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

11 In the Matter of the Accusation Against:

Case No. 4472

12 **STEPHANIE R. CORONADO**
13 **321 W. 9th Street**
14 **Perris, CA 92570**

A C C U S A T I O N

15 **Pharmacy Technician Registration**
16 **No. TCH 117591**

Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about October 31, 2011, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 117591 to Stephanie R. Coronado (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on June 30, 2013, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4300(a) of the Code states that “[e]very license issued may be suspended or
6 revoked.”

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

11 **STATUTORY AND REGULATORY PROVISIONS**

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to evaluate
14 the rehabilitation of a person when:

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16 (a) Considering the denial of a license by the board under Section 480; or

17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation
19 furnished by the applicant or licensee.

20 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
21 revoke a license on the ground that the licensee has been convicted of a crime substantially
22 related to the qualifications, functions, or duties of the business or profession for which the
23 license was issued.

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8. Section 492 of the Code states:

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.

9. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

10. Section 4301 of the Code states:

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

....

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

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

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

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26 11. Title 16, California Code of Regulations, section 1769, states:

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28 (b) When considering the suspension or revocation of a facility or a personal
license on the ground that the licensee or the registrant has been convicted of a crime,
the board, in evaluating the rehabilitation of such person and his present eligibility for
a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation,
restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

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1 12. Title 16, California Code of Regulations, section 1770, states:

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

6 **COST RECOVERY**

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

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(June 26, 2012 Criminal Conviction for Willful Harm or Injury to a Child
13 on February 10, 2012)**

14 14. Respondent is subject to disciplinary action under sections 490 and 4301,
15 subdivisions (I) of the Code in that she was convicted of a crime substantially related to the
16 qualifications, functions and duties of a pharmacy technician. The circumstances are as follows:

17 15. On or about June 26, 2012, in a criminal proceeding entitled *People of the State of*
18 *California vs. Stephanie Rachael Coronado*, in the Superior Court of California, County of
19 Riverside, in case number RIF 1201991, Respondent was convicted, on her plea of guilty, of
20 violating Penal Code section 273a(a) (willful harm or injury to a child), a felony. Pursuant to a
21 plea agreement, it was stipulated that upon completion of all programs by Respondent, the
22 complaint would be amended to an infraction for violation of Penal Code section 415(2)
23 (maliciously and willfully disturbed another person by loud and unreasonable noise).

24 16. As a result of the conviction, the Court ordered Respondent to serve 320 hours of
25 community service through Alternative Sentencing, to file proof of completion by August 15,
26 2013, and to enroll in and complete child abuse classes.

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1 17. The circumstances that led to the conviction are that on February 11, 2012, at
2 approximately 10:30 p.m., Riverside County Sheriff's Office Deputies responded to 2075 Down
3 Street in Riverside regarding a report of child abuse that occurred at 565 Sioux Street in Perris,
4 California. Upon arrival, deputies made contact with a social worker from Child Protective
5 Services who told deputies that she had been investigating allegations of child abuse involving a
6 4-year-old child and told deputies that the reporting party, the child's grandmother, Z.G., called
7 CPS to report the child abuse, and that it involved a 4-year-old child, the child's mother, N.T.,
8 and the mother's significant other (Respondent).

9 18. Deputies made contact with the reporting party, Z.G., who told deputies that at
10 approximately 11:00 a.m. the previous day, she received a phone call from N.T., the child's
11 mother. Z.G. told deputies that when she answered the phone, she could hear yelling and cursing,
12 that Z.G. believed she had been accidentally dialed, that she could hear an argument between
13 N.T. and Respondent, and that the phone call was terminated without anyone speaking to Z.G.
14 Z.G. told deputies she called N.T. back to ask if everything was o.k., and that N.T. told Z.G. that
15 the victim had been injured but that everything was o.k. Z.G. asked to speak with the victim and
16 the victim told Z.G. that "Nana Stephanie [Respondent] got a spoon on fire and a chili on fire and
17 burned my mouth." Z.G. told deputies that N.T. got back on the phone and said that everything
18 was okay and Z.G. then terminated the phone call.

19 19. Z.G. went to the victim's school the following day and found that the victim had not
20 attended school. Z.G. then went to the victim's residence as she was scheduled to watch the
21 victim and his brother for the weekend, and Z.G. contacted the victim, N.T. and Respondent.
22 Z.G. told deputies that while at the residence, Respondent would not make eye contact with her,
23 and that Respondent was walking around the house with her head down and appeared nervous.
24 Z.G. picked up the victim and his brother and took them home. Once at her residence, Z.G.
25 noticed redness and a small blister on the victim's upper lip and Z.G. asked the victim what had
26 happened to his lip. The child told Z.G. that "Stephanie" (Respondent) had burned him with a
27 spoon. Z.G. then called CPS and the Sheriff's Department.

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1 20. Deputies contacted the victim at Z.G.'s residence and the victim told deputies that he
2 and "Stephanie" were in the kitchen when "Stephanie" placed a spoon over the stove and heated
3 it up, that she held the spoon close to his mouth and that the spoon had touched his mouth.
4 Deputies asked the victim what he did after the spoon touched his mouth and the victim told
5 deputies that he cried and took ice out of the refrigerator and placed it against his lip. The victim
6 told deputies his mother, N.T., was present when the incident occurred. Deputies asked the
7 victim if Respondent said anything to him after the incident, and he replied that Respondent told
8 him, "L..., I won't ever do this again," and was also told, "Don't say this again or mommy will
9 go to jail." Deputies observed that the victim had a small blister in the middle of his upper lip and
10 that his slip was slightly swollen and red, injuries consistent with having been burned by a hot
11 object. Deputies interviewed the victim's mother, N.T., who at first denied that Respondent had
12 any involvement with the victim's injuries, blaming the injuries on a school accident, and later
13 admitted and confirmed the victim's account of his injuries. Deputies interviewed Respondent
14 and she told deputies the victim had sustained his injuries at school the previous day and denied
15 burning him with a spoon. Respondent told deputies that the victim had repeatedly called her a
16 "bitch" and that she warned the victim to stop cursing at her or she would place a hot spoon on
17 his mouth and again denied touching the victim with the spoon. Deputies arrested Respondent for
18 child abuse and she was transported to the Perris Station for booking.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Failure to Cooperate in the Board's Investigation)**

21 21. Respondent is subject to disciplinary action under section 4301, subdivisions (q) of
22 the Code on the grounds of unprofessional conduct in that she failed to cooperate in the Board's
23 investigation. The circumstances are as follows:

24 22. On or about March 5, 2012, the Board mailed Respondent a letter requesting a written
25 explanation of the facts and circumstances surrounding the incident that led to the conviction
26 described at paragraphs 11 through 20, above, and gave Respondent until April 2, 2012, to submit
27 the written explanation. Respondent failed to respond to the Board's inquiry.

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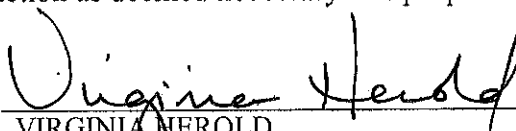
PRAYER

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 Registration Number TCH 117591 issued to Stephanie R. Coronado;
2. Ordering Stephanie R. Coronado to pay the Board of Pharmacy 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 deemed necessary and proper.

DATED: _____

3/1/13



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

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