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

12 In the Matter of the Accusation Against:

Case No. 6716

13 **ANDRIA LEE THOMPSON**  
14 **23721 Bouldin Lane**  
**Fort Bragg, CA 95437**

**DEFAULT DECISION AND ORDER**

15 **Pharmacy Technician Registration No. TCH**  
16 **164213**

[Gov. Code, §11520]

17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about December 2, 2019, Complainant Anne Sodergren, in her official capacity  
20 as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
21 filed Accusation No. 6716 against Andria Lee Thompson (Respondent) before the Board of  
22 Pharmacy. (Accusation attached as Exhibit A.)

23 2. On or about November 30, 2017, the Board of Pharmacy (Board) issued Pharmacy  
24 Technician Registration No. TCH 164213 to Respondent. The Pharmacy Technician Registration  
25 was in full force and effect at all times relevant to the charges brought in Accusation No. 6716  
26 and will expire on November 30, 2021, unless renewed.

27 3. On or about December 9, 2019, Respondent was served by Certified and First Class  
28 Mail copies of the Accusation No. 6716, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
3 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
4 record was and is:

5 23721 Bouldin Lane  
6 Fort Bragg, CA 95437.

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

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

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

15 6. The Board takes official notice of its records and the fact that Respondent failed to  
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
17 waived her right to a hearing on the merits of Accusation No. 6716.

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

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6716,  
28 finds that the charges and allegations in Accusation No. 6716, are separately and severally, found  
to be true and correct by clear and convincing evidence.

9. The Board finds that the actual costs for Investigation and Enforcement are \$8463.75  
as of January 10, 2020.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Andria Lee Thompson has  
3 subjected her Pharmacy Technician Registration No. TCH 164213 to discipline.

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

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

8 a. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),  
9 in that respondent committed an act involving moral turpitude, dishonesty, fraud, or deceit.

10 b. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
11 in that Respondent administered to herself a controlled substance.

12 c. Respondent is subject to disciplinary action under Code section 4301, subdivision (j)  
13 and/or (o), in that Respondent violated California statutes regulating controlled substances and  
14 dangerous drugs.

15 **ORDER**

16 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 164213, issued to  
17 Respondent Andria Lee Thompson, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
19 written motion requesting that the Decision be vacated and stating the grounds relied on within  
20 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
21 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

22 This Decision shall become effective at 5:00 p.m. on April 15, 2020.

23 It is so ORDERED on March 16, 2020.

24 FOR THE BOARD OF PHARMACY  
25 DEPARTMENT OF CONSUMER AFFAIRS  
26 STATE OF CALIFORNIA

27 By



28 Greg Lippe  
Board President

Exhibit A: Accusation

# Exhibit A

Accusation

(ANDRIA LEE THOMPSON)

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Supervising Deputy Attorney General  
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Deputy Attorney General  
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8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6716

13 **ANDRIA LEE THOMPSON**  
23721 Bouldin Lane  
Fort Bragg, CA 95437

**ACCUSATION**

14 **Pharmacy Technician Registration No. TCH**  
15 **164213**

16 Respondent.

17  
18 **PARTIES**

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

21 2. On or about November 30, 2017, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 164213 to Andria Lee Thompson (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on November 30, 2019, 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.

1       4.     Section 4300 of the Code states:

2             (a) Every license issued may be suspended or revoked.

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

5             (1) Suspending judgment.

6             (2) Placing him or her upon probation.

7             (3) Suspending his or her right to practice for a period not exceeding one year.

8             (4) Revoking his or her license.

9             (5) Taking any other action in relation to disciplining him or her as the board in  
10       its discretion may deem proper.

11             ...

12             (e) The proceedings under this article shall be conducted in accordance with  
13       Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
14       Government Code, and the board shall have all the powers granted therein. The  
      action shall be final, except that the propriety of the action is subject to review by the  
      superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

15       5.     Section 118, subdivision (b), of the Code provides that the  
16       suspension/expiration/surrender/cancellation of a license shall not deprive the  
17       Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period  
18       within which the license may be renewed, restored, reissued or reinstated.

19       6.     Section 4301.1 of the Code states:

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

25                             **STATUTORY PROVISIONS**

26       7.     Section 4301 of the Code states:

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



1  
2 (f) The commission of any act involving moral turpitude, dishonesty, fraud,  
3 deceit, or corruption, whether the act is committed in the course of relations as a  
4 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

5  
6 (h) The administering to oneself, of any controlled substance, or the use of any  
7 dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
8 dangerous or injurious to oneself, to a person holding a license under this chapter, or  
9 to any other person or to the public, or to the extent that the use impairs the ability of  
10 the person to conduct with safety to the public the practice authorized by the license.

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

13  
14 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
15 abetting the violation of or conspiring to violate any provision or term of this chapter  
16 or of the applicable federal and state laws and regulations governing pharmacy,  
17 including regulations established by the board or by any other state or federal  
18 regulatory agency.

19 8. Section 4022 of the Code states:

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

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

24 (b) Any device that bears the statement: Caution: federal law restricts this  
25 device to sale by or on the order of a \_\_\_\_\_, Rx only, or words of similar  
26 import, the blank to be filled in with the designation of the practitioner licensed to use  
27 or order use of the device.

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

9. Section 4059 of the Code states, in pertinent part, that a person may not furnish any  
dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,  
veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any  
dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist,  
veterinarian, or naturopathic doctor pursuant to Section 3640.7.

10. Section 4060 of the Code states:

A person shall not 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

1 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
2 nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to  
3 Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist  
4 pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the  
5 possession of any controlled substance by a manufacturer, wholesaler, third-party  
6 logistics provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,  
7 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or  
8 physician assistant, if in stock in containers correctly labeled with the name and  
9 address of the supplier or producer.

10 This section does not authorize a certified nurse-midwife, a nurse practitioner, a  
11 physician assistant, or a naturopathic doctor, to order his or her own stock of  
12 dangerous drugs and devices.

### 13 COST RECOVERY

14 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
15 administrative law judge to direct a licensee found to have committed a violation or violations of  
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
17 enforcement of the case.

### 18 DEFINITIONS

19 12. Phentermine is a Schedule IV controlled substance pursuant to Health and Safety  
20 Code section 11057, subdivision (f)(4), and dangerous drug pursuant to Code section 4022. It is  
21 an appetite suppressant and stimulant.

### 22 FACTUAL ALLEGATIONS

23 13. On or about August 16, 2018, while working as a pharmacy technician at a Safeway  
24 Pharmacy, Respondent diverted and consumed phentermine. Respondent did not have a  
25 prescription for phentermine at the time she diverted and consumed phentermine. Respondent  
26 possessed and consumed Phentermine in violation of Code sections 4059 and 4060.

### 27 FIRST CAUSE FOR DISCIPLINE

28 (Moral Turpitude, Dishonesty, Fraud, or Deceit)

14. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),  
in that respondent committed an act involving moral turpitude, dishonesty, fraud, or deceit. The  
circumstances are described in paragraph 13, above.

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