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

11 In the Matter of the Accusation Against:

Case No. 5313

12 **RAYMOND LEON MATTHEWSON**
13 **4700 Spring Street #180**
14 **La Mesa, CA 91941**

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
63276

16 Respondent.

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18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about June 14, 2005, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 63276 to Raymond Leon Matthewson (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on June 30, 2015, unless renewed.

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 4011 of the Code provides that the Board shall administer and enforce both
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
7 Act [Health & Safety Code, § 11000 et seq.].

8 5. Section 4300(a) of the Code provides that every license issued by the Board may be
9 suspended or revoked.

10 6. Section 4300.1 of the Code states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued license
12 by operation of law or by order or decision of the board or a court of law, the
13 placement of a license on a retired status, or the voluntary surrender of a license by a
14 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.

15 **STATUTORY AND REGULATORY PROVISIONS**

16 7. Section 4301 of the Code states in pertinent part:

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

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

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

24 **COST RECOVERY**

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

1 **FACTUAL ALLEGATIONS**

2 10. At all times relevant herein, Respondent was employed as a pharmacy technician in
3 the Emergency Department at Grossmont Hospital located in La Mesa, California.

4 11. From April 1, 2013 through August 31, 2013, Respondent accessed and
5 inappropriately viewed the medical records of patient L.B. approximately sixty one times and
6 minor patient L.C. approximately eleven times through the Grossmont Hospital's electronic
7 medical record system. Respondent accessed the records of those patients without an
8 authorization or other legitimate medical purpose.

9 **CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 12. Respondent is subject to disciplinary action under Code section 4301 for
12 unprofessional conduct in that he engaged in the activities described in paragraphs 10 through 11
13 above, which are incorporated herein by reference.

14 **PRAYER**

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

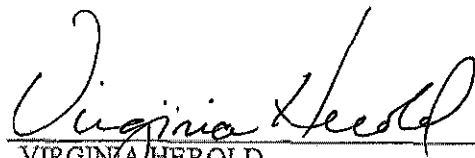
17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 63276,
18 issued to Raymond Leon Matthewson;

19 2. Ordering Raymond Leon Matthewson to pay the Board of Pharmacy the reasonable
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
21 section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 2/23/15



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

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