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

10 In the Matter of the Accusation Against:

Case No. 3162

11 LISA M. MEJIA  
1642 W. 213th Street  
12 Torrance, CA 90501

**A C C U S A T I O N**

13 Pharmacy Technician Registration  
14 No. TCH 35023

Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about October 20, 2000, the Board of Pharmacy (Board) issued  
21 Pharmacy Technician Registration No. TCH 35023 to Lisa M. Mejia (Respondent). The  
22 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
23 brought herein and will expire on June 30, 2010, unless renewed.

24 **JURISDICTION**

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

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**STATUTORY PROVISIONS**

4. Section 118, subdivision (b), of the Code provides, in pertinent part, that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4059, subdivision (a), of the Code provides, in pertinent part:  
“A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. . . .”

6. Section 4060 of the Code states in pertinent part:  
“No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer. . . .”

7. Section 4300 of the Code permits the Board to take disciplinary action to suspend or revoke a license by the Board.

8. Section 4301 of the Code 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

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

3 . . . .

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

7 . . . .

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

25 . . . .

26 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
27 abetting the violation of or conspiring to violate any provision or term of this chapter or of the

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1 applicable federal and state laws and regulations governing pharmacy, including regulations  
2 established by the board or by any other state or federal regulatory agency.

3 . . . .

4 "(q) Engaging in any conduct that subverts or attempts to subvert an investigation  
5 of the board."

6 9. Health and Safety Code section 11170 provides that no person shall  
7 prescribe, administer, or furnish a controlled substance for himself.

8 10 Health and Safety Code section 11173, subdivision (a)(1), provides that no  
9 person shall obtain or attempt to obtain controlled substances by fraud, deceit, misrepresentation,  
10 or subterfuge.

11 **REGULATORY PROVISIONS**

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

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

19 **COST RECOVERY**

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

24 **CONTROLLED SUBSTANCES - DANGEROUS DRUGS**

25 13. Hydrocodone is a Schedule III controlled narcotic substance pursuant to  
26 Health and Safety Code section 11056(e)(4). Vicodin and Norco are trade/brand names for  
27 combination drugs containing hydrocodone and acetaminophen. Hydrocodone is categorized as  
28 a dangerous drug pursuant to Business and Professions Code section 4022.



1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Furnishing Drug Without a Prescription)**

3 17. Respondent is subject to disciplinary action under Code section 4301,  
4 subdivision (o), in that she violated Code section 4059, subdivision (a), when, between  
5 November 17, 2006 and February 7, 2007 she furnished 90 Vicodin and 100 Soma pills to herself  
6 without a prescription. Complainant refers to, and by this reference incorporates herein the  
7 allegations set forth above in paragraph 15, subparagraph (a), as though set forth fully.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Possession of a Controlled Substance)**

10 18. Respondent is subject to disciplinary action under Code section 4301,  
11 subdivision (o) in that she violated Code section 4060 by possessing a controlled substance  
12 without a prescription. Complainant refers to, and by this reference incorporates herein the  
13 allegations set forth above in paragraph 15, subparagraph (a), as though set forth fully.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Administering or Furnishing Controlled Substance to Oneself)**

16 19. Respondent is subject to disciplinary action under Code section 4301,  
17 subdivision (o) in that she violated Health and Safety Code section 11170 by administering  
18 and/or furnishing a controlled substance to herself. Complainant refers to, and by this reference  
19 incorporates herein the allegations set forth above in paragraph 15, subparagraph (a), as though  
20 set forth fully.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Obtaining Controlled Substances by Deceit or Subterfuge)**

23 20. Respondent is subject to disciplinary action under Code section 4301,  
24 subdivision (o), in that she violated Health and Safety Code section 11173, subdivision (a)(1), by  
25 obtaining controlled substances by deceit and/or subterfuge. Complainant refers to, and by this  
26 reference incorporates herein the allegations set forth above in paragraph 15, subparagraph (a), as  
27 though set forth fully.

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1 SEVENTH CAUSE FOR DISCIPLINE

2 (Failure to Cooperate with Board's Investigation)

3 21. Respondent is subject to disciplinary action under Code section 4301,  
4 subdivision (q), in that Respondent committed acts which constitute unprofessional conduct  
5 when she failed to respond to the Board's inquires in connection with the subject investigation  
6 herein conducted by the Board on the following dates: May 3, 2007, July 10, 2007 and August  
7 31, 2007.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
10 alleged, and that following the hearing, the Board issue a decision:

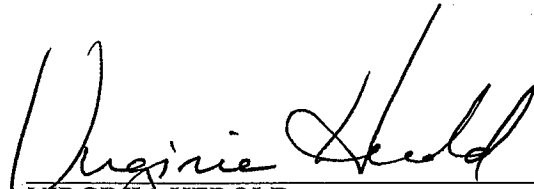
11 A. Revoking or suspending Pharmacy Technician Registration

12 No. TCH 35023 issued to Respondent;

13 B. Ordering Respondent to pay the Board the reasonable costs of the  
14 investigation and enforcement of this case, pursuant to Business and Professions Code section  
15 125.3, and

16 C. Taking such other and further action as deemed necessary and proper.

17  
18 DATED: 4/14/09

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21 VIRGINIA HEROLD  
22 Executive Officer  
23 Board of Pharmacy  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant  
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