

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
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. 5026

12 **LAURA ROSOI NOLASCO**
13 **816 Pecan Court**
Livingston, CA 95334

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **74635**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about April 27, 2007, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 74635 to Laura Rosoi Nolasco (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on February 28, 2015, 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 unless otherwise indicated.

1 4. Section 4300 of the Code states in pertinent part:

2 "(a) Every license issued may be suspended or revoked.

3 "(b) The board shall discipline the holder of any license issued by the board, whose default
4 has been entered or whose case has been heard by the board and found guilty, by any of the
5 following methods:

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

8 "(3) Suspending his or her right to practice for a period not exceeding one year.

9 "(4) Revoking his or her license.

10 "(5) Taking any other action in relation to disciplining him or her as the board in its
11 discretion may deem proper..."

12 5. Section 4300.1 of the Code states:

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

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

19 "The board shall take action against any holder of a license who is guilty of unprofessional
20 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

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

22 "..."

23 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
24 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
25 whether the act is a felony or misdemeanor or not.

26 "..."

27 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
28 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to

1 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
2 to the extent that the use impairs the ability of the person to conduct with safety to the public the
3 practice authorized by the license.

4 "...

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

7 "...

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

24 "...

25 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
26 violation of or conspiring to violate any provision or term of this chapter or of the applicable

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1 federal and state laws and regulations governing pharmacy, including regulations established by the
2 board or by any other state or federal regulatory agency..."

3 7. Section 4060 of the Code states in pertinent part:

4 "No person shall possess any controlled substance, except that furnished to a person upon
5 the prescription of a physician..."

6 8. Health and Safety Code section 11170 states: "No person shall prescribe, administer,
7 or furnish a controlled substance for himself."

8 DRUGS

9 9. "Norco" is a brand name for acetaminophen and hydrocodone bitartrate, a Schedule
10 III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(4).

11 COST RECOVERY

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

16 FIRST CAUSE FOR DISCIPLINE

17 **(Substantially Related Criminal Conviction)**

18 11. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
19 section 4301, subdivision (l), in that on or about March 2, 2011, in a case in the Merced County
20 Superior Court entitled *People v. Laura Rosio Nolasco*, case number 009640, she was convicted
21 of violating Vehicle Code section 23152, subdivision (b), driving a vehicle while under the
22 influence of alcohol with a blood alcohol level of at least 0.08% by volume, a misdemeanor. The
23 circumstances are that on or about December 18, 2009, Respondent drove a motor vehicle on a
24 public street with a blood alcohol level that was tested at 0.10% and 0.11% by volume.

25 SECOND CAUSE FOR DISCIPLINE

26 **(Act Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

27 12. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
28 section 4301, subdivision (f), in that she committed acts involving moral turpitude, dishonesty,

1 fraud, or deceit. The circumstances are that while employed by CVS Pharmacy and on duty,
2 Respondent regularly stole bottles of Hydrocodone/APAP 10/325, brand name Norco, estimated
3 to total one thousand, eight hundred and eighty two (1,882) pills. Respondent admitted to stealing
4 one to two (1-2) bottles of Norco per month for the two (2) years prior to her termination from
5 employment on May 31, 2013, by hiding them in her purse or lunch bag. Respondent admitted
6 administering Norco to herself prior to working her shifts at CVS Pharmacy.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Self-Administer Controlled Substances)**

9 13. Respondent is subject to disciplinary action for unprofessional conduct for self-
10 administering a controlled substance or alcoholic beverage in a manner or to an extent to be
11 dangerous to herself or others, pursuant to section 4301, subdivision (h). The circumstances are
12 as follows:

13 a. On or about December 18, 2009, Respondent self-administered alcohol to an
14 extent to be dangerous to herself or others as described in paragraph 11, above.

15 b. Respondent self-administered a controlled substance, Norco, prior to working
16 shifts at CVS Pharmacy where she performed the duties of a pharmacy technician as described in
17 paragraph 12, above.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Violation of Laws Governing Controlled Substances)**

20 14. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
21 section 4301, subdivision (j), in that she violated Health and Safety Code section 11170, and Code
22 section 4060, by possessing and self-administering a controlled substance for which she did not
23 have a prescription. The circumstances are as described in paragraph 12, above.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Violation of Laws Governing Pharmacy)**

26 15. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
27 section 4301, subdivision (o), in that Respondent violated the laws governing pharmacy as set
28 forth in paragraphs 11-14, above.

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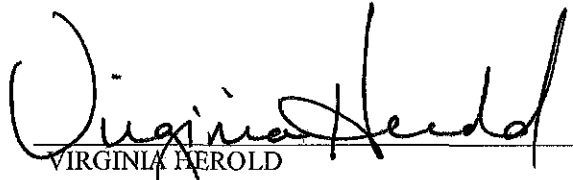
PRAYER

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 74635, issued to Laura Rosoi Nolasco;
2. Ordering Laura Rosoi Nolasco 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:

3/27/14



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

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