

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

**In the Matter of the Statement of Issues Against:**

**CHRISTINA LYNN WAGNER, Respondent**

**Pharmacy Technician License Applicant**

**Agency Case No. 6970**

**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 March 19, 2021.

It is so ORDERED on February 17, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Greg Lippe  
Board President

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

11 In the Matter of the Statement of Issues Against:

Case No. 6970

12 **CHRISTINA LYNN WAGNER**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13 **Pharmacy Technician License Applicant**

14 Respondent.  
15

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

18 **PARTIES**

19 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
20 (Board). She brought this action solely in her official capacity and is represented in this matter by  
21 Xavier Becerra, Attorney General of the State of California, by Joshua A. Room, Supervising  
22 Deputy Attorney General.

23 2. Respondent Christina Lynn Wagner (Respondent) is representing herself in this  
24 proceeding and has chosen not to exercise her right to be represented by counsel.

25 3. On or about June 6, 2019, Respondent filed an application dated June 3, 2019, with  
26 the Board to obtain a Pharmacy Technician License. The Board denied the application on April  
27 15, 2020. On or about May 12, 2020, Respondent filed an appeal.

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1 **JURISDICTION**

2 4. Statement of Issues No. 6970 was filed before the Board, and is currently pending  
3 against Respondent. The Statement of Issues and all other statutorily required documents were  
4 properly served on Respondent on June 26, 2020. A copy of Statement of Issues No. 6970 is  
5 attached as exhibit A and incorporated herein by reference.

6 **ADVISEMENT AND WAIVERS**

7 5. Respondent has carefully read, and understands the charges and allegations in,  
8 Statement of Issues No. 6970. Respondent has also carefully read, and understands the effects of,  
9 this Stipulated Settlement and Disciplinary Order.

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

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

19 **CULPABILITY**

20 8. Respondent admits the truth of each and every charge and allegation in Statement of  
21 Issues No. 6970.

22 9. Respondent agrees that her Pharmacy Technician License is subject to denial and she  
23 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

24 **CONTINGENCY**

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

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1 During suspension, Respondent shall not enter any pharmacy area or any portion of any  
2 other Board licensed premises of a wholesaler, third-party logistics provider, veterinary food-  
3 animal drug retailer or any other distributor of drugs which is licensed by the Board, or any  
4 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled  
5 substances are maintained. Respondent shall not do any act involving drug selection, selection of  
6 stock, manufacturing, compounding or dispensing; nor shall Respondent manage, administer, or  
7 assist any licensee of the Board. Respondent shall not have access to or control the ordering,  
8 distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices or  
9 controlled substances. Respondent shall not engage in any activity that requires licensure as a  
10 Pharmacy Technician. Respondent shall not direct or control any aspect of the practice of  
11 pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or  
12 dangerous devices, or controlled substances.

13 Failure to comply with this suspension shall be considered a violation of probation.

14 Respondent shall maintain an active, current certification as defined by Business and  
15 Professions Code section 4202, subdivision (a)(4), for the entire period of probation, and shall  
16 submit proof of re-certification or renewal of certification to the Board within ten (10) days of  
17 receipt. Failure to maintain active, current certification or to timely submit proof of same shall be  
18 considered a violation of probation.

19 **2. Obey All Laws**

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

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

- 23 • an arrest or issuance of a criminal complaint for violation of any provision of the  
24 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
25 substances laws;
- 26 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal  
27 criminal proceeding to any criminal complaint, information or indictment;
- 28 • a conviction of any crime;

- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

### 3. Report to the Board

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

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

### 4. Interview with the Board

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

### 5. Cooperate with Board Staff

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

1           **6. Reporting of Employment and Notice to Employers**

2           During the period of probation, Respondent shall notify all present and prospective  
3 employers of the decision in case number 6970 and the terms, conditions and restrictions imposed  
4 on Respondent by the decision, as follows:

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

16           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
17 Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor,  
18 (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
19 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the  
20 Board in writing acknowledging that the listed individual(s) has/have read the decision in case  
21 number 6970, and terms and conditions imposed thereby. If one person serves in more than one  
22 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's  
23 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the  
24 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
25 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in  
26 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
27 in case number 6970, and the terms and conditions imposed thereby.

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1 If Respondent works for or is employed by or through an employment service, Respondent  
2 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board  
3 of the decision in case number 6970, and the terms and conditions imposed thereby in advance of  
4 Respondent commencing work at such licensed entity. A record of this notification must be  
5 provided to the Board upon request.

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

12 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
13 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board  
14 shall be considered a violation of probation.

15 "Employment" within the meaning of this provision includes any full-time, part-time,  
16 temporary, relief, or employment/management service position as a Pharmacy Technician, or any  
17 position for which a Pharmacy Technician License is a requirement or criterion for employment,  
18 whether the Respondent is an employee, independent contractor or volunteer.

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

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

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

24 **8. Probation Monitoring Costs**

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



1           **9. Status of License**

2           Respondent shall, at all times while on probation, maintain an active, current Pharmacy  
3 Technician License with the Board, including any period during which suspension or probation is  
4 tolled. Failure to maintain an active, current Pharmacy Technician License shall be considered a  
5 violation of probation. If Respondent's Pharmacy Technician License expires or is cancelled by  
6 operation of law or otherwise at any time during the period of probation, including any extensions  
7 thereof due to tolling or otherwise, upon renewal or reapplication Respondent's license shall be  
8 subject to all terms and conditions of this probation not previously satisfied.

9           **10. Practice Requirement – Extension of Probation**

10          Except during periods of suspension, Respondent shall, at all times while on probation, be  
11 employed as a Pharmacy Technician in California for a minimum of eighty (80) hours per  
12 calendar month. Any month during which this minimum is not met shall extend the period of  
13 probation by one month. The Board or its designee may post a notice of the extended probation  
14 period on its website. During any such period of insufficient employment, Respondent must  
15 nonetheless comply with all terms and conditions of probation, unless Respondent receives a  
16 waiver in writing from the Board or its designee.

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

26          It is a violation of probation for Respondent's probation to be extended pursuant to the  
27 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
28 exceeding thirty-six (36) months.

1           **11. Abstain from Drugs and Alcohol**

2           Respondent shall completely abstain from the possession or use of alcohol, controlled  
3 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated  
4 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a  
5 necessary part of treatment. Respondent shall ensure that she is not in the same physical location  
6 as individuals who are using illicit substances even if Respondent is not personally ingesting the  
7 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled  
8 substances, or their associated paraphernalia for which a legitimate prescription has not been  
9 issued as a necessary part of treatment, or any physical proximity to persons using illicit  
10 substances, shall be considered a violation of probation.

11           **12. Drug and Alcohol Testing**

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

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

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

4 Prior to any vacation or other period of absence from the area where the approved testing  
5 vendor provides services, Respondent shall seek and receive approval from the Board or its  
6 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,  
7 Respondent shall enroll and register with the approved alternate drug testing vendor, provide to  
8 that alternate vendor any documentation required by the vendor, including any necessary payment  
9 by Respondent. During the period of absence of the area, Respondent shall commence testing  
10 protocols with the alternate vendor, including required daily contacts with the testing vendor to  
11 determine if testing is required, and required testing. Any failure to timely seek or receive  
12 approval from the Board or its designee, or to timely enroll and register with, timely commence  
13 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be  
14 considered a violation of probation.

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

20 Any of the following shall be considered a violation of probation and shall result in  
21 Respondent being immediately suspended from practice as a Pharmacy Technician until notified  
22 by the Board in writing that she may resume practice: failure to timely complete all of the steps  
23 required for enrollment/registration with the drug testing vendor, including making arrangements  
24 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing  
25 vendor as required to determine testing date(s); failure to test as required; failure to timely supply  
26 documentation demonstrating that a detected substance was taken pursuant to a legitimate  
27 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or  
28 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the

1 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In  
2 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a  
3 controlled substance or dangerous drug absent documentation that the detected substance was  
4 taken pursuant to a legitimate prescription and a necessary treatment, the Board or its designee  
5 shall inform Respondent of the suspension and inform her to immediately leave work, and shall  
6 notify Respondent's employer(s) and work site monitor(s) of the suspension.

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

16 During any such suspension, Respondent shall not engage in any activity that requires the  
17 professional judgment of and/or licensure as a Pharmacy Technician. Respondent shall not direct  
18 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
19 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

20 Failure to comply with any such suspension shall be considered a violation of probation.  
21 Failure to comply with any requirement or deadline stated by this term shall be considered a  
22 violation of probation.

23 **13. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

24 Within thirty (30) days of the effective date of this decision, Respondent shall begin regular  
25 attendance at a recognized and established substance abuse recovery support group in California  
26 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board  
27 or its designee. Respondent must attend the number of group meetings per week or month  
28 directed by the Board or its designee, which shall typically be at least one per week. Respondent

1 shall continue regular attendance and submit signed and dated documentation confirming  
2 attendance with each quarterly report for the duration of probation. Failure to attend or submit  
3 documentation thereof shall be considered a violation of probation.

4 **14. Prescription Coordinating and Monitoring of Prescription Use**

5 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
6 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
7 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the  
8 Respondent's history [with the use of alcohol, illicit drugs, controlled substances, and/or  
9 dangerous drugs, and/or of mental illness, and/or of gambling addiction] and who will coordinate  
10 and monitor any prescriptions for Respondent for dangerous drugs and/or dangerous devices,  
11 controlled substances or mood-altering drugs. The approved practitioner shall be provided with a  
12 copy of the Board's [accusation, petition to revoke probation, or other pleading] and decision. A  
13 record of this notification must be provided to the Board or its designee upon request. Respondent  
14 shall sign a release authorizing the practitioner to communicate with the Board or its designee  
15 about Respondent's treatment(s). The coordinating physician, nurse practitioner, physician  
16 assistant, or psychiatrist shall report to the Board on a quarterly basis for the duration of probation  
17 regarding Respondent's compliance with this condition. If any substances considered addictive  
18 have been prescribed, the report shall identify a program for the time limited use of any such  
19 substances. The Board or its designee may require that the single coordinating physician, nurse  
20 practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or consult a  
21 specialist in addictive medicine. Should Respondent, for any reason, cease supervision by the  
22 approved practitioner, Respondent shall notify the Board or its designee immediately and, within  
23 thirty (30) days of ceasing supervision, submit the name of a replacement physician, nurse  
24 practitioner, physician assistant, or psychiatrist of Respondent's choice to the Board or its  
25 designee for its prior approval. Failure to timely submit the selected practitioner or replacement  
26 practitioner to the Board or its designee for approval, or to ensure the required quarterly reporting  
27 thereby, shall be considered a violation of probation.

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1           If at any time an approved practitioner determines that Respondent is unable to practice  
2 safely or independently as a Pharmacy Technician, the practitioner shall notify the Board or its  
3 designee immediately by telephone and follow up by written letter within three (3) working days.  
4 Upon notification from the Board or its designee of this determination, Respondent shall be  
5 automatically suspended and shall not resume practice as a Pharmacy Technician until notified by  
6 the Board or its designee that practice may be resumed.

7           During any such suspension, Respondent shall not enter any pharmacy area or any portion  
8 of the licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal  
9 drug retailer, or any other distributor of drugs which is licensed by the Board, or any  
10 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled  
11 substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug  
12 selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor  
13 shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have  
14 access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs  
15 and/or dangerous devices and controlled substances. Respondent shall not resume practice until  
16 notified by the Board. Respondent shall not engage in any activity that requires the professional  
17 judgment and/or licensure as a Pharmacy Technician. Respondent shall not direct or control any  
18 aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling, or retailing  
19 of dangerous drugs and/or dangerous devices or controlled substances.

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

22           **15. Notification of Departure**

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

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1           **16. Supervised Practice.**

2           Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
3 Board or its designee, for prior approval, the name of a pharmacist licensed by and not on  
4 probation with the Board, to serve as Respondent’s practice supervisor. As part of the  
5 documentation submitted, Respondent shall cause the proposed practice supervisor to report to  
6 the Board in writing acknowledging that her or she has read the decision in case number [insert  
7 case number], and is familiar with the terms and conditions imposed thereby, including the level  
8 of supervision required by the Board or its designee. Respondent may have multiple supervisors  
9 approved by the Board if necessary to meet Respondent’s work requirements.

10           Any of the following shall be considered a violation of probation: failure to timely  
11 nominate either an initial or a replacement practice supervisor; failure to cause the practice  
12 supervisor to timely report to the Board in writing acknowledging the decision, terms and  
13 conditions, and supervision level; practicing in the absence of an approved practice supervisor  
14 after lapse of the nomination period; and/or failure to adhere to the level of supervision required  
15 by the Board or its designee. If any of these obligations or prohibitions is not met, Respondent  
16 shall be prohibited from practice as Pharmacy Technician and may not resume such practice until  
17 notified by the Board or its designee in writing.

18           **17. No Ownership or Management of Licensed Premises**

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

26           **18. Criminal Probation/Parole Reports**

27           Within ten (10) days of the effective date of this decision, or within ten (10) days of the  
28 issuance or assignment/replacement of same, whichever is earlier, Respondent shall provide the

1 Board or its designee in writing: a copy of the conditions of any criminal probation/parole  
2 applicable to Respondent; and the name and contact information of any probation, parole or  
3 similar supervisory officer assigned to Respondent. Respondent shall provide a copy of all  
4 criminal probation/parole reports to the Board within ten (10) days after such report is issued.  
5 Failure to timely make any of the submissions required hereby shall be considered a violation of  
6 probation.

7 **19. License Surrender While on Probation/Suspension**

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

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

22 **20. Violation of Probation**

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



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            **21. 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  
12            **ACCEPTANCE**

13            I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand  
14 the stipulation and the effect it will have on my application for a Pharmacy Technician License,  
15 and on my subsequently-issued Pharmacy Technician License. I enter into this Stipulated  
16 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
17 bound by the Decision and Order of the Board of Pharmacy.

18  
19            DATED: \_\_\_\_\_

\_\_\_\_\_  
20            CHRISTINA LYNN WAGNER  
21            *Respondent*

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.

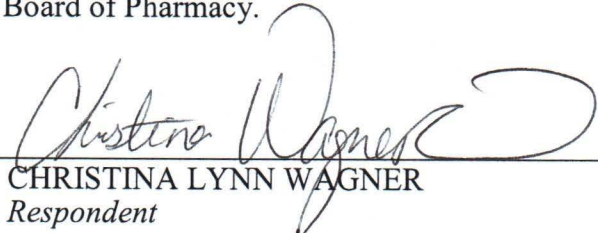
8 **21. Completion of Probation**

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

11  
12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand  
14 the stipulation and the effect it will have on my application for a Pharmacy Technician License,  
15 and on my subsequently-issued Pharmacy Technician License. I enter into this Stipulated  
16 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
17 bound by the Decision and Order of the Board of Pharmacy.

18  
19 DATED: 9-18-2020

  
CHRISTINA LYNN WAGNER  
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,

XAVIER BECERRA  
Attorney General of California  
CARL W. SONNE  
Senior Assistant Attorney General

JOSHUA A. ROOM  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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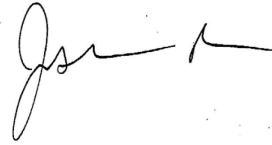
**ENDORSEMENT**

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

DATED: August 25, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
CARL W. SONNE  
Senior Assistant Attorney General



JOSHUA A. ROOM  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 6970**

1 XAVIER BECERRA  
Attorney General of California  
2 CARL W. SONNE  
Senior Assistant Attorney General  
3 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
4 State Bar No. 214663  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3512  
6 Facsimile: (415) 703-5480  
E-mail: Joshua.Room@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 Statement of Issues Against: Case No. 6970  
13 **CHRISTINA LYNN WAGNER** **STATEMENT OF ISSUES**  
14 **Pharmacy Technician License Applicant**  
15 Respondent.

16  
17 **PARTIES**

18 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official  
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
20 2. On or about June 6, 2019, the Board of Pharmacy, Department of Consumer Affairs  
21 received an application for a Pharmacy Technician License from Christina Lynn Wagner  
22 (Respondent). On or about June 3, 2019, Respondent certified under penalty of perjury to the  
23 truthfulness of all statements, answers, and representations in the application. The Board denied  
24 the application on April 15, 2020. On or about May 12, 2020, Respondent filed an appeal.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board of Pharmacy (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code (Code) unless otherwise indicated.

1 4. Section 4300, subdivision (c), of the Code states, in pertinent part:

2 “The board may refuse a license to any applicant guilty of unprofessional conduct. The  
3 board may, in its sole discretion, issue a probationary license to any applicant for a license who is  
4 guilty of unprofessional conduct and who has met all other requirements for licensure . . . ”

5 **STATUTORY PROVISIONS**

6 5. Section 480 of the Code states, in pertinent part:

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

9 “(1) Been convicted of a crime. . . .

10 “(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
11 benefit himself or herself or another, or substantially injure another.

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

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

17 6. Section 4301 of the Code states:

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

21 . . .

22 “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
23 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
24 whether the act is a felony or misdemeanor or not.

25 . . .

26 “(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
27 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
28 oneself, to a person holding a license under this chapter, or to any other person or to the public, or

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
2 practice authorized by the license.

3 . . .

4 “(1) The conviction of a crime substantially related to the qualifications, functions, and  
5 duties of a licensee under this chapter. . . .”

6 **REGULATORY PROVISIONS**

7 7. California Code of Regulations, title 16, section 1769, states:

8 “...

9 “(b) When considering the denial of a facility or personal license under Section 480 of the  
10 Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his  
11 present eligibility for licensing or registration, will consider the following criteria:

12 “(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for  
13 denial.

14 “(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under  
15 consideration as grounds for denial under Section 480 of the Business and Professions Code.

16 “(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in  
17 subdivision (1) or (2).

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

20 “(5) Evidence, if any, of rehabilitation submitted by the applicant.”

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

22 "For the purpose of denial, suspension, or revocation of a personal or facility license  
23 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
24 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
25 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
26 licensee or registrant to perform the functions authorized by his license or registration in a manner  
27 consistent with the public health, safety, or welfare."

28 ///



1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of Substantially Related Crime(s))**

3 9. Respondent has subjected her Pharmacy Technician Application to denial under  
4 Code section 480, subdivisions (a)(1) and/or Code section 480, subdivision (a)(3)(A), by  
5 reference to Code section 4301, subdivision (1), for conviction of substantially related crime(s),  
6 in that, on or about January 27, 2020, in a criminal matter titled *The People of the State of*  
7 *California v. Christina Lynn Wagner*, Lake County Superior Court Case No. CR955698,  
8 Respondent pled no contest to, and was convicted of, driving with a blood alcohol concentration  
9 ("BAC") of 0.08% or higher (Veh. Code, § 23152, subd. (b)), a misdemeanor, with special  
10 allegation of BAC of 0.15% (Veh. Code, §23578). Imposition of sentence was suspended and  
11 Respondent was placed on summary probation for a period of three (3) years under terms and  
12 conditions to include 5 days in jail, 20 hours of community service, a three-month first offender  
13 DUI program, and \$1,843.00 in fines and fees. The offense occurred on or about September 2,  
14 2019, when an officer Responded to a report of a collision resulting in property damage where  
15 the driver had evaded the scene of the accident. The vehicle, later identified as being driven by  
16 the Respondent, had collided with a fence, damaging approximately 20 feet a wooden portion of  
17 the fence and five feet of the chain link portion. The driver's side airbag had deployed and the  
18 driver's side seatbelt was locked in an extended position. Later that day, officers found  
19 Respondent at her residence wearing the same clothes, as described to them at the scene of the  
20 collision, and pretending to be asleep. Respondent falsely told the officers that she had not been  
21 involved in the accident, that she had been home before the accident occurred, and that she had  
22 been picked up from the bar where she had been drinking by her father. Officers reported that  
23 Respondent displayed objective signs of intoxication and admitted to consuming alcoholic  
24 beverage. She was arrested for DUI and running from the scene of the accident. Blood samples  
25 taken thereafter showed a BAC of .201%.

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**SECOND CAUSE FOR DENIAL OF APPLICATION**

**(Dangerous Use of Alcohol)**

10. Respondent has subjected her Pharmacy Technician Application to denial under Code section 480, subdivision (a)(3)(A), by reference to Code section 4301, subdivision (h), in that, as detailed in paragraph 9 above, Respondent has made dangerous use of alcohol. .

**THIRD CAUSE FOR DENIAL OF APPLICATION**

**(Dishonesty)**

11. Respondent has subjected her Pharmacy Technician Application to denial under Code sections 480, subdivisions (a)(2) and/or (a)(3)(A), by reference to Code section 4301, subdivision (f), in that she committed dishonesty in two instances. First, Respondent failed to disclose her criminal conviction in her application by answering “no” to the question of whether she had ever been convicted of a felony or misdemeanor. Second, as described in paragraph 9, above, she lied to the police officer(s) about her whereabouts and involvement in the accident.

**FOURTH CAUSE FOR DENIAL OF APPLICATION**

**(Unprofessional Conduct)**

12. Respondent has subjected her Pharmacy Technician Application to denial under Code section 4300, subdivisions (c), and/or Code section 480, subdivision (a)(3)(A), by reference to Code section 4301, in that the conduct described above in paragraphs 9 through 11 constitutes unprofessional conduct unbecoming of the profession of pharmacy.

**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. Denying the application of Christina Lynn Wagner (Respondent) for a Pharmacy Technician License;

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

DATED: June 22, 2020



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

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