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

10 In the Matter of the Accusation Against:

Case No. 4161

11 **MATTHEW MANUEL LOPEZ**
12 **aka Mathew Manuel Lopez**
13 **aka Matthew Joseph Lopez**
14 **3195 Ruskin Drive**
San Jose, CA 95132

A C C U S A T I O N

15 **Pharmacy Technician License No. TCH 67876**

16 Respondent.

17 Complainant alleges:

18 PARTIES

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

21 2. On or about February 28, 2006, the Board of Pharmacy issued Pharmacy Technician
22 License Number TCH 67876 to Matthew Manuel Lopez aka Mathew Manuel Lopez aka Matthew
23 Joseph Lopez (Respondent). The License was in full force and effect at all times relevant to the
24 charges brought herein and will expire on December 31, 2013, unless renewed.

25 JURISDICTION

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

1 8. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
2 controlled substance, except that furnished upon a valid prescription/drug order.

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

5 10. Health and Safety Code section 11364, in pertinent part, makes it unlawful to possess
6 an opium pipe or other paraphernalia used to inject or smoke controlled substances.

7 11. Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess
8 any controlled substance in Schedule II, subdivision (d), without a prescription.

9 12. Health and Safety Code section 11550, in pertinent part, makes it unlawful for any
10 person to use or be under the influence of any controlled substance in Schedule II (Health and
11 Safety Code section 11055), subdivision (d)(1) or (d)(2), or any narcotic drug in Schedules III-V,
12 except when administered by or under the direction of an authorized licensee.

13 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation of the licensing
15 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

16 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

17 14. Section 4021 of the Code states:

18 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
19 11053) of Division 10 of the Health and Safety Code.”

20 15. Section 4022 of the Code states, in pertinent part:

21 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,
22 except veterinary drugs that are labeled as such, and includes the following:

23 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
24 prescription,’ ‘Rx only,’ or words of similar import.

25 ...

26 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
27 prescription or furnished pursuant to Section 4006.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Self-Administration of Controlled Substance)

3 20. Respondent is subject to discipline under section 4301(h) of the Code, in that
4 Respondent, as described in paragraph(s) 17 and/or 19 above, self-administered
5 **methamphetamine**, a controlled substance, on one or more occasions.

6 SECOND CAUSE FOR DISCIPLINE

7 (Possession of Controlled Substance)

8 21. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
9 4060 of the Code, and/or Health and Safety Code section 11377, in that Respondent, as described
10 in paragraph(s) 17 and/or 19 above, possessed, conspired to possess, and/or assisted in or abetted
11 possession of **methamphetamine**, a controlled substance, without a prescription.

12 THIRD CAUSE FOR DISCIPLINE

13 (Possession of Drug Paraphernalia)

14 22. Respondent is subject to discipline under section 4301(j) and/or (o), and/or Health
15 and Safety Code section 11364, in that Respondent, as described in paragraph 19 above,
16 possessed, conspired to possess, and/or assisted in or abetted possession of drug paraphernalia.

17 FOURTH CAUSE FOR DISCIPLINE

18 (Self-Administration/Use of Controlled Substance)

19 23. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
20 and/or Health and Safety Code section(s) 11170 and/or 11550, in that Respondent, as described in
21 paragraph(s) 17 and/or 19 above, self-administered/used, conspired to self-administer/use, and/or
22 assisted in/abetted self-administration/use of a controlled substance, without a prescription.

23 FIFTH CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct)

25 24. Respondent is subject to discipline under section 4301 of the Code in that
26 Respondent, as described in paragraph(s) 17-23 above, engaged in unprofessional conduct.

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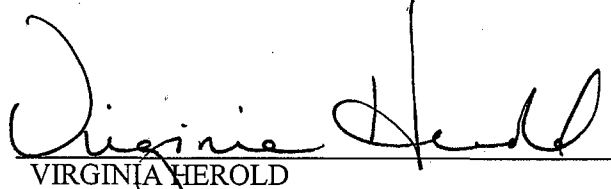
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PRAYER

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. Revoking or suspending Pharmacy Technician License Number TCH 67876, issued to Matthew Manuel Lopez aka Mathew Manuel Lopez aka Matthew Joseph Lopez (Respondent);
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as is deemed necessary and proper.

DATED: 6/15/12



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

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