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

In the Matter of the Accusation Against:

Case No. 5846

HEATHER LYNN DIXON 278 E. Colorado Blvd., #1616 Pasadena, CA 91101

Intern Pharmacist Registration No. INT 29781

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender 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 June 22, 2017.

It is so ORDERED on May 23, 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 LINDA L. SUN Supervising Deputy Attorney General VINODHINI R. KELLER		
2			
3			
4	Deputy Attorney General State Bar No. 240534		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
6	Telephone: (213) 897-2015 Facsimile: (213) 897-2804		
7	Attorneys for Complainant		
8		RE THE PHARMACY	
9	DEPARTMENT OF CONSUMER AFFAIRS		
10	DIMINOR		
11	In the Matter of the Accusation Against:	Case No. 5846	
12	HEATHER LYNN DIXON 278 E. Colorado Blyd., #1616	OAH No. 2017010450	
13	Pasadena, CA 91101	STIPULATED SURRENDER OF	
14	Intern Pharmacist Registration No. INT 29781	LICENSE AND ORDER	
15	Respondent.		
16	Mean reaction of the second part (see Se	1	
17			
18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
19			
20	PARTIES		
21	1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy		
22	(Board). She brought this action solely in her official capacity and is represented in this matter by		
23	Xavier Becerra, Attorney General of the State of California, by Vinodhini R. Keller, Deputy		
24			
25	2. Heather Lynn Dixon (Respondent) is represented in this proceeding by attorney		
26	•		
27	Pasadena, CA 91106.		
28			
	\ '''		

3. On or about July 18, 2012, the Board issued Intern Pharmacist Registration No. INT 29781 to Heather Lynn Dixon (Respondent). The Intern Pharmacist Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5846 and expired on June 30, 2016.

JURISDICTION

4. Accusation No. 5846 was filed before the (Board),, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 14, 2016. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 5846 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 5846. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 5846, agrees that cause exists for discipline and hereby surrenders her Intern Pharmacist Registration No. INT 29781 for the Board's formal acceptance.

-///

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Intern Pharmacist Registration without further process.

CONTINGENCY

- 10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or her counsel. 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 Surrender 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.
- 11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and 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 Surrender of License and 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.
- 13. 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 Order:

<u>ORDER</u>

IT IS HEREBY ORDERED that Intern Pharmacist Registration No. INT 29781, issued to Respondent Heather Lynn Dixon, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Intern Pharmacist Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against

17_.

 ///

///

III

///

 $/\!/\!/$

///

///

25 |

Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.

- 2. Respondent shall lose all rights and privileges as a Intern Pharmacist in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.
- 4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 5846 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.
- 5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$2,597.50 within sixty (60) days of the effective date of the Decision and Order.
- 6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 5846 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Michael R. Kilts. I understand the stipulation and the effect it will have on my Intern Pharmacist Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 3/3/9017

HEATHER LYNN DIXON
Respondent

I have read and fully discussed with Respondent Heather Lynn Dixon the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: MARCH 3, 2017 MICHAEL R. KILTS

MICHAEL R. KILTS
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: March 3: 2017.

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General

VINODHINI R. KELLER Deputy Attorney General Attorneys for Complainant

LA2016601251 52395312.doc

Exhibit A

Accusation No. 5846

		ĺ	
1	Kamala D. Harris		
2	Attorney General of California LINDA L., SUN		
3	Supervising Deputy Attorney General VINODHINI R. KELLER		
4	Deputy Attorney General State Bar No. 240534		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013		
6	Los Angeles, CA 90013 Telephone: (213) 897-2015 Facsimile: (213) 897-2804		
7	Attorneys for Complainant		
8	BEFORE THE BOARD OF PHARMACY		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against: Case No. 5846		
12	HEATHER LYNN DIXON		
13	278 E. Colorado Blvd., #1616 Pasadena, CA 91101 ACCUSATION		
14	Intern Pharmacist Registration No. INT		
15	29781		
16	Respondent.		
17	photographics of the properties of the propertie		
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 July 18, 2012, the Board of Pharmacy issued Intern Pharmacist		
24	Registration Number INT 29781 to Heather Lynn Dixon (Respondent). The Intern Pharmacist		
25	Registration was in full force and effect at all times relevant to the charges brought herein and		
26	expired on June 30, 2016.		
27			
28	///		

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 unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 490 of the Code states:
- "(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.
- "(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.
- "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code."
 - 5. 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

Ż

4.

order 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."

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

7. Section 4300.1 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."

8. Section 4301 of the Code states in relevant part:

"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:

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

排妝片

"(1) 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 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."

非非常

"(p) Actions or conduct that would have warranted denial of a license."

REGULATORY PROVISION

9. 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."

COST RECOVERY

10. Section 125.3 of the Code states, 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.

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction of a Substantially Related Crime)

11. Respondent is subject to discipline under Code sections 490, 493, 4301, subdivisions (I) and (p) in conjunction with California Code of Regulations, title 16, section 1770, in that she

 $/\!/\!\!/$

1 PRAYER 2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 3 and that following the hearing, the Board of Pharmacy issue a decision: 1. Revoking or suspending Intern Pharmacist Registration Number INT 29781, issued to 4 Heather Lynn Dixon; 5 2. Ordering Heather Lynn Dixon to pay the Board of Pharmacy the reasonable costs of 6 the investigation and enforcement of this case, pursuant to Business and Professions Code section 7 125.3; and, 8 9 3. Taking such other and further action as deemed necessary and proper. 10 11 12 12/5/16 DATED: 13 14 Executive Officer Board of Pharmacy 15 Department of Consumer Affairs State of California 16 Complainant 17 LA2016601251 18 52304477.doc 19 20 21 22 23 24 25 26 27 28