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8	BEFORE THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Accusation Against: Case No. 4799
12	GRISELDA LOPEZ
13	15820 Vanowen St. #9         A C C U S A T I O N           Van Nuys, CA 91406         A C C U S A T I O N
14	Pharmacy Technician Registration No. TCH 97412
15	Respondent.
16	Kespondent.
17	
18	Complainant alleges:
19	<u>PARTIES</u>
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 March 11, 2010, the Board of Pharmacy (Board) issued Pharmacy
23	Technician Registration No. TCH 97412 to Griselda Lopez (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 September 30, 2015, unless renewed.
26	JURISDICTION
27	3. This Accusation is brought before the Board under the authority of the following
28	laws. All section references are to the Business and Professions Code unless otherwise indicated.
	1 Accusation

1	STATUTORY PROVISIONS
2	4. Section 4060 states, in pertinent part:
3	"No person shall possess any controlled substance, except that furnished to a person upon
4	the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
5	doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
6	nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
7	physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
8	or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
9	subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
10	apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
11	pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
12	nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
13	labeled with the name and address of the supplier or producer."
14	5. Section 4300 provides, in pertinent part, that every license issued by the Board is
15	subject to discipline, including suspension or revocation.
16	6. Section 4300.1 states:
17	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by
18	operation of law or by order or decision of the board or a court of law, the placement of a license
19	on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
20	of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
21	proceeding against, the licensee or to render a decision suspending or revoking the license."
22	7. Section 4301 states, in pertinent part:
23	"The board shall take action against any holder of a license who is guilty of unprofessional
24	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
25	Unprofessional conduct shall include, but is not limited to, any of the following:
26	
27	"(j) The violation of any of the statutes of this state, or any other state, or of the United
28	States regulating controlled substances and dangerous drugs.
	2 Accusation

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2	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
3	violation of or conspiring to violate any provision or term of this chapter or of the applicable
4	federal and state laws and regulations governing pharmacy, including regulations established by
5	the board or by any other state or federal regulatory agency."
6	REGULATORY PROVISIONS
7	8. California Code of Regulations, title 16, section 1770, states:
8	"For the purpose of denial, suspension, or revocation of a personal or facility license
9	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
10	crime or act shall be considered substantially related to the qualifications, functions or duties of a
11	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
12	licensee or registrant to perform the functions authorized by his license or registration in a
13	manner consistent with the public health, safety, or welfare."
14	<u>COST RECOVERY</u>
15	9. Section 125.3 provides, in pertinent part, that the Board may request the
16	administrative law judge to direct a licentiate found to have committed a violation or violations of
17	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18	enforcement of the case, with failure of the licentiate to comply subjecting the license to not
19	being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
20	may be included in a stipulated settlement.
21	10. CONTROLLED SUBSTANCES/DANGEROUS DRUGS
22	"Norco," is a Schedule III controlled substance pursuant to Health and Safety Code section
23	11056(e) and is categorized as a dangerous drug pursuant to section 4022.
24	FIRST CAUSE FOR DISCIPLINE
25	(Illegal Possession of a Controlled Substance)
26	11. Respondent is subject to disciplinary action under sections 4300 and 4301,
27	subdivision (j) for violating section 4060, on the grounds of unprofessional conduct, in that
28	Respondent was found to be in illegal possession of a controlled substance, as follows:
	3 Accusation
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1.

1       a. On or about December 12, 2012, during a traffic enforcement stop by the Los         2       Angeles Police Department, Respondent was contacted. Respondent was asked to exit her         3       vehicle and provide her driver's license. During a consent search of her purse, the officer         4       piece of white paper folded several times. The officer unfolded the paper and observed a:         5       powder like substance, resembling cocaine. Respondent was subsequently arrested for viol         6       Health and Safety Code section 11350, subdivision (a) [possession of a controlled substant         7       During the booking procedure, Respondent admitted to officers that the while powder was cocaine; but, rather it was a crushed and grinded up Norco pill. The powder was confirmed         9       the police department to be Norco.         10       SECOND CAUSE FOR DISCIPLINE         11       (Unprofessional Conduct/ Violation of Licensing Chapter)         12       Respondent is subject to disciplinary action under section 4301, (o), in that         13       Respondent committed acts of unprofessional conduct and/or violated provisions of the line in paragraph 11, subparagraph (a), as though set forth fully.         14       ///         15       in paragraph 11, subparagraph (a), as though set forth fully.         16       ///         17       ///         18       ///         19 <th>1</th>	1
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4 <u>A</u>	ccusation

1	<u>PRAYER</u>
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3	and that following the hearing, the Board issue a decision:
4	1. Revoking or suspending Pharmacy Technician Registration No. TCH 97412, issued
5	to Respondent Griselda Lopez;
6	2. Ordering Respondent Griselda Lopez to pay the Board the reasonable costs of the
7	investigation and enforcement of this case, pursuant to section 125.3; and
8	3. Taking such other and further action as deemed necessary and proper.
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12	DATED: 5/3/14 Miginia Hierda
13	VIRGINIA AEROLD Executive Officer
14	Board of Pharmacy Department of Consumer Affairs
15	State of California Complainant
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