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

In the Matter of the Accusation Against:
LINDA SAYNHASITH
2532 Belair Street
Stockton, CA 95205
**Pharmacy Technician Registration No.
TCH 106434**

Respondent.

Case No. 5950
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 27, 2017, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the California State Board of Pharmacy, filed Accusation No. 5950 against Linda Saynhasith (“Respondent”) before the Board of Pharmacy (“Board”), Department of Consumer Affairs. (Accusation attached as Exhibit A.)
 2. On or about September 15, 2010, the Board issued Pharmacy Technician Registration No. TCH 106434 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5950 and will expire on June 30, 2018, unless renewed.
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1 3. On or about June 6, 2017, Respondent was served by First Class Mail and Certified
2 Mail copies of the Accusation No. 5950, 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:

7 2532 Belair Street
8 Stockton, CA 95205.

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

12 5. Government Code section 11506(c) states, in pertinent part:

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

18 6. The Board takes official notice of its records and the fact that Respondent failed to
19 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
20 waived her right to a hearing on the merits of Accusation No. 5950.

21 7. California Government Code section 11520(a) states, in pertinent part:

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

26 8. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board offices regarding the allegations contained in Accusation No. 5950, finds the

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1 charges and allegations in Accusation No. 5950, separately and severally, to be true and correct
2 by clear and convincing evidence.

3 9. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$4,017.50 as of July 20, 2017.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Linda Saynhasith has subjected
8 her Pharmacy Technician Registration No. TCH 106434 to discipline.

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

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

13 a. Business and Professions Code ("Code") section 4301, subdivision (j), in that on or
14 about April 17, 2015, Respondent possessed thirty-six (36) tablets of Alprazolam, twenty-four
15 (24) tablets of Diazepam, one (1) tablet of Adderall and nine (9) tablets of methadone without a
16 prescription.

17 b. Code section 4301, subdivision (o), in that Respondent violated the Pharmacy Law as
18 set forth above in subparagraph a.

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ORDER

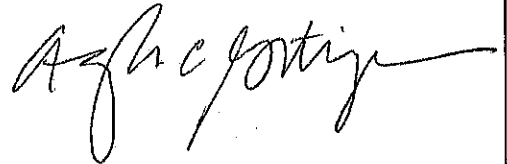
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 106434, heretofore issued to Respondent Linda Saynhasith, is revoked.

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 at 5:00 p.m. on September 20, 2017.

It is so ORDERED on August 21, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

32954344.DOC
DOJ Matter ID:SA2016103532

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(LINDA SAYNHASITH)

1 XAVIER BECERRA
Attorney General of California
2 JANICE K. LACHEMAN
Supervising Deputy Attorney General
3 MALISSA N. SIEMANTEL
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 327-7855
Facsimile: (916) 324-5567
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:	Case No. 5950
12 LINDA SAYNHASITH	A C C U S A T I O N
13 2532 Belair Street	
14 Stockton, CA 95205	
15 Pharmacy Technician Registration	
16 No. TCH 106434	
17 Respondent.	

18 Virginia Herold ("Complainant") alleges:

19 **PARTIES**

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

22 2. On or about September 15, 2010, the Board issued Pharmacy Technician Registration
23 Number TCH 106434 to Linda Saynhasith ("Respondent"). The license was in full force and
24 effect at all times relevant to the charges brought herein and will expire on June 30, 2018, unless
25 renewed.

26 **STATUTORY/REGULATORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 4300 states, in pertinent part:
28 (a) Every license issued may be suspended or revoked.

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

- 4 (1) Suspending judgment.
5 (2) Placing him or her upon probation.
6 (3) Suspending his or her right to practice for a period not exceeding one year.
7 (4) Revoking his or her license.
8 (5) Taking any other action in relation to disciplining him or her as the board in
9 its discretion may deem proper. . . .

10 4. Code section 4300.1 states:

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

17 5. Code section 4301 states, in pertinent part:

18 The board shall take action against any holder of a license who is guilty of
19 unprofessional conduct or whose license has been issued by mistake. Unprofessional
20 conduct shall include, but is not limited to, any of the following:

21 . . .

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

24 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
25 abetting the violation of or conspiring to violate any provision or term of this chapter
26 or of the applicable federal and state laws and regulations governing pharmacy,
27 including regulations established by the board or by any other state or federal
28 regulatory agency.

6. Code section 4060 states, in pertinent part:

No person shall possess any controlled substance, except that furnished to a
person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to
Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
pursuant to either Section 4052.1 or 4052.2. . . .

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

Except as authorized by law and as otherwise provided in subdivision (b) or
Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of
Division 2 of the Business and Professions Code, every person who possesses any

1 controlled substance which is (1) classified in Schedule III, IV, or V, and which is not
2 a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs
3 (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of
4 subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision
5 (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,
6 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed
7 to practice in this state, shall be punished by imprisonment in a county jail for a period
8 of not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal
9 Code.

10 8. Health and Safety Code section 11350, subdivision (a), states:

11 Except as otherwise provided in this division, every person who possesses (1)
12 any controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of
13 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
14 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section
15 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled
16 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the
17 written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
18 practice in this state, shall be punished by imprisonment in a county jail for not more
19 than one year, except that such person shall instead be punished pursuant to
20 subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior
21 convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2)
22 of subdivision (e) of Section 667 of the Penal Code or for an offense requiring
23 registration pursuant to subdivision (c) of Section 290 of the Penal Code.

24 COST RECOVERY

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

29 DRUGS

30 10. Adderall, a brand name of an amphetamine, is a Schedule II controlled substance as
31 designated by Health and Safety Code section 11055, subdivision (d)(1).

32 11. Alprazolam is a Schedule IV controlled substance as designated by Health and Safety
33 Code section 11057, subdivision (d)(1).

34 12. Diazepam is a Schedule IV controlled substance as designated by Health and Safety
35 Code section 11057, subdivision (d)(9). Valium is a brand name of diazepam.

36 13. Methadone Hydrochloride is a Schedule II controlled substance as designated by
37 Health and Safety Code section 11055, subdivision (c)(14).

38 ///

1 **BACKGROUND**

2 14. On or about April 17, 2015, a Ripon Police Department ("RPD") officer conducted a
3 traffic enforcement stop on a vehicle for illegally making a U-turn, Respondent was as passenger in
4 the stopped vehicle. Upon initial contact, the officer observed five (5) occupants in the vehicle.
5 Each identified themselves with a valid California driver's license. The RPD officer ran a CLETS
6 inquiry and determined that the driver was driving on a suspended license and one of the
7 passengers was on active searchable probation with no limitations. The RPD officer instructed the
8 occupants to exit the vehicle in order to conduct a search of the vehicle. The RPD officer located
9 a brown purse inside the vehicle that contained two (2) orange pill bottles and one (1) Hello Kitty
10 container. Inside the pill bottles and container were the following: one (1) 0.5 milligram ("mg")
11 tablet of alprazolam; thirty-three (33) 1mg tablets of alprazolam; two (2) 2mg tablets of
12 alprazolam; one (1) 350mg tablet of carisoprodol; two (2) 220mg tablets of naproxen; twenty-
13 four (24) 10mg tablets of diazepam; one (1) tablet of acetaminophen; one hundred and seven (107)
14 10mg/32.5mg tablets of hydrocodone/acetaminophen; one (1) 10mg tablet of Adderall; and nine (9)
15 tablets of methadone. Respondent admitted to the RPD officer that the brown purse was hers.
16 She also admitted to using the following: over the counter naproxen as needed; Norco
17 (hydrocodone/acetaminophen) and Soma (carisoprodol), both prescribed by her physician for her
18 lower back pain. Respondent further admitted to using Valium (diazepam) and alleged it was
19 prescribed by her physician for lower back pain. Respondent admitted to using methadone, and
20 alprazolam without a prescription. Lastly, Respondent admitted that the Adderall found in her
21 purse was not prescribed to her and may belong to her brother.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Violation of Statutes Regulating Controlled Substances)**

24 15. Respondent is subject to disciplinary action for unprofessional conduct under Code
25 section 4301, subdivision (j), in that Respondent possessed controlled substances without a
26 prescription, as required by Code section 4060, as follows:

27 a. Respondent possessed a total of 36 tablets of Alprazolam (1- 0.5mg tablet, 33- 1mg
28 tablets, and 2- 2mg tablets), in violation of Health and Safety Code section 11377, subdivision (a).

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**Pharmacy Technician Registration No.
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Respondent.

Case No. 5950

**DEFAULT DECISION INVESTIGATORY
EVIDENCE PACKET**

[Gov. Code §11520]

The Default Decision Investigatory Evidence Packet in support of the Default Decision and Order in the above entitled matter consists of the following.

Exhibit 1: Pleadings offered for jurisdictional purposes: Accusation No. 5950 Statement to Respondent, Notice of Defense (two blank copies), Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6 and 11507.7), proof of service; and if applicable, mail receipt or copy of returned mail envelopes;

Exhibit 2: License History Certification for Linda Saynhasith Pharmacy Technician Registration No. TCH 106434;

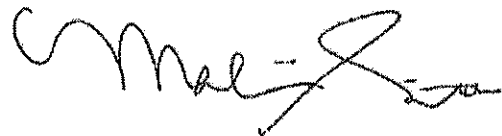
Exhibit 3: Certification of Costs for Investigation and Enforcement in Case No. 5950 dated July 21, 2017;

Exhibit 4: Redacted Copy of Investigation Report Case Number CI 2014 65373;

Exhibit 5: Redacted Copy of Ripon Police Report dated April 17, 2015;
Dated: July 21, 2017

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General



MALISSA N. SIEMANTEL
Deputy Attorney General
Attorneys for Complainant

Exhibit 1

Accusation No. 5950

Statement to Respondent, Notice of Defense, Request for
Discovery and Discovery Statutes, proof of service; and if
applicable, mail receipt or copy of returned mail envelopes

(LINDA SAYNHASITH)

1 XAVIER BECERRA
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2 JANICE K. LACHMAN
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Facsimile: (916) 324-5567
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9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 5950

13 **LINDA SAYNHASITH**
2532 Belair Street
Stockton, CA 95205

ACCUSATION

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15 **No. TCH 106434**

16 Respondent.

17
18 Virginia Herold ("Complainant") alleges:

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9 its discretion may deem proper. . . .

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12 by operation of law or by order or decision of the board or a court of law, the
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34 12. Diazepam is a Schedule IV controlled substance as designated by Health and Safety
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37 Health and Safety Code section 11055, subdivision (c)(14).

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