

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

In the Matter of the Statement of Issues
Against:

Case No. 6520

TIFFANY ANNE SNEED

**Pharmacy Technician Registration
Applicant**

Respondent.

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 May 15, 2019.

It is so ORDERED on April 15, 2019.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Victor Law, R.Ph.
Board President

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

12
13 In the Matter of the Statement of Issues
Against:

14 **TIFFANY ANNE SNEED**
15 **Pharmacy Technician Registration**
16 **Applicant**

17 Respondent.

Case No. 6520

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
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 Interim Executive Officer of the Board of
23 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
24 this matter by Xavier Becerra, Attorney General of the State of California, by Kristina T. Jarvis,
25 Deputy Attorney General.

26 2. Tiffany Anne Sneed (Respondent) is representing herself in this proceeding and has
27 chosen not to exercise her right to be represented by counsel.

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1 3. On or about February 2, 2018, Respondent filed an application dated January 13,
2 2018, with the Board to obtain registration as a Pharmacy Technician.

3 JURISDICTION

4 4. Statement of Issues No. 6520 was filed before the Board, and is currently pending
5 against Respondent. The Statement of Issues and all other statutorily required documents were
6 properly served on Respondent on December 31, 2018.

7 5. A copy of Statement of Issues No. 6520 is attached as exhibit A and incorporated
8 herein by reference.

9 ADVISEMENT AND WAIVERS

10 6. Respondent has carefully read, and understands the charges and allegations in
11 Statement of Issues No. 6520. Respondent has also carefully read, and understands the effects of
12 this Stipulated Settlement and Disciplinary Order.

13 7. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
15 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the
16 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas
17 to compel the attendance of witnesses and the production of documents; the right to
18 reconsideration and court review of an adverse decision; and all other rights accorded by the
19 California Administrative Procedure Act and other applicable laws.

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

22 CULPABILITY

23 9. Respondent admits the truth of each and every charge and allegation in Statement of
24 Issues No. 6520.

25 10. Respondent agrees that her application for registration as a pharmacy technician is
26 subject to denial and she agrees to be bound by the Board's probationary terms as set forth in the
27 Disciplinary Order below.

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CONTINGENCY

1
2 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and settlement, without notice to
5 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
6 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
7 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
8 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
9 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
10 not be disqualified from further action by having considered this matter.

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

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

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

DISCIPLINARY ORDER

23
24 IT IS HEREBY ORDERED that pharmacy technician registration for Respondent Tiffany
25 Anne Sneed will be issued and immediately revoked. The revocation will be stayed and the
26 Respondent placed on three (3) years probation on the following terms and conditions.

27 1. **Obey All Laws**

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

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

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

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

15 2. Report to the Board

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

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

25 3. Interview with the Board

26 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
27 with the board or its designee, at such intervals and locations as are determined by the board or its
28 designee. Failure to appear for any scheduled interview without prior notification to board staff,

1 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
2 the period of probation, shall be considered a violation of probation.

3 **4. Cooperate with Board Staff**

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

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

11 During the period of probation, respondent shall notify all present and prospective
12 employers of the decision in case number 6520 and the terms, conditions and restrictions imposed
13 on respondent by the decision, as follows:

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

25 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
26 respondent undertaking any new employment, respondent shall cause (a) her direct supervisor, (b)
27 her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
28 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the

1 board in writing acknowledging that the listed individual(s) has/have read the decision in case
2 number 6520, and terms and conditions imposed thereby. If one person serves in more than one
3 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
4 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
5 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
6 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
7 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
8 in case number 6520, and the terms and conditions imposed thereby.

9 If respondent works for or is employed by or through an employment service, respondent
10 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
11 of the decision in case number 6520, and the terms and conditions imposed thereby in advance of
12 respondent commencing work at such licensed entity. A record of this notification must be
13 provided to the board upon request.

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

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

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

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

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

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

6 **7. Reimbursement of Board Costs**

7 As a condition precedent to successful completion of probation, respondent shall pay to the
8 board any remaining, unpaid costs of investigation and prosecution of the underlying Accusation
9 matter, which was originally ordered in the amount of \$2,847.50. Respondent shall make said
10 payments in accordance with a reasonable payment schedule established by the Board or its
11 designee.

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

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

18 **8. Probation Monitoring Costs**

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

23 **9. Status of License**

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

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1 If respondent's pharmacy technician registration expires or is cancelled by operation of law
2 or otherwise at any time during the period of probation, including any extensions thereof due to
3 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. Maintain Active, Current Certification**

22 Respondent shall maintain an active, current certification as defined by Business and
23 Professions Code section 4202, subdivision (a)(4), for the entire period of probation, and shall
24 submit proof of re-certification or renewal of certification to the board within ten (10) days of
25 receipt. Failure to maintain active, current certification or to timely submit proof of same shall be
26 considered a violation of probation.

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

2 Except during periods of suspension, respondent shall, at all times while on probation, be
3 employed as a pharmacy technician in California for a minimum of eighty (80) hours per calendar
4 month. Any month during which this minimum is not met shall extend the period of probation by
5 one month. During any such period of insufficient employment, respondent must nonetheless
6 comply with all terms and conditions of probation, unless respondent receives a waiver in writing
7 from the board or its designee.

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

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

21 **13. Violation of Probation**

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

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1 If respondent violates probation in any respect, the board, after giving respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
4 probation, or the preparation of an accusation or petition to revoke probation is requested from
5 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
6 probation shall be automatically extended until the petition to revoke probation or accusation is
7 heard and decided.

8 **14. Completion of Probation**

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

11 **15. Clinical Diagnostic Evaluation**

12 Within thirty (30) days of the effective date of this decision, and on a periodic basis
13 thereafter if required by the board or its designee, respondent shall undergo, at her own expense,
14 clinical diagnostic evaluation(s) by a practitioner selected or approved prior to the evaluation by
15 the board or its designee. The approved evaluator shall be provided with a copy of the board's
16 [accusation, petition to revoke probation, or other pleading] and decision. Respondent shall sign
17 a release authorizing the evaluator to furnish the board with a current diagnosis and a written
18 report regarding the respondent's judgment and ability to function independently as a pharmacy
19 technician with safety to the public. If the evaluator recommends restrictions or conditions on
20 respondent's practice, including but not limited to other terms and conditions listed in these
21 guidelines (e.g., required psychotherapy, inpatient treatment, prescription coordination and
22 monitoring, restricted practice), the board or its designee may by written notice to respondent
23 adopt any such restrictions or conditions as additional probation terms and conditions, violation
24 of which shall be considered a violation of probation. Failure to comply with any requirement or
25 deadline stated by this paragraph shall be considered a violation of probation.

26 If at any time the approved evaluator or therapist determines that respondent is unable to
27 practice safely or independently, the licensed mental health practitioner shall notify the board
28 immediately by telephone and follow up by written letter within three (3) working days. Upon

1 notification from the board or its designee of this determination, respondent shall be
2 automatically suspended and shall not resume practice until notified by the board or its designee
3 that practice may resume.

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

6 **16. Drug and Alcohol Testing**

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

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

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

26 Prior to any vacation or other period of absence from the area where the approved testing
27 vendor provides services, respondent shall seek and receive approval from the board or its
28 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,

1 respondent shall enroll and register with the approved alternate drug testing vendor, provide to
2 that alternate vendor any documentation required by the vendor, including any necessary payment
3 by respondent. During the period of absence of the area, respondent shall commence testing
4 protocols with the alternate vendor, including required daily contacts with the testing vendor to
5 determine if testing is required, and required testing. Any failure to timely seek or receive
6 approval from the board or its designee, or to timely enroll and register with, timely commence
7 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
8 considered a violation of probation.

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

14 Any of the following shall be considered a violation of probation and shall result in
15 respondent being immediately suspended from practice as a pharmacy technician until notified by
16 the board in writing that she may resume practice: failure to timely complete all of the steps
17 required for enrollment/registration with the drug testing vendor, including making arrangements
18 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing
19 vendor as required to determine testing date(s); failure to test as required; failure to timely supply
20 documentation demonstrating that a detected substance was taken pursuant to a legitimate
21 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
22 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
23 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
24 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
25 controlled substance or dangerous drug absent documentation that the detected substance was
26 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee
27 shall inform respondent of the suspension and inform her to immediately leave work, and shall
28 notify respondent's employer(s) and work site monitor(s) of the suspension.

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

10 During any such suspension, respondent shall not engage in any activity that requires the
11 professional judgment of and/or licensure as a pharmacy technician. Respondent shall not direct
12 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,
13 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

14 Failure to comply with any such suspension shall be considered a violation of probation.
15 Failure to comply with any requirement or deadline stated by this term shall be considered a
16 violation of probation.

17 **17. Notification of Departure**

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

22 **18. Abstain from Drugs and Alcohol**

23 Respondent shall completely abstain from the possession or use of alcohol, controlled
24 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
25 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
26 necessary part of treatment. Respondent shall ensure that she is not in the same physical location
27 as individuals who are using illicit substances even if respondent is not personally ingesting the
28 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled

1 substances, or their associated paraphernalia for which a legitimate prescription has not been
2 issued as a necessary part of treatment, or any physical proximity to persons using illicit
3 substances, shall be considered a violation of probation.

4 **19. Work Site Monitor**

5 Within ten (10) days of the effective date of this decision, respondent shall identify a work
6 site monitor, for prior approval by the board or its designee, who shall be responsible for
7 supervising respondent during working hours. Respondent shall be responsible for ensuring that
8 the work site monitor reports in writing to the board monthly or on another schedule as directed
9 by the board or its designee. Should the designated work site monitor suspect at any time during
10 the probationary period that respondent has abused alcohol or drugs, he or she shall notify the
11 board immediately.

12 In the event of suspected abuse, the monitor shall make at least oral notification within one
13 (1) business day of the occurrence, and shall be followed by written notification within two (2)
14 business days of the occurrence. If, for any reason, including change of employment, respondent
15 is no longer able to be monitored by the approved work site monitor, within ten (10) days
16 respondent shall designate a new work site monitor for approval by the board or its designee.
17 Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure
18 monthly reports are submitted to the board by the monitor, shall be considered a violation of
19 probation.

20 Within thirty (30) days of being approved by the board or its designee, the work site
21 monitor shall sign an affirmation that he or she has reviewed the terms and conditions of
22 respondent's disciplinary order and agrees to monitor respondent. The work site monitor shall at
23 least:

- 24 1) Have regular face-to-face contact with respondent in the work environment, at least
25 once per week or with greater frequency if required by the board or its designee;
- 26 2) Interview other staff in the office regarding respondent's behavior, if applicable; and
- 27 3) Review respondent's work attendance.

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1 The written reports submitted to the board or its designee by the work site monitor shall
2 include at least the following information: respondent's name and license number; the monitor's
3 name, license number (if applicable) and work site location; the date(s) the monitor had face-to-
4 face contact with respondent; the staff interviewed, if applicable; an attendance report; notes on
5 any changes in respondent's behavior or personal habits; notes on any indicators that may lead to
6 substance abuse; and the work site monitor's signature.

7 Respondent shall complete the required consent forms and sign an agreement with the work
8 site monitor and the board to allow the board to communicate with the work site monitor.

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

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

17 ACCEPTANCE

18 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
19 stipulation and the effect it will have on my application for pharmacy technician registration. I
20 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
21 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

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23 DATED: 2/8/19



TIFFANY ANNE SNEED
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: February 11, 2019

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General



KRISTINA T. JARVIS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Statement of Issues No. 6520

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13 **TIFFANY ANNE SNEED**

STATEMENT OF ISSUES

14 **Pharmacy Technician Registration**
15 **Applicant.**

16 Respondent.

17
18 Virginia Herold ("Complainant") alleges:

19 **PARTIES**

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

22 **APPLICATION INFORMATION**

23 2. On or about February 2, 2018, the Board received an application for pharmacy
24 technician registration from Tiffany Anne Sneed ("Respondent"). On or about January 13, 2018,
25 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on June 7, 2018.

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1 **PRIOR DISCIPLINE**

2 3. Effective October 20, 2014, pursuant to a Decision and Order (“Order”), in a
3 disciplinary proceeding titled, *In the Matter of the Accusation Against Tiffany Anne Sneed, aka*
4 *Tiffany A. Weingart*, Case No. 4925, Respondent’s Pharmacy Technician Registration Number
5 TCH 65178 was revoked. However, the revocation was stayed and Respondent was placed on
6 probation for a period of three (3) years with certain terms and conditions. The Order was based
7 on the following:

- 8 a. On or about January 29, 2013, in Yuba County Superior Court, Case
9 No. TR-12-00329, Respondent was convicted of violating Vehicle Code
10 section 23152(b) (drove a vehicle with a blood alcohol level of .08% or
11 higher), a misdemeanor.
12 b. On or about May 20, 2013, in Yolo County Superior Court, Case No.
13 12001746, Respondent was convicted of violating Penal Code section
14 273.5(a) (inflicting corporal injury on a spouse, a misdemeanor).

15 4. On or about October 27, 2014, Respondent surrendered her Pharmacy Technician
16 License Number TCH 65178, pursuant to Condition 13 of her probation, in that she was unable to
17 comply with the terms and conditions.

18 **JURISDICTION**

19 5. Pursuant to Business and Professions Code (“Code”) section 485(b), on or about June
20 7, 2018, Respondent’s application was denied and she was notified of the right to a hearing to
21 appeal the denial.

22 6. On or about August 2, 2018, the Board received Respondent’s request for a hearing to
23 appeal the denial of her application.

24 **STATUTORY PROVISIONS**

25 7. Code section 4300 states, in pertinent part:

26 (c) The board may refuse a license to any applicant guilty of unprofessional
27 conduct.

28 8. 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 procured by fraud or
misrepresentation or issued by mistake.

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1 Unprofessional conduct shall include, but is not limited to, any of the
2 following:

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

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

27 9. Code section 480 states, in pertinent part:

28 (a) A board may deny a license regulated by this code on the grounds that the
applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section
means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
Any action that a board is permitted to take following the establishment of a
conviction may be taken when the 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 the
provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(3)(A) Done any act that if done by a licentiate of the business or profession in
question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime
or act is substantially related to the qualifications, functions, or duties of the business
or profession for which application is made.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of Crimes)**

3 10. Respondent's application is subject to denial under Code section 480(a)(1), in that
4 she was convicted of the following crimes that are substantially related to the qualifications,
5 functions or duties of a pharmacy technician:

6 a. On or about January 28, 2013, in the case of *People v. Tiffany Anne Sneed*, (Super.
7 Ct. Yuba County, 2012, Case No. TR-12-00329), Respondent was convicted by the Court on her
8 plea of no contest of violating Vehicle Code section 23152(b) (driving a vehicle with a blood
9 alcohol level of .08% or higher), a misdemeanor, with an enhancement of Vehicle Code section
10 23578 (having a blood alcohol level of .15% or higher), a misdemeanor. The circumstances of the
11 crime were that on or about June 10, 2012, at approximately 2:50 a.m., California Highway Patrol
12 Officers observed that Respondent had driven off the road and part-way up a levee bank, where
13 her vehicle was stuck in soft dirt. Respondent admitted that she had been driving her vehicle and
14 deliberately drove off the road. Respondent refused to cooperate with the field sobriety tests and a
15 forced blood test was performed. Respondent had a blood alcohol level of .19%.

16 b. On or about May 20, 2013, in the case of *People v. Tiffany Anne Sneed*, (Super. Ct.
17 Yolo County, 2013, Case No. 12001746), Respondent was convicted by the Court on her plea of
18 no contest of violating Penal Code section 273.5(a) (inflicting corporal injury on a spouse), a
19 misdemeanor, and Penal Code section 273a(b) (abusing or endangering the health of a child), a
20 misdemeanor. The circumstances are that Respondent and her spouse were arguing when
21 Respondent grabbed scissors and pressed them into the back of her spouse's neck. Respondent
22 broke the skin of her spouse's neck, causing him to bleed. During this argument, Respondent's
23 five (5) year old son by her spouse observed the fight and observed Respondent stabbing her
24 spouse in the back of the neck.

25 **SECOND CAUSE FOR DENIAL OF APPLICATION**

26 **(Committed Acts Which If Done By A Licentiate)**

27 11. Respondent's application is subject to denial under Code section 480(a)(3)(A), in that
28 she committed acts which if done by a licentiate of the profession would constitute grounds for

1 discipline under Code section 4301(i) (conviction of a crime). The conduct described above in
2 paragraph 10, subdivision (a), would also constitute grounds for discipline under Code sections
3 4301(h) (used alcohol to an extent or in a manner dangerous or injurious to herself and the
4 public).

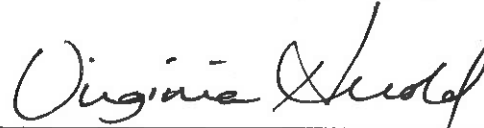
5 **PRAYER**

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

- 8 1. Denying the application of Tiffany Anne Sneed for a Pharmacy Technician
9 Registration; and,
10 2. Taking such other and further action as deemed necessary and proper.

11
12 DATED: _____

12/27/18



13 VIRGINIA HEROLD
14 Executive Officer
15 Board of Pharmacy
16 Department of Consumer Affairs
17 State of California
18 *Complainant*

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