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9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11		e No. 5108	
12	LISA ANN LOPEZ 3435 Bathgate Lane		
13		CUSATION	
14	Pharmacy Technician Registration No. TCH 14257		
15	Respondent.		
16			
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 (Board), Department of Consumer Affairs.		
21	2. On or about October 26, 1994, the Board issued Pharmacy Technician Registration		
22	Number TCH 14257 to Lisa Ann Lopez (Respondent). The Pharmacy Technician Registration		
23	was in full force and effect at all times relevant to the charges brought herein and will expire on		
24	February 29, 2016, unless renewed.		
25	JURISDICTI	ION	
26	3. This Accusation is brought before the Boa	ard 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.		
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1	4. Code section 4300 states:	
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	""	
13	"(e) The proceedings under this article shall be conducted in accordance with Chapter 5	
14	(commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board	
15	shall have all the powers granted therein. The action shall be final, except that the propriety of the	
16	action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil	
17	Procedure."	
18	5. Code section 4300.1 states:	
19	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation	
20	of law or by order or decision of the board or a court of law, the placement of a license on a	
21	retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of	
22	jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding	
23	against, the licensee or to render a decision suspending or revoking the license."	
24	STATUTORY PROVISION	
25	6. Code section 4301 states:	
26	"The board shall take action against any holder of a license who is guilty of unprofessional	
27	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.	
28	Unprofessional conduct shall include, but is not limited to, any of the following:	
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	Accusation	

"…" 1 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous 2 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to 3 oneself, to a person holding a license under this chapter, or to any other person or to the public, or 4 5 to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license. 6 "... 7 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the 8 violation of or conspiring to violate any provision or term of this chapter or of the applicable 9 federal and state laws and regulations governing pharmacy, including regulations established by the 10 board or by any other state or federal regulatory agency. 11 н., н 12 7. Code section 4327 states: 13 "Any person who, while on duty, sells, dispenses or compounds any drug while under the 14 influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor." 15 DANGEROUS DRUGS/CONTROLLED SUBSTANCES 16 8. Code section 4022 states . 17 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in 18 humans or animals, and includes the following: 19 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without 20prescription," "Rx only," or words of similar import. 21 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by 22 or on the order of a ," "Rx only," or words of similar import, the blank to be filled in 23 with the designation of the practitioner licensed to use or order use of the device. 24 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on 25prescription or furnished pursuant to Section 4006." 26 9. Ativan is a brand of Lorazepam, a Schedule IV controlled substance as designated by 27 Health and Safety Code section 11057, subdivision (d)(16), and is a dangerous drug per Code 28

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section 4022.

## COST RECOVERY

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

## FACTS

11. On or about June 11, 2013, Respondent was under the influence of a controlled 8 substance and dangerous drug while working as a pharmacy technician for Kaiser Permanente in 9 Gilroy, California. Respondent admitted taking her own prescription of lorazepam in excess of the 10 prescribed dosage.

## FIRST CAUSE FOR DISCIPLINE

(Dangerous and/or Injurious Administration of Controlled Substance)

12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h) in that she administered to herself a controlled substance in a dangerous or injurious manner, as set forth in paragraph 11, above.

## SECOND CAUSE FOR DISCIPLINE

(Dispensing While Under the Influence of Drug)

Respondent is subject to disciplinary action under Code sections 4301, subdivision (o) 13. 19 and/or 4327 in that she dispensed drugs while under the influence of a dangerous drug, as set forth 20 in paragraph 11, above. 21

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 23 and that following the hearing, the Board of Pharmacy issue a decision: 24

1. Revoking or suspending Pharmacy Technician Registration Number TCH 14257, 25 issued to Lisa Ann Lopez; 26

Ordering Lisa Ann Lopez to pay the Board of Pharmacy the reasonable costs of the 2. 27 investigation and enforcement of this case, pursuant to Business and Professions Code section 28

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125.3; 3. Taking such other and further action as deemed necessary and proper. 6/14/14 DATED: VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant SF2014407802 40942028.doc Accusation