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

11 In the Matter of the Accusation Against:
12 **STEVI ELIZABETH RAMIREZ**
3814 Arden Way
13 Sacramento, California 95864
Pharmacy Technician License No. TCH 51354
14
15 Respondent.

Case No. 3828

A C C U S A T I O N

16
17 Complainant alleges:

18 PARTIES

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

22 2. On or about December 16, 2003, the Board issued Pharmacy Technician Registration
23 No. TCH 41354 to Respondent Stevi Elizabeth Ramirez. The license was in full force and effect
24 at all times relevant to the charges brought herein and will expire on February 28, 2011, unless
25 renewed.

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STATUTORY PROVISIONS

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2 3. Under Business & Professions Code section 4300, the Board may discipline any
3 license, for any reason provided in the Pharmacy Law (i.e., Business & Professions Code sections
4 4000 et. seq.).

5 4. Business & Professions Code section 4301 states, in pertinent part:
6 “The board shall take action against any holder of a license who is guilty of unprofessional
7 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
8 Unprofessional conduct shall include, but is not limited to, any of the following:

9

10 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
11 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
12 otherwise, and whether the act is a felony or misdemeanor.

13 ...

14 (h) The administering to oneself, of any controlled substance, or the use of any
15 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
16 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
17 the public, or to the extent that the use impairs the ability of the person to conduct withj safety to
18 the public the practice authorized by the license.

19 ...

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

22

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

27 ...”

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1 5. Business & Professions Code section 4060 provides, in pertinent part, that “no person
2 shall possess any controlled substance, except that furnished to a person upon the prescription of
3 a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to
4 Section 3640.7...”

5 6. Business & Professions Code section 4059, subdivision (a), provides, in pertinent
6 part, that “a person may not furnish any dangerous drug, except upon the prescription of a
7 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
8 3640.7.”

9 7. Health & Safety Code section 11350, subdivision (a), provides in pertinent part that
10 “...every person who possesses...(2) any controlled substance classified in Schedule III, IV, or V
11 which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or
12 veterinarian licensed to practice in this state, shall be punished by imprisonment in the state
13 prison”.

14 8. Health & Safety Code section 11173, subdivision (a) provides that “no person shall
15 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
16 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
17 or subterfuge; or (2) by the concealment of a material fact”.

18 9. Business & Professions Code section 118 (b), states: The suspension, expiration, or
19 forfeiture by operation of law of a license issued by a board in the department, or its suspension,
20 forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender
21 without the written consent of the board, shall not, during any period in which it may be renewed,
22 restored, reissued, or reinstated, deprive the board of its authority to institute or continue a
23 disciplinary proceeding against the licensee upon any ground provided by law or to enter an order
24 suspending or revoking the license or otherwise taking disciplinary action against the licensee on
25 any such ground.

26 10. Business & Professions Code section 125.3 states, in pertinent part, that the Board
27 may request the administrative law judge to direct a licensee found to have committed

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1 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
2 investigation and enforcement of the case.

3 CONTROLLED SUBSTANCES/DANGEROUS DRUGS AT ISSUE

4 11. Hydrocodone with acetaminophen is a dangerous drug, a narcotic drug and a
5 Schedule III controlled substance as designated by Health & Safety Code section 11056(e)(4).
6 Hydrocodone with acetaminophen is dispensed as HC/AP 5/500 mg tablets and also as HC/AP
7 10/325 mg tablets.

8 12. At all relevant times from and after March 21, 2004, Respondent Stevi Elizabeth
9 Ramirez was employed as a pharmacy technician by Bel Air Pharmacy # 510, 1540
10 West El Camino, Sacramento, California 95833.

11 13. From time to time during the period of from in or about the end of 2006 through in or
12 about the end of 2009, Respondent stole approximately 3,000 HC/AP 10/325 mg tablets from the
13 inventory of Bel Air Pharmacy #510 during the performance of her duties as a pharmacy
14 technician employed by Bel Air Pharmacy #510. During said period of time, Respondent
15 administered said HC/AP 10/325 mg tablets to herself at the rate of approximately 7-8 tablets/day
16 and became addicted to said medication and other painkilling medications.

17 FIRST CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct: Violation of Drug Laws)

19 14. Paragraphs 1 through 13 above are incorporated by reference. Respondent Stevi
20 Elizabeth Ramirez is subject to disciplinary action for unprofessional conduct under Business &
21 Professions Code sections 4301(j) and 4301(o), by her violations of:

22 (a) Business and Professions Code section 4059(a) by furnishing HC/AP 10/325 mg
23 tablets to herself without a prescription;

24 (b) Business and Professions Code section 4060 and Health & Safety Code section
25 11350(a) by her possession of HC/AP 10/325 mg tablets without a prescription;

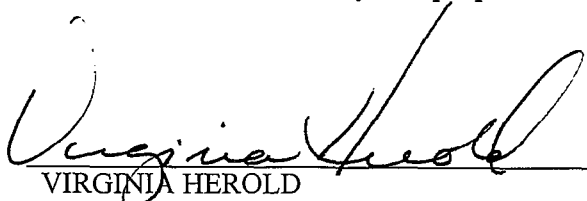
26 (c) Health & Safety Code section 11173(a) by her acts of obtaining HC/AP 10/325
27 mg tablets by fraud, deceit or subterfuge.

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

DATED: 12/30/10



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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