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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4637

12 **ARACELY CORONA**
9406 Wampler St.
13 Pico Rivera, CA 90660

ACCUSATION

[Gov. Code, § 11503.]

14 **Pharmacy Technician Registration No.**
15 **TCH 112578**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

22 2. On October 17, 2011, the Board issued Pharmacy Technician Registration Number
23 TCH 112578 to Respondent Aracely Corona. The license was in full force and effect at all times
24 relevant to the charges brought herein. The license expired on February 28, 2013 and has been
25 cancelled. Notwithstanding the expiration and cancellation of Respondent's license, the Board
26 retains jurisdiction to proceed under Business and Professions Code section 4300.1.

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JURISDICTION

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

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

6 5. Section 4300.1 of the Code states:

7 The expiration, cancellation, forfeiture, or suspension of a board-issued
8 license by operation of law or by order or decision of the board or a court of law,
9 the placement of a license on a retired status, or the voluntary surrender of a
license by a licensee shall not deprive the board of jurisdiction to commence or
proceed with any investigation of, or action or disciplinary proceeding against, the
licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

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11 6. Section 4301 of the Code states, in pertinent part:

12 The board shall take action against any holder of a license who is guilty of
13 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:

14 ...

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

16 ...

17 (o) Violating or attempting to violate, directly or indirectly, or assisting in
18 or abetting the violation of or conspiring to violate any provision or term of this
chapter or of the applicable federal and state laws and regulations governing
19 pharmacy, including regulations established by the board or by any other state or
federal regulatory agency.

20 (p) Actions or conduct that would have warranted denial of a license...

21 7. Section 4307 of the Code states, in pertinent part:

22 (a) Any person...whose license has been revoked or is under suspension, or
23 who has failed to renew his or her license while it was under suspension, or who has
been a manager, administrator, owner, member, officer, director, associate, or
24 partner of any partnership, corporation, firm, or association whose application for a
license has been denied or revoked, is under suspension or has been placed on
25 probation, and while acting as the manager, administrator, owner, member, officer,
26 director, associate, or partner had knowledge of or knowingly participated in any
conduct for which the license was denied, revoked, suspended, or placed on
probation, shall be prohibited from serving as a manager, administrator, owner,
member, officer, director, associate, or partner of a licensee as follows:

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1 (1) Where...an existing license is placed on probation, this prohibition shall
2 remain in effect for a period not to exceed five years.

3 (2) Where the license is...revoked, the prohibition shall continue until the
4 license is...reinstated...

5 **REGULATORY PROVISIONS**

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

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

14 **DRUG STATUTES**

15 9. Business and Professions Code section 4060 states:

16 A person shall not possess any controlled substance, except that furnished to a
17 person upon the prescription of a physician, dentist, podiatrist, optometrist,
18 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
19 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
20 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant
21 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
22 pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not
23 apply to the possession of any controlled substance by a manufacturer, wholesaler,
24 pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian,
25 naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician
26 assistant, if in stock in containers correctly labeled with the name and address of the
27 supplier or producer.

28 This section does not authorize a certified nurse-midwife, a nurse
practitioner, a physician assistant, or a naturopathic doctor, to order his or her own
stock of dangerous drugs and devices.

10. Health and Safety Code section 11377 states, in pertinent part:

(a) Except as authorized by law and as otherwise provided in subdivision (b)
or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of
Division 2 of the Business and Professions Code, every person who possesses any
controlled substance which is (1) classified in Schedule III, IV, or V, and which is
not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except
paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph
(11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of
subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of
Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or
veterinarian, licensed to practice in this state, shall be punished by imprisonment in

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1 a county jail for a period of not more than one year or pursuant to subdivision (h) of
2 Section 1170 of the Penal Code.

3 **DRUG CLASSIFICATION**

4 11. Methamphetamine is a Schedule II controlled substance and a dangerous drug.
5 (Health & Saf. Code, § 11055, subd. (d)(2); Bus. & Prof. Code, § 4022.)

6 **COST RECOVERY**

7 12. Section 125.3 of the Code provides that the Board may request the administrative law
8 judge to direct a licentiate found to have violated the licensing act to pay a sum not to exceed the
9 reasonable costs of the investigation and enforcement of the case.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Violate Laws Regulating Controlled Substances and Dangerous Drugs)**

12 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
13 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
14 conduct in that Respondent violated state statutes regulating controlled substances and dangerous
15 drugs. In particular, Respondent violated Health and Safety Code section 11377, subdivision (a),
16 and Business and Professions Code section 4060, both of which sections prohibit the possession
17 of a controlled substance unless upon a valid prescription.

18 14. On May 15, 2012, Respondent unlawfully possessed methamphetamine. Los Angeles
19 County Sheriff's Department officers discovered the drug during a traffic stop in Montebello.
20 Respondent admitted having methamphetamine in her bra. The officers recovered two bags
21 containing 4.92 grams of methamphetamine.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Violate Pharmacy Law)**

24 15. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
25 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
26 conduct in that Respondent violated provisions of the Pharmacy Law. Complainant realleges
27 paragraphs 13-14.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Conduct Warranting Denial)**

3 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (p),
4 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
5 conduct in that Respondent committed acts that would warrant denial of licensure if they had
6 been committed by an applicant. Complainant realleges paragraphs 13-14.

7 **OTHER MATTERS**

8 17. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy
9 Technician Registration Number TCH 112578, issued to Respondent Aracely Corona, then
10 Respondent shall be prohibited from serving as a manager, administrator, owner, member, officer,
11 director, associate or partner of a licensee for a period not to exceed five years in the case of
12 probation, or, in the case of revocation, until the license is reinstated.

13 **PRAYER**

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

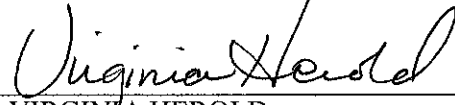
16 1. Revoking or suspending Pharmacy Technician Registration Number 112578, issued
17 to Respondent Aracely Corona;

18 2. Ordering Respondent Aracely Corona to pay the Board the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Code section 125.3;

20 3. Prohibiting Respondent Aracely Corona from serving as a manger, administrator,
21 owner, member, officer, director, associate or partner of a licensee for a period not to exceed five
22 years in the case of probation, or, in the case of revocation, until the license is reinstated; and

23 4. Taking such other and further action as deemed necessary and proper.

24 DATED: 5/9/14



25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

LA2013509445