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

In the Matter of the Accusation Against:

**DEBORAH LEE JONES
PO Box 913
Angwin, CA 94508**

**Pharmacy Technician License No. TCH
74516**

Respondent.

Case No. 7761

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 29, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7761 against Deborah Lee Jones (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about February 16, 2007, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 74516 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7761 and will expire on December 31, 2024, unless renewed. On May 14, 2024, Administrative Law Judge

1 Juliet E. Cox granted the Complaint's petition and issued an Interim Suspension Order,
2 suspending Respondent's Pharmacy Technician License.

3 3. On or about May 30, 2024, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. 7761, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
7 is required to be reported and maintained with the Board. Respondent's addresses of record was
8 and is: PO Box 913 Angwin, CA 94508. In addition, Respondent was also served by Certified
9 and First Class Mail to two other addresses know to the Board: 442 ½ Calle Miramar Redondo
10 Beach, CA 90277, and 610 White Cottage Road N. Angwin, CA 94508.

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

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

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

19 6. The Board takes official notice of its records and the fact that Respondent failed to
20 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
21 waived her right to a hearing on the merits of Accusation No. 7761.

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

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

27 8. Pursuant to its authority under Government Code section 11520, the Board finds
28 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,
finds that the charges and allegations in Accusation No. 7761, are separately and severally, found
to be true and correct by clear and convincing evidence.

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Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 MARIE C. BRYANT
Deputy Attorney General
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E-mail: Marie.Bryant@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. 7761

13 **DEBORAH LEE JONES**
14 **PO Box 913**
Angwin, CA 94508

ACCUSATION

15 **Alternate addresses:**
16 **442 ½ Calle Miramar**
Redondo Beach, CA 90277:

17 **610 White Cottage Road N.**
18 **Angwin, CA 94508**

19 **Pharmacy Technician License No. TCH 74516**

20 Respondent.

21
22 **PARTIES**

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

25 2. On or about February 16, 2007, the Board issued Pharmacy Technician License No.
26 TCH 74516 to Deborah Lee Jones (Respondent). The Pharmacy Technician License was in full
27 force and effect at all times relevant to the charges brought herein and will expire on December
28 31, 2024, unless renewed. On May 14, 2024, Administrative Law Judge Juliet E. Cox granted the

1 Complaint's petition and issued an Interim Suspension Order, suspending respondent's Pharmacy
2 Technician License.

3 **JURISDICTION**

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

6 4. Section 4011 of the Code provides that the Board shall administer and enforce both
7 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
8 Act [Health & Safety Code, § 11000 et seq.].

9 5. Section 4300, subdivision (a), of the Code provides that every license issued by the
10 Board may be suspended or revoked.

11 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
12 suspension of a Board-issued license, the placement of a license on a retired status, or the
13 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
14 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
15 licensee or to render a decision suspending or revoking the license.

16 7. Section 4307, subdivision (a), of the Code states that:

17 Any person who has been denied a license or whose license has been revoked
18 or is under suspension, or who has failed to renew his or her license while it was
19 under suspension, or who has been a manager, administrator, owner, member, officer,
20 director, associate, or partner of any partnership, corporation, firm, or association
21 whose application for a license has been denied or revoked, is under suspension or
22 has been placed on probation, and while acting as the manager, administrator, owner,
23 member, officer, director, associate, or partner had knowledge or knowingly
24 participated in any conduct for which the license was denied, revoked, suspended, or
25 placed on probation, shall be prohibited from serving as a manager, administrator,
26 owner, member, officer, director, associate, or partner 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.

26 **STATUTORY PROVISIONS**

27 8. Section 490, subdivision (a), of the Code states:

28 (a) In addition to any other action that a board is permitted to take against a

licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

9. Section 4301 of the Code states, in relevant 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 shall include, but is not limited to, any of the following:

.....

(h) The administering to oneself, of any controlled substance, or the use of a dangerous drug or alcoholic beverages to the extent or in manner as to be 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.

.....

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record 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 dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed or 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 their plea of guilty and enter a plea of not guilty, or setting aside the verdict of the guilty, or dismissing the accusation information, or indictment.

REGULATORY PROVISIONS

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

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the 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.

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

- 1 (1) The nature and gravity of the offense;
2 (2) The number of years elapsed since the date of the offense; and
3 (3) The nature and duties of the practice, profession, or occupation that may be
4 performed under the license type sought or held.

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

7 (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or
8 conspire to violate, any provision of law of this state, or any other jurisdiction,
9 governing the practice of pharmacy.

10 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or
11 conspire to violate, any provision of Chapter 13 (commencing with Section 801) of
12 Title 21 of the United States Code regulating controlled substances or any law of this
13 state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

14 (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or
15 conspire to violate, any provision of law of this state, or any other jurisdiction,
16 relating to government provided or government supported healthcare.

17 (4) Involve dishonesty, fraud, deceit, or corruption related to money, items,
18 documents, or personal information.

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

20 **COST RECOVERY**

21 10. Section 125.3 of the Code provides, in relevant part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation of the licensing
23 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of case,
24 with failure of the licentiate to comply subjecting the license to not being renewed or reinstated.
25 If a case settles, recovery of these costs may be included in a stipulated settlement.

26 **FACTUAL ALLEGATIONS**

27 **November 2023 Incident**

28 11. On or about November 21, 2023, Respondent was working as a pharmacy technician
at Adventist Health St. Helena Hospital Pharmacy.

12. On the day in question, Pharmacist in Charge (PIC) Tomlinson and Respondent rode
the elevator together shortly after Respondent started her shift. PIC Tomlinson observed an odor
of alcohol on Respondent's breath as they conversed.

14. Subsequently, PIC Tomlinson was approached by a pharmacy employee who stated
that two employees had reported an odor of alcohol on Respondent.

15. PIC Tomlinson asked Respondent to accompany him to the Human Resources Office,
where Respondent consented to a breathalyzer alcohol test administered by Director of

1 Occupational Medicine and Breath Alcohol Technician Fredrickson. The test revealed the
2 presence of alcohol, with a screening level of 0.153% and a confirmation level of 0.143%.

3 16. On or about January 9, 2024, when questioned by a Board inspector, Respondent
4 admitted to consuming vodka mixed with wine approximately twenty minutes before her 12:30
5 p.m. shift on the day in question.

6 17. On or about January 12, 2024, Respondent emailed the Board inspector a written
7 statement in which she admitted to being found at her place of employment smelling of alcohol.

8 **March 2023 Conviction**

9 18. On or about Sept 17, 2023, officers from the California Highway Patrol responded to
10 a single vehicle traffic collision on Calistoga Road at St. Helena Road in Santa Rosa.

11 19. Respondent was found asleep in the back of the vehicle and admitted to driving.
12 Respondent stated that she believed she drove off the side of the road after hitting rocks on the
13 right shoulder.

14 20. While speaking with Respondent, officers observed objective signs of alcohol
15 intoxication, including red/watery eyes, slurred speech, and an odor of alcohol emanating from
16 Respondent's breath. Respondent admitted to drinking alcohol before driving and failed to
17 perform field sobriety tests successfully.

18 22. Administration of an alcohol breathalyzer test revealed Respondent's blood alcohol
19 concentration (BAC) to be 0.24% and 0.26%.

20 23. On or about January 12, 2024, in a written statement to the Board, Respondent
21 admitted to consuming alcohol on Sept. 17, 2023, before attempting to drive home.

22 24. On or about March 13, 2024, in a criminal matter titled *People of the State of*
23 *California vs. Jones, Deborah Lee*, Case No. 23CR00913 in Sonoma County Superior Court,
24 Respondent pleaded no contest and was convicted of a misdemeanor violation of Vehicle Code
25 section 23152, subdivision (b) (Driving with a Blood Alcohol Content of .08 Percent or Higher)
26 Respondent further admitted a violation of Vehicle Code 23578 (BAC of .15 Percent or Higher).
27 Imposition of sentence was suspended and Respondent was placed on court probation for three
28

1 years with terms and conditions that included eight days in the county jail, completion of a 3
2 month First Offender Drinking Driver Program, restitution, and payment of court fines and fees.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Dangerous use of Alcohol)

5 25. Respondent has subjected her pharmacy technician license to disciplinary action
6 under Code section 4301, subdivision (h), in that, as described in paragraphs 11-23, she engaged
7 in unprofessional conduct by using alcoholic beverages to an extent or in a manner as to be
8 dangerous or injurious to herself, to any other person or to the public, or to the extent that the use
9 impaired her ability to conduct with safety to the public the practice authorized by the license.

10
11 **SECOND CAUSE FOR DISCIPLINE**

12 (Conviction of Substantially Related Crime)

13 26. Respondent has subjected her pharmacy technician license to disciplinary action
14 under Code section 490 and/or 4031, subdivision (l), in that, as described in paragraphs 18-24,
15 she was convicted of a crime substantially related to the qualifications, functions, or duties of a
16 registered pharmacy technician.

17
18 **OTHER MATTERS**

19 11. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy
20 Technician License No. TCH 74516 issued to Respondent, Respondent shall be prohibited from
21 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
22 licensee for five years if Pharmacy Technician License No. TCH 74516 is placed on probation or
23 until Pharmacy Technician License No. TCH 74516 is reinstated if revoked.

24
25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Pharmacy issue a decision:
28

1 1. Revoking or suspending Pharmacy Technician License Number TCH 74516, issued
2 to Deborah Lee Jones (Respondent);

3 2. Prohibiting Respondent from serving as a manager, administrator, owner, member,
4 officer, director, associate, or partner of a licensee for five years if Pharmacy Technician License
5 No. TCH 74516 is placed on probation or until that license is reinstated if it is revoked;

6 3. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of the
7 investigation and enforcement of this case, pursuant to Business and Professions Code section
8 125.3; and, if placed on probation, the costs of probation monitoring; and,

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

10
11 DATED: 5/29/2024

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2024.05.29 12:54:24
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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17 Jones, Deborah Accusation (revised)