

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

In the Matter of the Accusation Against:

**EDIE MARIE JOHN
Pharmacy Technician Registration No. TCH 106042**

Respondent.

Agency Case No. 7388

OAH NO. 2023080312

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 February 7, 2024.

It is so ORDERED on January 8, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

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13 In the Matter of the Accusation Against:

14 **EDIE MARIE JOHN**
15 **P.O. Box 1622**
Ojai, CA 93024

16 **Pharmacy Technician Registration No.**
17 **TCH 106042**

18 Respondent.

Case No. 7388
OAH No. 2023080312

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

21 **PARTIES**

22 1. Anne Sodergren (complainant) is the Executive Officer of the Board of Pharmacy
23 (board). She brought this action solely in her official capacity and is represented in this matter by
24 Rob Bonta, Attorney General of the State of California, by Matthew A. King, Deputy Attorney
25 General.

26 2. Respondent Edie Marie John (respondent) is represented in this proceeding by
27 attorney Peter R. Osinoff of Bonne Bridges Mueller O'Keefe & Nichols, whose mailing address
28 is 355 South Grand Avenue, Suite 1750, Los Angeles, California 90071.

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 7388.

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 understands
12 and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the
13 time the board considers and acts upon it. If the board fails to adopt this stipulation as its Decision
14 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except
15 for this paragraph, it shall be inadmissible in any legal action between the parties, and the board
16 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:

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 106042
3 issued to respondent Edie Marie John is revoked. However, the revocation is stayed and
4 respondent is placed on probation for five (5) years on the following terms and conditions:

5 **1. Obey All Laws**

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

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

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

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

21 **2. Report to the Board**

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

26 Failure to submit timely reports in a form as directed shall be considered a violation of
27 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
28 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 7388 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 employment.
26 Respondent shall sign and return to the board a written consent authorizing the board or its
27 designee to communicate with all of respondent's employer(s) and supervisor(s), and authorizing
28 those employer(s) or supervisor(s) to communicate with the board or its designee, concerning

1 respondent's work status, performance, and monitoring. Failure to comply with the requirements
2 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 7388, 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 7388, 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 7388, 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 7388, and the terms and conditions imposed thereby. It shall be respondent's
25 responsibility to 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.

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

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

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

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

10 **7. Reimbursement of Board Costs**

11 As a condition precedent to successful completion of probation, respondent shall pay to the
12 board its costs of investigation and prosecution in the amount of \$2,500. Respondent shall make
13 full payment within 30 days of the effective date of the board's decision or according to a board-
14 approved payment plan. Respondent shall be permitted to pay these costs in a payment plan
15 approved by the board or its designee, so long as full payment is completed no later than one (1)
16 year prior to the end date of probation. There shall be no deviation from any board-approved
17 payment plan absent prior written approval by the board or its designee. Failure to pay costs by
18 the deadline(s) as directed shall be considered a violation of probation.

19 **8. Probation Monitoring Costs**

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

24 **9. Status of License**

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

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

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

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

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

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

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

27 During suspension, respondent shall not enter any pharmacy area or any portion of any
28 other board-licensed premises of a wholesaler, third-party logistics provider, veterinary food-

1 animal drug retailer or any other distributor of drugs which is licensed by the board, or any
2 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled
3 substances are maintained.

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

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

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

13 **12. Practice Requirement—Extension of Probation**

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

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

1 It is a violation of probation for respondent's probation to be extended pursuant to the
2 provisions of this condition for a total period, counting consecutive and non-consecutive months,
3 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
4 probation period on its website.

5 **13. Violation of Probation**

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

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

19 **14. Completion of Probation**

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

22 **15. Drug and Alcohol Testing**

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

1 participate in testing for the entire probation period and frequency of testing will be determined
2 by the board or its designee.

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

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

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

25 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its
26 designee may require respondent to timely provide documentation from a licensed practitioner
27 authorized to prescribe the detected substance demonstrating that the substance was administered
28 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such

1 documentation shall be provided by respondent within ten (10) days of being requested.

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

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

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

1 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

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

5 **16. Notification of Departure**

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

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

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

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

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

1 designee about respondent's treatment(s). The coordinating physician, nurse practitioner,
2 physician assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of
3 probation regarding respondent's compliance with this condition. If any substances considered
4 addictive have been prescribed, the report shall identify a program for the time limited use of any
5 such substances. The board or its designee may require that the single coordinating physician,
6 nurse practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or
7 consult a specialist in addictive medicine. Should respondent, for any reason, cease supervision
8 by the approved practitioner, respondent shall notify the board or its designee immediately and,
9 within thirty (30) days of ceasing supervision, submit the name of a replacement physician, nurse
10 practitioner, physician assistant, or psychiatrist of respondent's choice to the board or its designee
11 for its prior approval. Failure to timely submit the selected practitioner or replacement
12 practitioner to the board or its designee for approval, or to ensure the required quarterly reporting
13 thereby, shall be considered a violation of 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 **20. No Ownership or Management of Licensed Premises**

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

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21. **Criminal Probation/Parole Reports**

1 Within ten (10) days of the effective date of this decision, or within ten (10) days of the
2 issuance or assignment/replacement of same, whichever is earlier, respondent shall provide the
3 board or its designee in writing: a copy of the conditions of any criminal probation/parole
4 applicable to respondent; and the name and contact information of any probation, parole or
5 similar supervisory officer assigned to respondent. Respondent shall provide a copy of all
6 criminal probation/parole reports to the board within ten (10) days after such report is issued.
7 Failure to timely make any of the submissions required hereby shall be considered a violation of
8 probation.

9 **ACCEPTANCE**

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
11 discussed it with my attorney, Peter R. Osinoff of Bonne Bridges Mueller O’Keefe & Nichols. I
12 understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I
13 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
14 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.
15

16
17 DATED: _____
18 EDIE MARIE JOHN
19 Respondent

20 I have read and fully discussed with my client, respondent Edie Marie John, the terms and
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
22 I approve its form and content.

23
24 DATED: _____
25 PETER R. OSINOFF
26 Bonne Bridges Mueller O’Keefe & Nichols Attorney
for Respondent

27 ///
28 ///

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13 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
14 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.
15

16
17 DATED: 11/16/23 Edie Marie John
18 EDIE MARIE JOHN
19 Respondent

20 I have read and fully discussed with my client, respondent Edie Marie John, the terms and
21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
22 I approve its form and content.

23
24 DATED: 11/16/23 [Signature]
25 PETER R. OSINOFF
26 Bonne Bridges Mueller O’Keefe & Nichols Attorney
for Respondent

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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,
ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: November 16, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General



MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7388

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 SHAWN P. COOK
Supervising Deputy Attorney General
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5 Los Angeles, CA 90013
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E-mail: Shawn.Cook@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7388

13 **EDIE MARIE JOHN**

14 P.O. Box 1622
Ojai, CA 93024

ACCUSATION

15 **Pharmacy Technician Registration No.**
16 **TCH 106042**

17 Respondent.

18
19 **PARTIES**

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

22 2. On or about December 23, 2010, the Board issued Pharmacy Technician Registration
23 Number TCH 106042 to Edie Marie John (Respondent). The Pharmacy Technician Registration
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 June 30, 2024, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 4300 of the Code provides, in pertinent part, that every license issued by the
6 Board is subject to discipline including suspension or revocation.

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 490 of the Code of the Code provides, in pertinent part, that a board may
14 suspend or revoke a license on the ground that the licensee has been convicted of a crime
15 substantially related to the qualifications, functions, or duties of the business or profession for
16 which the license was issued.

17 7. Section 4301 of the Code states, in pertinent part:

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

20 . . .

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

24 . . .

25 (l) The conviction of a crime substantially related to the qualifications,
26 functions, and duties of a licensee under this chapter. The record of conviction of a
27 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
28 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

1 inquire into the circumstances surrounding the commission of the crime, in order to
2 fix the degree of discipline or, in the case of a conviction not involving controlled
3 substances or dangerous drugs, to determine if the conviction is of an offense
4 substantially related to the qualifications, functions, and duties of a licensee under this
5 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
6 contendere is deemed to be a conviction within the meaning of this provision. The
7 board may take action when the time for appeal has elapsed, or the judgment of
8 conviction has been affirmed on appeal or when an order granting probation is made
9 suspending the imposition of sentence, irrespective of a subsequent order under
10 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
11 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
12 dismissing the accusation, information, or indictment.

13 ...

14 **REGULATORY PROVISIONS**

15 8. California Code of Regulations, title 16, section 1770(a), states:

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

24 **COST RECOVERY**

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

29 **FIRST CAUSE FOR DISCIPLINE**

30 **(June 24, 2022 Criminal Conviction - DUI on March 27, 2022)**

31 10. Respondent is subject to disciplinary action under Code sections 490 and 4301(I), in
32 conjunction with California Code of Regulations, title 16, section 1770(a), in that on or about
33 June 24, 2022, in a criminal proceeding entitled *The People of the State of California vs. Edie*
34 *Marie John*, in Superior Court of California, County of Ventura, Case No. 2022007416,

1 Respondent was convicted of violating Vehicle Code section 23152(a) (driving while under the
2 influence of any alcoholic beverage), a misdemeanor. Respondent also admitted to the special
3 allegation of Vehicle Code section 23578 (BAC of .15% and higher). Respondent was sentenced
4 to serve one (1) day in jail, placed on probation for 36 months with terms and conditions, ordered
5 to complete a DUI program, and pay fines and fees.

6 11. The circumstances surrounding the conviction are that on or about March 27, 2022, at
7 approximately 1:05 a.m., a Ventura County Sheriff's Office deputy responded to a traffic
8 collision involving Respondent. Upon speaking to Respondent, the deputy noticed an unsteady
9 balance, the odor of an alcoholic beverage emitting from her person, and slow and slurred speech.
10 Respondent admitted to drinking alcoholic beverages prior to driving. The officer placed
11 Respondent under arrest at approximately 1:45 a.m. Respondent was transported to a local
12 hospital where she submitted to a blood sample that revealed a blood alcohol concentration of
13 0.164%.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Dangerous Use of Alcohol)**

16 12. Respondent is subject to disciplinary action under Code section 4301(h), on the
17 grounds of unprofessional conduct, in that on or about March 27, 2022, Respondent used
18 alcoholic beverages to the extent or in a manner as to be dangerous or injurious to herself or to
19 any other person or to the public, as alleged above in paragraph 11.

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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 106042, issued to Edie Marie John;
- 2. Ordering Edie Marie John 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: 11/21/2022

Sodergren,
 Anne@DCA
 ANNE SODERGREN
 Executive Officer
 Board of Pharmacy
 Department of Consumer Affairs
 State of California
Complainant

Digitally signed by Sodergren,
 Anne@DCA
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