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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. 6704
PATRICIA NICHOL KIDWELL 3701 Norfolk Street Napa, CA 94558	DEFAULT DECISION AND ORDER
Pharmacy Technician Registration No. TCH 146167	
Respondent.	[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 17, 2020, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 6704 against Patricia Nichol Kidwell (Respondent) before the Board. (Accusation attached as Exhibit A.)
2. On or about February 13, 2015, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 146167 to Respondent. The Pharmacy Technician Registration expired on August 31, 2020, and has not been renewed.
3. On or about May 1, 2019, in the criminal matter titled *People v. Patricia Nichol Kidwell*, Napa County Superior Court case number 19CR000933, pursuant to Penal Code section

1 23, the court ordered the restriction of Respondent's Pharmacy Technician Registration No. TCH
2 146167, thereby preventing her from practicing or making use of the registration during the
3 pendency of the criminal proceedings.

4 4. On or about October 28, 2020, Respondent was served by Certified and First Class
5 Mail copies of the Accusation No. 6704, Statement to Respondent, Notice of Defense, Request
6 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
7 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
8 section 4100, is required to be reported and maintained with the Board. Respondent's address of
9 record was and is: 3701 Norfolk Street, Napa, CA 94558.

10 5. On or about November 12, 2020, Respondent was served all of the same documents
11 outlined in the preceding paragraph at the forwarded address for Respondent which was: 1342
12 Leonard Rd., Gardenville, NV 89460-8346.

13 6. Service of the Accusation was effective as a matter of law under the provisions of
14 Government Code section 11505(c) and/or Business and Professions Code section 124.

15 7. Government Code section 11506(c) states, in pertinent part:

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
18 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
19 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
20 discretion may nevertheless grant a hearing.

21 8. The Board takes official notice of its records and the fact that Respondent failed to
22 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
23 waived her right to a hearing on the merits of Accusation No. 6704.

24 9. California Government Code section 11520(a) states, in pertinent part:

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

10 Pursuant to its authority under Government Code section 11520, the Board finds
11 Respondent is in default. The Board will take action without further hearing and, based on the
12 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,

1 as well as taking official notice of all the investigatory reports, exhibits and statements contained
2 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6704,
3 finds that the charges and allegations in Accusation No. 6704, are separately and severally, found
4 to be true and correct by clear and convincing evidence.

5 11. The Board finds that the actual costs for Investigation and Enforcement are \$4,213.75
6 as of December 3, 2020.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Patricia Nichol Kidwell has
9 subjected her Pharmacy Technician Registration No. TCH 146167 to discipline.

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

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

14 a. Unprofessional Conduct (Bus. & Prof. Code sec. 4301.)

15 b. Acts Involving Moral Turpitude (Bus. & Prof. Code sec. 4301, subd. (f), (j) and (o).)

16 c. Dangerous Use of Drugs and Alcohol Conduct (Bus. & Prof. Code sec. 4301, subd.

17 (h).)

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 146167, issued to Respondent Patricia Nichol Kidwell, 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 February 11, 2021 at 5:00 p.m.

It is so ORDERED January 12, 2021

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS



By

Greg Lippe
Board President

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DOJ Matter ID:SF2020401421

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(PATRICIA NICHOL KIDWELL)

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Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6704

13 **PATRICIA N. KIDWELL**
14 **3701 Norfolk Street**
Napa, CA 94558

ACCUSATION

15 **Pharmacy Technician Registration No. TCH 146167**

16 Respondent.

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19 **PARTIES**

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

22 2. On or about February 13, 2015, the Board issued Pharmacy Technician Registration
23 Number TCH 146167 to Patricia N. Kidwell (Respondent). The Pharmacy Technician
24 Registration expired on August 31, 2020, and has not been 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 (Code) unless otherwise
28 indicated.

...

1
2 8. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
3 any controlled substance listed in Schedule II (Health and Safety Code section 11055),
4 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

5 9. Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess
6 any non-narcotic drug in Schedules III-V, absent a valid prescription.

7 **COST RECOVERY**

8 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
12 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
13 included in a stipulated settlement.

14 **FACTUAL SUMMARY**

15 11. On or about March 27, 2020, Respondent was arrested and subsequently charged in
16 an ongoing criminal proceeding entitled *People of the State of California vs. Patricia Nichol*
17 *Kidwell* in Napa County Superior Court, Case Number 19CR000933, for violating Penal Code
18 section 273A, subdivision (a) (child endangerment), a felony, Health and Safety Code section
19 11366 (maintain place for trafficking of controlled substances), a felony, and Penal Code section
20 270 (failure to provide care/child neglect), a misdemeanor.

21 12. At the time of her arrest, Respondent was regularly using heroin, cocaine and
22 marijuana. Police found drug paraphernalia with drug residue throughout Respondent's house. All
23 of the drug paraphernalia and residue was within reach of Respondent's minor daughter who
24 lived with her.

25 13. Respondent's daughter was regularly absent from school and was fed at the school
26 because she was often not receiving food at home. Respondent's house, where she lived with her
27 daughter, was a in a state of excessive disorderliness and had a strong smell of rotting food and
28 pet odors.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 14. Respondent is subject to disciplinary action under section 4301 of the Code in that
4 Respondent engaged in unprofessional conduct, as set forth in paragraphs 11-13 above.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Acts Involving Moral Turpitude)**

7 15. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j)
8 and (o) of the Code in that Respondent committed acts involving moral turpitude, as set forth in
9 paragraphs 11-13 above.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Drugs and Alcohol)**

12 16. Respondent is subject to disciplinary action under Code section 4301, subsection (h),
13 in that she used controlled substances and/or the dangerous drugs and/or alcoholic beverages to
14 the extent or in a manner as to be dangerous or injurious to herself, to a person holding a license
15 under this chapter, or to any other person or to the public, and/or to the extent that the use
16 impaired her ability to conduct with safety to the public the practice authorized by her license, as
17 set forth in paragraphs 11-13 above.

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 Number TCH 146167,
22 issued to Patricia N. Kidwell;

23 2. Ordering Patricia Nichol Kidwell to pay the Board of Pharmacy the reasonable costs
24 of the investigation and enforcement of this case, pursuant to Business and Professions Code
25 section 125.3; and,

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

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DATED: 10/17/2020

Sodergren,
Anne@DCA



Digitally signed by Sodergren,
Anne@DCA
Date: 2020.10.17 17:08:42 -07'00'

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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