shall be aware of
14 Respondent's history of drug and alcohol use and who will coordinate and monitor any
15 prescriptions for Respondent for dangerous drugs, controlled substances or mood-altering drugs.
16 The approved practitioner shall be provided with a copy of the Board's Accusation and decision.
17 A record of this notification must be provided to the Board upon request. Respondent shall sign a
18 release authorizing the practitioner to communicate with the Board about Respondent's
19 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist
20 shall report to the Board on a quarterly basis for the duration of probation regarding Respondent's
21 compliance with this condition. If any substances considered addictive have been prescribed, the
22 report shall identify a program for the time limited use of any such substances. The Board may
23 require that the single coordinating physician, nurse practitioner, physician assistant or
24 psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.
25 Should Respondent, for any reason, cease supervision by the approved practitioner, Respondent
26 shall notify the Board immediately and, within thirty (30) days of ceasing treatment, submit the
27 name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of
28 Respondent's choice to the Board or its designee for prior approval.

1 Failure to timely submit the selected practitioner or replacement practitioner to the Board
2 for approval, or to ensure the required reporting thereby on the quarterly reports, shall be
3 considered a violation of probation.

4 If at any time an approved practitioner determines that Respondent is unable to practice
5 safely or independently as a pharmacy technician, the practitioner shall notify the Board
6 immediately by telephone and follow up by written letter within three (3) working days. Upon
7 notification from the Board or its designee of this finding, Respondent shall be automatically
8 suspended and shall not resume practice until notified by the Board that practice may be resumed.

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

17 Failure to comply with any such suspension shall be considered a violation of probation.

18 **17. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

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

26 **18. Work Site Monitor**

27 Within ten (10) days of the effective date of this decision, Respondent shall identify a work
28 site monitor, for prior approval by the Board, who shall be responsible for supervising

1 Respondent during working hours. Respondent shall be responsible for ensuring that the work
2 site monitor reports in writing to the Board quarterly. Should the designated work site monitor
3 determine at any time during the probationary period that respondent has not maintained sobriety,
4 s/he shall notify the Board immediately, orally or in writing as directed. Should Respondent
5 change employment, a new work site monitor must be designated, for prior approval by the Board
6 or its designee, within ten (10) days of commencing new employment. Failure to identify an
7 acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to
8 the Board, shall be considered a violation of probation.

9 **19. License Surrender While on Probation/Suspension**

10 Following the effective date of this decision, should Respondent cease work due to
11 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
12 Respondent may tender her pharmacy technician license to the Board for surrender. The Board or
13 its designee shall have the discretion whether to grant the request for surrender or take any other
14 action deemed appropriate and reasonable. Upon formal acceptance of the surrender, Respondent
15 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
16 record of discipline and shall become a part of the Respondent's license history with the Board.

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

22 **20. Violation of Probation**

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

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If Respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, the Board shall have continuing jurisdiction, and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

21. Completion of Probation

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

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Avner D. Sofer. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

8/9/17



JEANNIE MARIE ESQUIVEL
Respondent

I have read and fully discussed with Respondent Jeannie Marie Esquivel the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

8/3/17



AVNER D. SOFER
Attorney for Respondent

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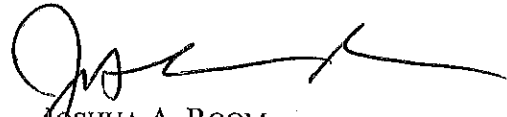
ENDORSEMENT

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

Dated: 8/18/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General



JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

SF2016400109

Exhibit A

Accusation No. 5718

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
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5 San Francisco, CA 94102-7004
Telephone: (415) 703-1299
6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 5718

12 **JEANNIE MARIE ESQUIVEL**
13 **aka JEANNIE MARIE KNAPP**
14 **8859 Valley View Drive**
15 **Ukiah, CA 95482**

A C C U S A T I O N

16 **Pharmacy Technician License No. TCH 66183**

17 Respondent.

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 November 17, 2005, the Board of Pharmacy issued Pharmacy Technician
23 License No. TCH 66183 to Jeannie Marie Esquivel aka Jeannie Marie Knapp (Respondent). The
24 License was in effect at all times relevant and will expire on January 31, 2017, unless renewed.

25 JURISDICTION

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

4. Section 4300(a) of the Code provides that every license issued by the Board may be
suspended or revoked.

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

2 "For the purpose of denial, suspension, or revocation of a personal or facility license
3 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
4 crime or act shall be considered substantially related to the qualifications, functions or duties of a
5 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
6 licensee or registrant to perform the functions authorized by her license or registration in a manner
7 consistent with the public health, safety, or welfare."

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FIRST CAUSE FOR DISCIPLINE

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(Conviction of Substantially Related Crime(s))

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11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of substantially related crime(s), in that on or about August 4, 2014, in the criminal case *People v. Jeannie Marie Knapp*, Case No. 12M06663 in Sacramento County Superior Court, Respondent was convicted of violating Vehicle Code section 23152, subdivision (a) (Driving While Under the Influence of Alcohol/Drugs), a misdemeanor, as follows:

a. On or about August 4, 2012, at approximately 7:00 p.m., California Highway Patrol (CHP) received a call regarding a possibly impaired driver traveling eastbound on I-80 at Longview Drive; the report described the vehicle, said it was swerving erratically, had several near-collisions, and was traveling on the shoulder of the freeway. The responding officer(s) saw a car matching the description being driven by Respondent, observed it traveling at high speed, driving erratically, and just narrowly avoiding collisions with other vehicles. The officer(s) initiated an enforcement stop, but when Respondent pulled the car onto the shoulder she failed to adequately follow instructions regarding how far to pull off the highway. When the officer(s) contacted Respondent, she exhibited signs of being under the influence of alcohol or drugs, and an empty prescription bottle was discovered in her purse. Respondent admitted to taking several medications, including Norco. She was unable to perform Field Sobriety Tests (FSTs). She was placed under arrest on suspicion of violating Vehicle Code section 23152, subdivision (a).

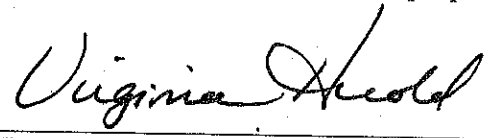
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PRAYER

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

1. Revoking or suspending Pharmacy Technician License Number TCH 66183, issued to Jeannie Marie Esquivel aka Jeannie Marie Knapp (Respondent);
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as is deemed necessary and proper.

DATED: 7/19/16



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

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