

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

In the Matter of the Accusation Against:

YVETTE ELEANOR LUITHLE, Respondent

Pharmacy Technician Registration No. TCH 21991

Agency Case No. 6875

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 November 25, 2020.

It is so ORDERED on October 26, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 CARL SONNE
Senior Assistant Attorney General
3 MARC D. GREENBAUM
Supervising Deputy Attorney General
4 State Bar No. 138213
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6316
6 Facsimile: (916) 731-2126
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 **YVETTE ELEANOR LUTHLE**
14 **3752 Iroquois Ave**
Long Beach, CA 90808
15 **Pharmacy Technician Registration No. TCH**
16 **21991**
17 Respondent.

Case No. 6875

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board). She brought this action solely in her official capacity and is represented in this matter by
25 Xavier Becerra, Attorney General of the State of California, by Marc D. Greenbaum, Supervising
26 Deputy Attorney General.

27 2. Respondent Yvette Eleanor Luthle (Respondent) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

1 and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary
2 Order below.

3 **CONTINGENCY**

4 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
5 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
6 communicate directly with the Board regarding this stipulation and settlement, without notice to
7 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
8 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
9 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
10 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
11 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
12 not be disqualified from further action by having considered this matter.

13 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
14 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
15 signatures thereto, shall have the same force and effect as the originals.

16 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
17 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
18 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
19 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
20 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
21 writing executed by an authorized representative of each of the parties.

22 14. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Board may, without further notice or formal proceeding, issue and enter the following
24 Disciplinary Order:

25 **DISCIPLINARY ORDER**

26 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 21991 issued
27 to Respondent Yvette Eleanor Luithle is revoked. However, the revocation is stayed and
28 Respondent is placed on probation for five (5) years on the following terms and conditions:

1 **1. Obey All Laws**

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

3 Respondent shall report any of the following occurrences to the board, in writing, within
4 seventy- two (72) hours of such occurrence:

5 an arrest or issuance of a criminal complaint for violation of any provision of the
6 Pharmacy Law, state and federal food and drug laws, or state and federal
7 controlled substances laws

8 a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
9 criminal proceeding to any criminal complaint, information or indictment
10 a conviction of any crime

11 the filing of a disciplinary pleading, issuance of a citation, or initiation of another
12 administrative action filed by any state or federal agency which involves
13 respondent’s license or which is related to the practice of pharmacy or the
14 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
15 device or controlled substance.

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

17 **2. Report to the Board**

18 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
19 designee. The report shall be made either in person or in writing, as directed. Among other
20 requirements, respondent shall state in each report under penalty of perjury whether there has
21 been compliance with all the terms and conditions of probation.

22 Failure to submit timely reports in a form as directed shall be considered a violation of
23 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
24 total period of probation. Moreover, if the final probation report is not made as directed,
25 probation shall be automatically extended until such time as the final report is made and accepted
26 by the board.

27 **3. Interview with the Board**

28 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews

1 with the board or its designee, at such intervals and locations as are determined by the board or its
2 designee. Failure to appear for any scheduled interview without prior notification to board staff,
3 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
4 the period of probation, shall be considered a violation of probation.

5 **4. Cooperate with Board Staff**

6 Respondent shall timely cooperate with the board's inspection program and with the board's
7 monitoring and investigation of respondent's compliance with the terms and conditions of her
8 probation, including but not limited to: timely responses to requests for information by board
9 staff; timely compliance with directives from board staff regarding requirements of any term or
10 condition of probation; and timely completion of documentation pertaining to a term or condition
11 of probation. Failure to timely cooperate shall be considered a violation of probation.

12 **5. Reporting of Employment and Notice to Employers**

13 During the period of probation, respondent shall notify all present and prospective
14 employers of the decision in case number 6875 and the terms, conditions and restrictions imposed
15 on respondent by the decision, as follows:

16 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
17 undertaking any new employment, respondent shall report to the board in writing the name,
18 physical address, and mailing address of each of her employer(s), and the name(s) and telephone
19 number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-in-charge, designated
20 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
21 schedule, if known. Respondent shall also include the reason(s) for leaving the prior
22 employment. Respondent shall sign and return to the board a written consent authorizing the
23 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and
24 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
25 concerning respondent's work status, performance, and monitoring. Failure to comply with the
26 requirements or deadlines of this condition shall be considered a violation of probation.

27 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
28 respondent undertaking any new employment, respondent shall cause (a) her direct supervisor, (b)

1 her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
2 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the
3 board in writing acknowledging that the listed individual(s) has/have read the decision in case
4 number 6875, and terms and conditions imposed thereby. If one person serves in more than one
5 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
6 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
7 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
8 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
9 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
10 in case number 6875, and the terms and conditions imposed thereby.

11 If respondent works for or is employed by or through an employment service, respondent
12 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
13 of the decision in case number 6875, and the terms and conditions imposed thereby in advance of
14 respondent commencing work at such licensed entity. A record of this notification must be
15 provided to the board upon request.

16 Furthermore, within thirty (30) days of the effective date of this decision, and within
17 fifteen (15) days of respondent undertaking any new employment by or through an employment
18 service, respondent shall cause the person(s) described in (a), (b), and (c) above at the
19 employment service to report to the board in writing acknowledging that he or she has read the
20 decision in case number, and the terms and conditions imposed thereby. It shall be respondent's
21 responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

22 Failure to timely notify present or prospective employer(s) or failure to cause the identified
23 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
24 shall be considered a violation of probation.

25 "Employment" within the meaning of this provision includes any full-time, part-time,
26 temporary, relief, or employment/management service position as a Pharmacy Technician, or any
27 position for which a Pharmacy Technician is a requirement or criterion for employment, whether
28 the respondent is an employee, independent contractor or volunteer.

1 **6. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

2 Respondent shall further notify the board in writing within ten (10) days of any change in
3 name, residence address, mailing address, e-mail address or phone number.

4 Failure to timely notify the board of any change in employer, name, address, or phone
5 number shall be considered a violation of probation.

6 **7. Reimbursement of Board Costs**

7 As a condition precedent to successful completion of probation, respondent shall pay to the
8 board its costs of investigation and prosecution in the amount of \$1,903.75. Respondent shall
9 make said payments as follows:

10 There shall be no deviation from this schedule absent prior written approval by the board or
11 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
12 probation.

13 Respondent shall be permitted to pay these costs in a payment plan approved by the board
14 or its designee, so long as full payment is completed no later than one (1) year prior to the end
15 date of probation.

16 **8. Probation Monitoring Costs**

17 Respondent shall pay any costs associated with probation monitoring as determined by the
18 board each and every year of probation. Such costs shall be payable to the board on a schedule as
19 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
20 be considered a violation of probation.

21 **9. Status of License**

22 Respondent shall, at all times while on probation, maintain an active, current Pharmacy
23 Technician Registration with the board, including any period during which suspension or
24 probation is tolled. Failure to maintain an active, current Pharmacy Technician Registration shall
25 be considered a violation of probation.

26 If respondent's Pharmacy Technician Registration expires or is cancelled by operation of
27 law or otherwise at any time during the period of probation, including any extensions thereof due
28 to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all

1 terms and conditions of this probation not previously satisfied.

2 **10. License Surrender While on Probation/Suspension**

3 Following the effective date of this decision, should respondent cease practice due to
4 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
5 respondent may relinquish Female license, including any indicia of licensure issued by the board,
6 along with a request to surrender the license. The board or its designee shall have the discretion
7 whether to accept the surrender or take any other action it deems appropriate and reasonable.
8 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
9 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
10 become a part of the respondent's license history with the board.

11 Upon acceptance of the surrender, respondent shall relinquish Female pocket and/or wall
12 license, including any indicia of licensure not previously provided to the board within ten (10)
13 days of notification by the board that the surrender is accepted if not already provided.
14 Respondent may not reapply for any license from the board for three (3) years from the effective
15 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
16 of the date the application for that license is submitted to the board, including any outstanding
17 costs.

18 **11. Certification Prior to Resuming Work**

19 Within one (1) year of the effective date, Respondent shall be certified as defined by
20 Business and Professions Code section 4202, subdivision (a)(4), have submitted proof of
21 certification to the board, and have been notified by the board or its designee that she may begin
22 work. Failure to achieve certification within one (1) year of the effective date shall be considered
23 a violation of probation, and Respondent shall be suspended and shall not work as a pharmacy
24 technician.

25 During suspension, respondent shall not enter any pharmacy area or any portion of any
26 other board licensed premises of a wholesaler, third-party logistics provider, veterinary food-
27 animal drug retailer or any other distributor of drugs which is licensed by the board, or any
28 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled

1 substances are maintained.

2 Respondent shall not do any act involving drug selection, selection of stock, manufacturing,
3 compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the
4 board. Respondent shall not have access to or control the ordering, distributing, manufacturing or
5 dispensing of dangerous drugs and/or dangerous devices or controlled substances.

6 During this suspension, respondent shall not engage in any activity that requires licensure
7 as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of
8 pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or
9 dangerous devices, or controlled substances.

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

11 **12. Practice Requirement – Extension of Probation**

12 Except during periods of suspension, respondent shall, at all times while on probation, be
13 employed as a Pharmacy Technician in California for a minimum of 80 hours per calendar month.
14 Any month during which this minimum is not met shall extend the period of probation by one
15 month. During any such period of insufficient employment, respondent must nonetheless comply
16 with all terms and conditions of probation, unless respondent receives a waiver in writing from
17 the board or its designee.

18 If respondent does not practice as a Pharmacy Technician in California for the minimum
19 number of hours in any calendar month, for any reason (including vacation), respondent shall
20 notify the board in writing within ten (10) days of the conclusion of that calendar month. This
21 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)
22 for the interruption or reduction in practice; and the anticipated date(s) on which respondent will
23 resume practice at the required level. Respondent shall further notify the board in writing within
24 ten (10) days following the next calendar month during which respondent practices as a Pharmacy
25 Technician in California for the minimum of hours. Any failure to timely provide such
26 notification(s) shall be considered a violation of probation.

27 It is a violation of probation for respondent's probation to be extended pursuant to the
28 provisions of this condition for a total period, counting consecutive and non-consecutive months,

1 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
2 probation period on its website.

3 **13. Violation of Probation**

4 If respondent has not complied with any term or condition of probation, the board shall
5 have continuing jurisdiction over respondent, and the board shall provide notice to respondent
6 that probation shall automatically be extended, until all terms and conditions have been satisfied
7 or the board has taken other action as deemed appropriate to treat the failure to comply as a
8 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
9 board or its designee may post a notice of the extended probation period on its website.

10 If respondent violates probation in any respect, the board, after giving respondent notice
11 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
12 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
13 probation, or the preparation of an accusation or petition to revoke probation is requested from
14 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
15 probation shall be automatically extended until the petition to revoke probation or accusation is
16 heard and decided.

17 **14. Completion of Probation**

18 Upon written notice by the board or its designee indicating successful completion of
19 probation, respondent's license will be fully restored.

20 **15. Drug and Alcohol Testing**

21 Respondent, at her own expense, shall participate in testing as directed by the board or its
22 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
23 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
24 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its
25 designee. All testing must be pursuant to an observed testing protocol, unless respondent is
26 informed otherwise in writing by the board or its designee. Respondent may be required to
27 participate in testing for the entire probation period and frequency of testing will be determined
28 by the board or its designee.

1 By no later than thirty (30) days after the effective date of this decision, respondent shall
2 have completed all of the following tasks: enrolled and registered with an approved drug and
3 alcohol testing vendor; provided that vendor with any documentation, and any information
4 necessary for payment by respondent; commenced testing protocols, including all required
5 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,
6 respondent shall fully cooperate with the testing vendor, and with the board or its designee, with
7 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to
8 cooperate timely shall be considered a violation of probation.

9 Respondent may be required to test on any day, including weekends and holidays.
10 Respondent is required to make daily contact with the testing vendor to determine if a test is
11 required, and if a test is required must submit to testing on the same day.

12 Prior to any vacation or other period of absence from the area where the approved testing
13 vendor provides services, respondent shall seek and receive approval from the board or its
14 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,
15 respondent shall enroll and register with the approved alternate drug testing vendor, provide to
16 that alternate vendor any documentation required by the vendor, including any necessary payment
17 by respondent. During the period of absence of the area, respondent shall commence testing
18 protocols with the alternate vendor, including required daily contacts with the testing vendor to
19 determine if testing is required, and required testing. Any failure to timely seek or receive
20 approval from the board or its designee, or to timely enroll and register with, timely commence
21 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
22 considered a violation of probation.

23 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its
24 designee may require respondent to timely provide documentation from a licensed practitioner
25 authorized to prescribe the detected substance demonstrating that the substance was administered
26 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such
27 documentation shall be provided by respondent within ten (10) days of being requested.

28 ///

1 Any of the following shall be considered a violation of probation and shall result in
2 respondent being immediately suspended from practice as a Pharmacy Technician until notified
3 by the board in writing that she may resume practice: failure to timely complete all of the steps
4 required for enrollment/registration with the drug testing vendor, including making arrangements
5 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing
6 vendor as required to determine testing date(s); failure to test as required; failure to timely supply
7 documentation demonstrating that a detected substance was taken pursuant to a legitimate
8 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
9 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
10 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
11 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
12 controlled substance or dangerous drug absent documentation that the detected substance was
13 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee
14 shall inform respondent of the suspension and inform her to immediately leave work, and shall
15 notify respondent's employer(s) and work site monitor(s) of the suspension.

16 During any such suspension, respondent shall not enter any pharmacy area or any portion of
17 the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal drug
18 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or
19 any area where dangerous drugs and/or dangerous devices or controlled substances are
20 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
21 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
22 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
23 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
24 dangerous devices and controlled substances.

25 During any such suspension, respondent shall not engage in any activity that requires the
26 professional judgment of and/or licensure as a Pharmacy Technician. Respondent shall not direct
27 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,
28 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

1 Failure to comply with any such suspension shall be considered a violation of probation.
2 Failure to comply with any requirement or deadline stated by this term shall be considered a
3 violation of probation.

4 **16. Notification of Departure**

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

9 **17. Abstain from Drugs and Alcohol**

10 Respondent shall completely abstain from the possession or use of alcohol, controlled
11 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
12 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
13 necessary part of treatment. Respondent shall ensure that she is not in the same physical location
14 as individuals who are using illicit substances even if respondent is not personally ingesting the
15 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled
16 substances, or their associated paraphernalia for which a legitimate prescription has not been
17 issued as a necessary part of treatment, or any physical proximity to persons using illicit
18 substances, shall be considered a violation of probation.

19 **18. Prescription Coordination and Monitoring of Prescription Use**

20 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
21 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
22 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
23 history with the use of alcohol, illicit drugs, controlled substances, and/or dangerous drugs, and
24 who will coordinate and monitor any prescriptions for respondent for dangerous drugs and/or
25 dangerous devices, controlled substances or mood-altering drugs. The approved practitioner shall
26 be provided with a copy of the board's Accusation and decision. A record of this notification
27 must be provided to the board or its designee upon request. Respondent shall sign a release
28 authorizing the practitioner to communicate with the board or its designee about respondent's

1 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist
2 shall report to the board on a quarterly basis for the duration of probation regarding respondent's
3 compliance with this condition. If any substances considered addictive have been prescribed, the
4 report shall identify a program for the time limited use of any such substances. The board or its
5 designee may require that the single coordinating physician, nurse practitioner, physician assistant
6 or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.
7 Should respondent, for any reason, cease supervision by the approved practitioner, respondent
8 shall notify the board or its designee immediately and, within thirty (30) days of ceasing
9 supervision, submit the name of a replacement physician, nurse practitioner, physician assistant,
10 or psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to
11 timely submit the selected practitioner or replacement practitioner to the board or its designee for
12 approval, or to ensure the required quarterly reporting thereby, shall be considered a violation of
13 probation.

14 If at any time an approved practitioner determines that respondent is unable to practice
15 safely or independently as a Pharmacy Technician, the practitioner shall notify the board or its
16 designee immediately by telephone and follow up by written letter within three (3) working days.
17 Upon notification from the board or its designee of this determination, respondent shall be
18 automatically suspended and shall not resume practice as a Pharmacy Technician until notified by
19 the board or its designee that practice may be resumed.

20 During any suspension, respondent shall not enter any pharmacy area or any portion of the
21 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
22 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or
23 any area where dangerous drugs and/or dangerous devices or controlled substances are
24 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
25 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
26 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
27 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
28 dangerous devices and controlled substances. Respondent shall not resume practice until notified

1 by the board.

2 During any suspension, respondent shall not engage in any activity that requires the
3 professional judgment and/or licensure as a Pharmacy Technician. Respondent shall not direct or
4 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,
5 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

6 Failure to comply with any requirement or deadline stated by this term shall be considered a
7 violation of probation.

8 **19. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

9 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
10 attendance at a recognized and established substance abuse recovery support group in California
11 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
12 or its designee. Respondent must attend the number of group meetings per week or month
13 directed by the board or its designee, which shall typically be at least one per week. Respondent
14 shall continue regular attendance and submit signed and dated documentation confirming
15 attendance with each quarterly report for the duration of probation. Failure to attend or submit
16 documentation thereof shall be considered a violation of probation.

17 Where respondent is enrolled in the PRP, participation as required in a recovery group
18 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any
19 deviation from participation requirements for the PRP-approved group shall be considered a
20 violation of probation.

21 **20. No Ownership or Management of Licensed Premises**

22 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
23 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
24 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
25 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
26 days following the effective date of this decision and shall immediately thereafter provide written
27 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
28 documentation thereof shall be considered a violation of probation.

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
CARL SONNE
Senior Assistant Attorney General

MARC D. GREENBAUM
Supervising Deputy Attorney General
Attorneys for Complainant

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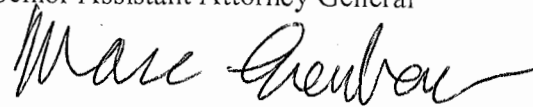
ENDORSEMENT

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DATED: 8/13/20

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
CARL SONNE
Senior Assistant Attorney General



MARC D. GREENBAUM
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6875

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Telephone: (213) 269-6316
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9 **BOARD OF PHARMACY**
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12 In the Matter of the Accusation Against:

Case No. 6875

13 **YVETTE ELEANOR LUTHLE**
14 **3752 Iroquois Ave**
Long Beach, CA 90808

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **21991**

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, Department of Consumer Affairs (Board).

22 2. On or about April 11, 1997, the Board issued Pharmacy Technician Registration No.
23 TCH 21991 to Yvette Eleanor Luithle (Respondent). The Pharmacy Technician Registration was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 January 31, 2021, unless renewed.

26 **JURISDICTION**

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

1 **STATUTORY PROVISIONS**

2 4. Section 118, subdivision (b), provides that the expiration of a license shall not deprive
3 the Board of jurisdiction to proceed with a disciplinary action during the period within which the
4 license may be renewed, restored, reissued or reinstated.

5 5. Section 490 provides that a board may suspend or revoke a license on the ground that
6 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
7 duties of the business or profession for which the license was issued.

8 6. Section 493 states:

9 “Notwithstanding any other provision of law, in a proceeding conducted by a board within
10 the department pursuant to law to deny an application for a license or to suspend or revoke a
11 license or otherwise take disciplinary action against a person who holds a license, upon the
12 ground that the applicant or the licensee has been convicted of a crime substantially related to the
13 qualifications, functions, and duties of the licensee in question, the record of conviction of the
14 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
15 and the board may inquire into the circumstances surrounding the commission of the crime in
16 order to fix the degree of discipline or to determine if the conviction is substantially related to the
17 qualifications, functions, and duties of the licensee in question.

18 “As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and
19 ‘registration.’”

20 7. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or
21 revoked.”

22 8. Section 4300.1 states:

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

28 ///

1 9. Section 4301 states, in pertinent part:

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

5

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

11

12 “(l) The conviction of a crime substantially related to the qualifications, functions, and
13 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
14 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
15 substances or of a violation of the statutes of this state regulating controlled substances or
16 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
17 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
18 The board may inquire into the circumstances surrounding the commission of the crime, in order
19 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
20 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
21 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
22 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
23 of this provision. The board may take action when the time for appeal has elapsed, or the
24 judgment of conviction has been affirmed on appeal or when an order granting probation is made
25 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
26 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
27 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
28 indictment. . . .”

1 **REGULATORY PROVISION**

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

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

9 **COST RECOVERY**

10 11. Section 125.3 provides that the Board may request the administrative law judge to
11 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
12 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Convictions of Substantially Related Crimes)**

15 12. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
16 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
17 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially
18 related to the qualifications, functions or duties of a registered pharmacy technician. On or about
19 September 18, 2019, Respondent was convicted of two misdemeanor counts of violating Vehicle
20 Code section 23152(a) [drive while under the influence of alcohol] and 23152(b) [drive with an
21 equal to or greater than 0.08% blood alcohol content (BAC), to wit, 0.23% BAC], both with other
22 allegations of violating Vehicle Code sections 23577(a)(1) [willfully fail to complete chemical
23 tests] and 23538(b)(2) [having a 0.20 BAC or more] in the criminal proceeding entitled *The*
24 *People of the State of California v. Yvette Eleanor Luithle* (Super. Ct. Orange County, 2019, No.
25 19WM157889). The Court placed Respondent on three years of probation, ordered her to
26 complete 10 days of CalTrans, ordered he to complete a 9-Month, Level 2, First-Offender
27 Alcohol Program, ordered her to submit DNA sample and fingerprints, and ordered her to pay
28 victim restitution. The circumstances of the conviction are that on or about July 14, 2019,

1 immediately after finishing a couple glasses of wine, Respondent drove a vehicle while under the
2 influence of a 0.23% BAC with her vehicle accidentally striking a vehicle parked at the side of
3 the road. Respondent was observed to have slurred speech and bloodshot watery eyes, emit the
4 strong odor of alcohol from her breath and person, have an unsteady gait and unable to stand
5 without assistance. Respondent was unable to complete field sobriety tests as demonstrated.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Dangerous Use of Alcohol)**

8 13. Respondent is subject to disciplinary action under sections 4300, and 4301,
9 subdivision (h), on the grounds of unprofessional conduct, in that on or about July 14, 2019,
10 Respondent administered to herself alcoholic beverages to the extent or in a manner as to be
11 dangerous or injurious to herself, or others. Complainant refers to and by this reference
12 incorporates the allegations set forth above in paragraph 12, inclusive, as though set forth fully.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration No. TCH 21991, issued
17 to Yvette Eleanor Luthle;
- 18 2. Ordering Yvette Eleanor Luthle to pay the Board the reasonable costs of the
19 investigation and enforcement of this case, pursuant to section 125.3; and,
- 20 3. Taking such other and further action as deemed necessary and proper.
- 21
- 22

23 DATED: April 6, 2020



24 ANNE SODERGREN
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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