

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

**In the Matter of the Accusation Against:**

**MARGIE BRIANNA TROUT, Respondent**

**Pharmacy Technician Registration No. TCH 172080**

**Agency Case No. 7324**

**OAH No. 2022120030**

**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 April 5, 2023.

It is so ORDERED on March 6, 2023.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light blue rectangular background.

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
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9 **BEFORE THE**  
10 **BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

14 **MARGIE BRIANNA TROUT**  
15 **2826 1/2 Prospect Street**  
16 **National City, CA 91950**

17 **Pharmacy Technician Registration No. TCH**  
18 **172080**

Respondent.

Case No. 7324

OAH No. 2022120030

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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

23 **PARTIES**

24 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
25 (Board). She brought this action solely in her official capacity and is represented in this matter by  
26 Rob Bonta, Attorney General of the State of California, by Stephen A. Aronis, Deputy Attorney  
27 General.

28 ///

2. Respondent Margie Brianna Trout (Respondent) is represented in this proceeding by attorney Nicole Weil, Esq., whose address is: 9474 Kearny Villa Rd., Ste. 101, San Diego, CA 92126.

3. On or about April 17, 2019, the Board issued Pharmacy Technician Registration No. TCH 172080 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7324, and will expire on June 30, 2024, unless renewed.

## JURISDICTION

4. Accusation No. 7324 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 October 14, 2022. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 7324 is attached as Exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 7324. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 7324.

4 10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline  
5 and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary  
6 Order below.

7 **CONTINGENCY**

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

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

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

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

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 172080 issued to Respondent Margie Brianna Trout is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

**1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

**2. Report to the Board**

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

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted  
2 by the board.

3 **3. Interview with the Board**

4 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
5 with the board or its designee, at such intervals and locations as are determined by the board or its  
6 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
7 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
8 the period of probation, shall be considered a violation of probation.

9 **4. Cooperate with Board Staff**

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

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

17 During the period of probation, respondent shall notify all present and prospective  
18 employers of the decision in case number 7324 and the terms, conditions and restrictions imposed  
19 on respondent by the decision, as follows:

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

1 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
2 requirements or deadlines of this condition shall be considered a violation of probation.

3 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
4 respondent undertaking any new employment, respondent shall cause (a) her direct supervisor, (b)  
5 her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
6 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the  
7 board in writing acknowledging that the listed individual(s) has/have read the decision in case  
8 number 7324, and terms and conditions imposed thereby. If one person serves in more than one  
9 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's  
10 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
11 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
12 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in  
13 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
14 in case number 7324, and the terms and conditions imposed thereby.

15 If respondent works for or is employed by or through an employment service, respondent  
16 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
17 of the decision in case number 7324, and the terms and conditions imposed thereby in advance of  
18 respondent commencing work at such licensed entity. A record of this notification must be  
19 provided to the board upon request.

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

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

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

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

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

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

**7. Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, respondent shall pay to the board its costs of investigation and prosecution in the amount of \$4,088.75. Respondent shall be permitted to pay these costs in a payment plan approved by the board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation.

**8. Probation Monitoring Costs**

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

**9. Status of License**

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

If respondent's Pharmacy Technician Registration expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.



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

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

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

11. **Certification Prior to Resuming Work**

Respondent shall be suspended, and shall not work as a pharmacy technician, until she has been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has submitted proof of certification to the board, and has been notified by the board or its designee that she may begin work. Failure to achieve certification within six (6) months of the effective date shall be considered a violation of probation.

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

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

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

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

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

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 100 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, respondent must nonetheless comply with all terms and conditions of probation, unless respondent receives a waiver in writing from the board or its designee.

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

It is a violation of probation for respondent's probation to be extended pursuant to the 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 by  
3 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 and who will coordinate and monitor any prescriptions for  
24 Respondent for dangerous drugs and/or dangerous devices, controlled substances or mood-  
25 altering drugs. The approved practitioner shall be provided with a copy of the board's Accusation  
26 and decision. A record of this notification must be provided to the board or its designee upon  
27 request. Respondent shall sign a release authorizing the practitioner to communicate with the  
28 board or its designee about respondent's treatment(s). The coordinating physician, nurse

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

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

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

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

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

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

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

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

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

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

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Nicole Weil, Esq. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 02/02/2023

  
Margie Trout (Feb 2, 2023 17:43 PST)

MARGIE BRIANNA TROUT  
Respondent

I have read and fully discussed with Respondent Margie Brianna Trout the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 02/02/2023

  
NICOLE WEIL, ESQ.  
Attorney for Respondent

**ENDORSEMENT**

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

DATED: February 3, 2023

Respectfully submitted,

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GREGORY J. SALUTE  
Supervising Deputy Attorney General



STEPHEN A. ARONIS  
Deputy Attorney General  
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SD2022801472

**Exhibit A**

**Accusation No. 7324**

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

13 In the Matter of the Accusation Against:

Case No. 7324

14 **MARGIE BRIANNA TROUT**  
15 **2826 1/2 Prospect Street**  
**National City, CA 91950**

**ACCUSATION**

16 **Pharmacy Technician Registration No.**  
17 **TCH 172080**

Respondent.

19  
20  
21 **PARTIES**

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

24 2. On or about April 17, 2019, the Board issued Pharmacy Technician Registration  
25 Number TCH 172080 to Margie Brianna Trout (Respondent). The Pharmacy Technician  
26 Registration was in full force and effect at all times relevant to the charges brought herein and  
27 will expire on June 30, 2024, unless renewed.

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5. Code section 4300.1 states:

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1           8.     Code section 493 states:

2               (a) Notwithstanding any other law, in a proceeding conducted by a board within  
3               the department pursuant to law to deny an application for a license or to suspend or  
4               revoke a license or otherwise take disciplinary action against a person who holds a  
5               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.

6               (b) (1) Criteria for determining whether a crime is substantially related to the  
7               qualifications, functions, or duties of the business or profession the board regulates  
              shall include all of the following:

8                       (A) The nature and gravity of the offense.

9                       (B) The number of years elapsed since the date of the offense.

10                      (C) The nature and duties of the profession.

11               (2) A board shall not categorically bar an applicant based solely on the type  
12               of conviction without considering evidence of rehabilitation.

13               (c) As used in this section, “license” includes “certificate,” “permit,” “authority,”  
14               and “registration.”

15               ...

16               (e) This section shall become operative on July 1, 2020.

17           9.     Code section 4301 states:

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

27               ...

28               (i) 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 of a violation of the statutes of this state 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

1 dangerous drugs, to determine if the conviction is of an offense substantially related to  
2 the qualifications, functions, and duties of a licensee under this chapter. A plea or  
3 verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a  
4 conviction within the meaning of this provision. The board may take action when the  
5 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.

6 ....

### 7 **REGULATORY PROVISIONS**

8 10. California Code of Regulations, title 16, section 1769, subdivision (c), states:

9 When considering the suspension or revocation of a facility or a personal  
10 license on the ground that the licensee has been convicted of a crime, the board will  
11 consider whether the licensee made a showing of rehabilitation and is presently fit for  
12 a license, if the licensee completed the criminal sentence at issue without a violation  
13 of parole or probation. In making this determination, the board will consider the  
14 criteria in subdivisions (b)(1)(A) through (E). If the licensee has not completed the  
criminal sentence at issue without a violation of parole or probation or the board  
determines that the licensee did not make the showing of rehabilitation based on the  
criteria in subdivisions (b)(1)(A) through (E), the board will apply the following  
criteria in evaluating the licensee's rehabilitation:

15 (1) Nature and gravity of the act(s) or offenses.

16 (2) Total criminal record.

17 (3) The time that has elapsed since commission of the act(s) or offenses.

18 (4) Whether the licensee has complied with all terms of parole, probation,  
restitution or any other sanctions lawfully imposed against the licensee.

19 (5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

20 (6) Evidence, if any, of rehabilitation submitted by the licensee, including as  
21 provided in the board's Disciplinary Guidelines, identified in section 1760.

22 11. California Code of Regulations, title 16, section 1770, states:

23 (a) For the purpose of denial, suspension, or revocation of a personal or facility  
24 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the  
25 Business and Professions Code, a crime, professional misconduct, or act shall be  
26 considered substantially related to the qualifications, functions or duties of the  
27 practice, profession, or occupation that may be performed under the license type  
sought or held if to a substantial degree it evidences present or potential unfitness of  
an applicant or licensee to perform the functions authorized by the license in a  
manner consistent with the public health, safety, or welfare.

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1 (b) In making the substantial relationship determination required under  
2 subdivision (a) for a crime, the board will consider the following criteria:

3 (1) The nature and gravity of the offense;

4 (2) The number of years elapsed since the date of the offense; and

5 (3) The nature and duties of the practice, profession, or occupation that  
6 may be performed under the license type sought or held.

7 (c) For purposes of subdivision (a), substantially related crimes, professional  
8 misconduct, or acts shall include, but are not limited to, those which:

9 ...

10 (5) Involve a conviction for driving under the influence of drugs or  
11 alcohol.

### 12 **COST RECOVERY**

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

### 19 **FIRST CAUSE FOR DISCIPLINE**

#### 20 **(January 5, 2022 Criminal Conviction for DUI on April 14, 2021)**

21 13. Respondent has subjected her pharmacy technician registration to disciplinary action  
22 under Code sections 490 and 4301, subdivision (I), because she was convicted of a crime that is  
23 substantially related to the qualifications, functions, and duties of a registered pharmacy  
24 technician. On January 5, 2022, in a criminal proceeding entitled *The People of the State of*  
25 *California v. Margie Brianna Trout*, in San Diego County Superior Court, Case Number  
26 M275581, Respondent pled guilty and was convicted of driving under the influence (DUI) of  
27 alcohol while having a blood alcohol concentration (BAC) of 0.08 percent and more (Veh. Code,  
28 § 23152, subd. (b)), a misdemeanor. An additional count of DUI (Veh. Code, § 23152, subd. (a))  
was dismissed pursuant to the plea agreement. The court suspended the imposition of  
Respondent's sentence and granted her summary probation for five years, with standard alcohol



1 conditions. Respondent was ordered to complete a three-month First Conviction DUI Program,  
2 40 hours of community service, and the Mothers Against Drunk Driving (MADD) Victim Impact  
3 Panel. Respondent was further ordered to attend one self-help meeting per week for three  
4 months, and to pay various court fines, fees and restitution.

5 14. The circumstances that led to the conviction are that on April 14, 2021, at about 11:23  
6 p.m., officers with the San Diego Police Department responded to a reported hit and run vehicle  
7 collision. Upon their arrival, officers located a parked vehicle with significant damage to the  
8 front passenger side. An officer approached the vehicle and observed a female, later identified as  
9 Respondent, asleep in the passenger's seat with her head outside the window. Respondent was  
10 unresponsive and it took the officer several attempts to wake her up. While speaking with  
11 Respondent, the officer detected the strong odor of alcohol emitting from Respondent's breath  
12 and noticed that Respondent had glassy, watery eyes, and her clothes appeared disheveled.  
13 Respondent was observed swaying and having a difficult time maintaining her balance during the  
14 DUI investigation. Respondent admitted to consuming alcoholic beverages prior to driving and  
15 further admitted to being involved in a collision before deciding to park her vehicle. When asked  
16 how much alcohol she drank, Respondent stated that it was "probably too much." The officer  
17 then conducted a series of field sobriety tests which Respondent was unable to perform as  
18 explained and demonstrated. Respondent consented to a preliminary alcohol screening test,  
19 administered at approximately 12:10 a.m., which registered Respondent's BAC at .16% and  
20 .158%. Respondent was arrest for DUI. During processing, Respondent provided a blood  
21 sample, taken at approximately 1:13 a.m., which was analyzed and returned a BAC result of  
22 .161%.

### 23 **SECOND CAUSE FOR DISCIPLINE**

#### 24 **(Dangerous Use of Alcohol on April 14, 2021)**

25 15. Respondent has subjected her pharmacy technician registration to disciplinary action  
26 under Code sections 490 and 4301, subdivision (h), because she used alcohol in a manner  
27 dangerous to herself and others, as set forth above in paragraphs 13 and 14 above, incorporated  
28 herein by reference.

**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 172080, issued to Respondent Margie Brianna Trout;

2. Ordering Respondent Margie Brianna Trout to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 10/10/2022

Signature on File

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

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