

1
2
3
4
5
6
7
8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7523

13 **SHELBI MARIE BAUMGARDNER**
14 934 Summer St.
Eureka, CA 95501

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician No. TCH 184382,**

[RESPONDENT SINES ONLY]

16 **CHRISTOPHER OWEN TOWNSEND**
17 1033 B St. #D
Eureka, CA 95501

[Gov. Code, §11520]

18 **Pharmacy Technician No. TCH 185360,**

19 **ALONA DAWN SINES**
20 PO Box 78
Fields Landing, CA 95537

21 **Pharmacy Technician No. TCH 185266,**

22 Respondents.

23
24 **FINDINGS OF FACT**

25 1. On or about September 7, 2023, Complainant Anne Sodergren, in her official
26 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
27 filed Accusation No. 7523 against Shelbi Marie Baumgardner, Christopher Owen Townsend, and
28 Alona Dawn Sines (Respondents) before the Board of Pharmacy. (Accusation attached as Exhibit

1 A.) This Default Decision and Order applies to Respondent Alona Dawn Sines (Respondent
2 Sines) only.

3 2. On or about October 28, 2021, the Board of Pharmacy (Board) issued Pharmacy
4 Technician Registration No. TCH 185266 to Respondent Sines. The Pharmacy Technician
5 Registration expired on February 28, 2023, and has not been renewed.

6 3. On or about October 19, 2023, Respondent was served by Certified and First Class
7 Mail copies of the Accusation No. 7523, Statement to Respondent, Notice of Defense, Request
8 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
9 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
10 section 4100, is required to be reported and maintained with the Board. Respondent's address of
11 record was and is: PO Box 78, Fields Landing, CA 95537.

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

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

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

20 6. The Board takes official notice of its records and the fact that Respondent failed to
21 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
22 waived her right to a hearing on the merits of Accusation No. 7523.

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

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

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

1 finds that the charges and allegations in Accusation No. 7523, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 9. The Board finds that the actual costs for Investigation in this matter are \$5868.50, and
4 that Prosecution Costs as of November 15, 2023, are \$3,600.00, for total costs of \$9,468.50.
5 Respondent Sines portion (one-third of total costs to date) equals \$3,156.16.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Alona Dawn Sines has subjected
8 her Pharmacy Technician Registration No. TCH 185266 to discipline.

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

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

13 a. Bus. & Prof. Code, § 4301, subdivisions (a), (j), and/or (o), and/or California Code of
14 Regulations, title 16, section 1793.6, subdivision (c): failure to meet the training requirements to
15 obtain licensure as pharmacy technician.

16 **ORDER**

17 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 185266, issued to
18 Respondent Alona Dawn Sines, is revoked.

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

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

2 This Decision shall become effective at 5:00 p.m. on February 1, 2024.

3 It is so ORDERED on January 2, 2024.

4 FOR THE BOARD OF PHARMACY
5 DEPARTMENT OF CONSUMER AFFAIRS
6 STATE OF CALIFORNIA

7
8
9 By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light gray rectangular background. The signature is fluid and cursive.

10
11 Seung W. Oh, Pharm. D.
12 Board President

13 43959918.DOCX
14 DOJ Matter ID:SF2023400813

15 Attachment:
16 Exhibit A: Accusation
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 CHRISTOPHER M. YOUNG
Deputy Attorney General
4 State Bar No. 238532
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3554
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 7523

13 **SHELBI MARIE BAUMGARDNER**
934 Summer St.
14 Eureka, CA 95501

ACCUSATION

15 **Pharmacy Technician No. TCH 184382,**

16 **CHRISTOPHER OWEN TOWNSEND**
1033 B St. #D
17 Eureka, CA 95501

18 **Pharmacy Technician No. TCH 185360,**

19 **ALONA DAWN SINES**
PO Box 78
20 Fields Landing, CA 95537

21 **Pharmacy Technician No. TCH 185266,**

22 Respondents.
23

24 **PARTIES**

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

27 2. On or about September 28, 2021, the Board issued Pharmacy Technician Registration
28 Number TCH 184382 to Shelbi Marie Baumgardner (Respondent Baumgardner). The Pharmacy

1 Technician Registration was in full force and effect at all times relevant to the charges brought
2 herein and expired on April 30, 2023.

3 3. On or about November 30, 2021, the Board of Pharmacy issued Pharmacy Technician
4 Registration Number TCH 185360 to Christopher Owen Townsend (Respondent Townsend).
5 The Pharmacy Technician Registration was in full force and effect at all times relevant to the
6 charges brought herein and will expire on August 31, 2023, unless renewed.

7 4. On or about October 28, 2021, the Board of Pharmacy issued Pharmacy Technician
8 Registration Number TCH 185266 to Alona Dawn Sines (Respondent Sines). The Pharmacy
9 Technician Registration was canceled on February 28, 2023, and has not been renewed.

10 **JURISDICTION**

11 5. This Accusation is brought before the Board under the authority of the following
12 laws. All section references are to the Business and Professions Code (Code) unless otherwise
13 indicated.

14 6. Code section 4011 provides that the Board shall administer and enforce the Pharmacy
15 Law [Bus. & Prof. Code, § 4000 et seq.]. Further pursuant to Code section 4011, the Board also
16 administers and enforces the Uniform Controlled Substances Act.

17 7. Code section 4300, subdivision (a), provides that every license issued by the Board
18 may be suspended or revoked.

19 8. Code section 4300.1 provides that the expiration, cancellation, forfeiture, suspension,
20 or voluntary surrender of a license “shall not deprive the board of jurisdiction to commence or
21 proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to
22 render a decision suspending or revoking the license.”

23 9. Code section 4307 states:

24 (a) Any person who has been denied a license or whose license has been
25 revoked or is under suspension, or who has failed to renew his or her license while it
26 was under suspension, or who has been a manager, administrator, owner, member,
27 officer, director, associate, partner, or any other person with management or control
28 of any partnership, corporation, trust, firm, or association whose application for a
license has been denied or revoked, is under suspension or has been placed on
probation, and while acting as the manager, administrator, owner, member, officer,
director, associate, partner, or any other person with management or control had
knowledge of or knowingly participated in any conduct for which the license was

denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

(b) Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

STATUTORY PROVISIONS

10. Code section 4202 states, in pertinent part:

(a) The board may issue a pharmacy technician license to an individual if the applicant is a high school graduate or possesses a general educational development certificate equivalent, and meets any one of the following requirements:

...

(2) Has completed a course of training specified by the board.

...

11. Code section 4301 states, in pertinent part:

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

(a) Procurement of a license by fraud or misrepresentation.

...

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

...

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

...

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1793.6, provides:

A course of training that meets the requirements of Business and Professions Code section 4202(a)(2) is:

(a) Any pharmacy technician training program accredited by the American Society of Health-System Pharmacists,

(b) Any pharmacy technician training program provided by a branch of the federal armed services for which the applicant possesses a certificate of completion, or

(c)

(1) Any other course that provides a training period of at least 240 hours of instruction covering at least the following:

(A) Knowledge and understanding of different pharmacy practice settings.

(B) Knowledge and understanding of the duties and responsibilities of a pharmacy technician in relationship to other pharmacy personnel and knowledge of standards and ethics, laws and regulations governing the practice of pharmacy.

(C) Knowledge and ability to identify and employ pharmaceutical and medical terms, abbreviations and symbols commonly used in prescribing, dispensing and record keeping of medications.

(D) Knowledge of and the ability to carry out calculations required for common dosage determination, employing both the metric and apothecary systems.

(E) Knowledge and understanding of the identification of drugs, drug dosages, routes of administration, dosage forms and storage requirements.

(F) Knowledge of and ability to perform the manipulative and record-keeping functions involved in and related to dispensing prescriptions.

(G) Knowledge of and ability to perform procedures and techniques relating to manufacturing, packaging, and labeling of drug products.

(2) In addition to the content of coursework specified in subdivision (c)(1), the course of training must also satisfy all of the following:

(A) Prior to enrollment in any classes or admission into the course of training, an administrator or instructor shall inform applicants of the criminal background check required for a pharmacy technician license per Business and

1 Professions Code section 4202(c). An administrator or instructor shall counsel
2 applicants about the negative impact to securing licensure if the criminal
background check reveals that the applicant has committed acts that would
constitute grounds for denial of licensure.

3 (B) Prior to enrollment in any classes or admission into the course of
4 training, an administrator or instructor shall inform applicants that the course of
training includes practical training at a pharmacy which may require the applicant to
5 undergo drug screening for illicit drug use. The administrator or instructor shall
counsel applicants about the negative impact of a positive drug screen, including
6 eligibility to continue the course of training and eligibility for licensure.

7 (C) Require students to be at least 18 years of age prior to enrolling in any
course work involving practical training, such as an externship or any other training
8 equivalent to pharmacy technician trainee placement as defined by Business and
Professions Code section 4038, 4115, 4115, and 4115.5.

9 (D) Require a final examination that demonstrates students' understanding
10 and ability to perform or apply each subject area identified in subdivision (1) above.

11 **COST RECOVERY**

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

16 **FACTUAL ALLEGATIONS**

17 14. Respondents Baumgardner, Townsend, and Sines worked at a Walgreens Pharmacy
18 (#05863) in Eureka, California. Respondents applied for and were licensed as pharmacy
19 technicians by the Board following their attestations that they had completed 240 hours training
20 and coursework.

21 15. Walgreens is accredited by the American Society of Health-System Pharmacists
22 (ASHP) to operate a training program allowing trainees to apply for licenses with the Board as
23 pharmacy technicians. Walgreens maintains the ASHP Pharmacy Technician Training Program,
24 during which trainees complete the ASHP Pharmacy Technician Training Activity Workbook.
25 ASHP approved training requires a total of 120 didactic training hours. Qualified training
26 programs must cover the specific criteria for training covered in California Code of Regulations,
27 title 16, section 1793.6, subdivision (c).
28

16. Respondents Baumgardner, Townsend, and Sines did not complete ASHP training with Walgreens and did not provide ASHP Workbooks to the Inspector when requested. Instead, all three worked in the pharmacy, and after working 240+ hours, their pharmacist-in-charge represented to the Board that all had completed a 240-hour training course to qualify for licensure as pharmacy technicians under California Code of Regulations, title 16, section 1793.6, subdivision (c).

17. The training records provided by Walgreens show that Respondent Townsend completed 20 hours of ASHP virtual training in 2018, and Respondent Sines completed 12 hours of ASHP virtual training in 2016. No didactic training records were provided for Respondent Baumgardner. None of the Respondents completed the required 120 total hours of didactic training.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

18. Respondents Baumgardner, Townsend, and Sines are subject to disciplinary action under Code section 4301, subdivisions (a), (j), and/or (o), and/or California Code of Regulations, title 16, section 1793.6, subdivision (c), in that Respondents did not meet the training requirements to obtain licensure as pharmacy technicians, as stated above in paragraphs 14-17 and incorporated 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 184382, issued to Shelbi Marie Baumgardner;

2. Revoking or suspending Pharmacy Technician Registration Number TCH 185360,
issued to Christopher Owen Townsend;

3. Revoking or suspending Pharmacy Technician Registration Number TCH 185266,
issued to Alona Dawn Sines;

1 4. Ordering Shelbi Marie Baumgardner, Christopher Owen Townsend, and Alona Dawn
2 Sines to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of
3 this case, pursuant to Business and Professions Code section 125.3; and,

4 5. Taking such other and further action as deemed necessary and proper.
5

6
7 DATED: 9/7/2023
8

Sodergren,
Anne@DCA
Digitally signed by
Sodergren, Anne@DCA
Date: 2023.09.07 19:42:21
-07'00'

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

9
10
11
12
13 SF2023400813
14 43795263.docx
15
16
17
18
19
20
21
22
23
24
25
26
27
28