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

12 In the Matter of the Accusation Against:

Case No. 5341

13 **ELIZABETH DURAN**  
12351 15th Street  
Yucaipa, CA 92399

**ACCUSATION**

14 Pharmacy Technician Registration No. TCH 71273

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).
- 21 2. On or about August 9, 2006, the Board issued Pharmacy Technician Registration No.  
22 TCH 71273 to Elizabeth Duran (Respondent). The Pharmacy Technician Registration expired on  
23 October 5, 2014, and has not been renewed. Respondent's license was canceled on October 5,  
24 2014, pursuant to Business and Professions Code section 4402(e).

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board under the authority of the following  
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
28 indicated.



1           "(g) Knowingly making or signing any certificate or other document that falsely represents  
2 the existence or nonexistence of a state of facts.

3           "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
4 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
5 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
6 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
7 practice authorized by the license.

8           . . . .

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

11           . . . .

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

16           . . . .

17           "(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the  
18 board. . . ."

19           9. Section 4324 of the Code states, in pertinent part:

20           "(a) Every person who signs the name of another, or of a fictitious person, or falsely  
21 makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for  
22 any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment  
23 pursuant to subdivision (h) of Section 1170 of the Penal Code, or by imprisonment in a county jail  
24 for not more than one year.

25           "(b) Every person who has in his or her possession any drugs secured by a forged  
26 prescription shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the  
27 Penal Code, or by imprisonment in the county jail for not more than one year."  
28

1 **COST RECOVERY**

2 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
7 included in a stipulated settlement.

8 **DANGEROUS DRUGS**

9 11. Cortisporin Otic, a brand name for a combination drug containing neomycin,  
10 polymyxin, and hydrocortisone, is a dangerous drug pursuant to section 4022 of the Code.

11 12. Desyrel, a brand name for trazodone, is a dangerous drug pursuant to section 4022 of  
12 the Code.

13 13. Diovan HCT, a brand name for a combination drug containing valsartan and  
14 hydrochlorothiazide, is a dangerous drug pursuant to section 4022 of the Code.

15 14. Fosamax, a brand name for alendronate sodium, is a dangerous drug pursuant to  
16 section 4022 of the Code.

17 15. Glucovance, a brand name for a combination drug containing glyburide and  
18 metformin, is a dangerous drug pursuant to section 4022 of the Code.

19 16. HCTZ, a brand name for hydrochlorothiazide, is a dangerous drug pursuant to section  
20 4022 of the Code.

21 17. Lotensin, a brand name for benazepril, is a dangerous drug pursuant to section 4022  
22 of the Code.

23 18. Lotrel, a brand name for a combination drug containing amlodipine and benazepril, is  
24 a dangerous drug pursuant to section 4022 of the Code.

25 19. Prilosec, a brand name for omeprazole, is a dangerous drug pursuant to section 4022  
26 of the Code.

27 20. Singulair, a brand name for montelukast sodium, is a dangerous drug pursuant to  
28 section 4022 of the Code.



1 Complainant refers to and by this reference incorporates the allegations set forth above in  
2 paragraph 22, subparagraph a, inclusive, as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Forgery of Prescriptions)**

5 24. Respondent is subject to disciplinary action under sections 4301, subdivision (o), and  
6 4324, on the grounds of unprofessional conduct, in that on or about July 26, 2013, July 31, 2013,  
7 and August 1, 2013, Respondent forged prescriptions without prescriber's authorization.

8 Complainant refers to and by this reference incorporates the allegations set forth above in  
9 paragraph 22, subparagraph a, inclusive, as though set forth fully.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Subvert or Attempt to Subvert a Board Investigation)**

12 25. Respondent is subject to disciplinary action under section 4300, and 4301,  
13 subdivision (q), on the grounds of unprofessional conduct, in that Respondent subverted or  
14 attempted to subvert an investigation of the Board when she failed to present herself as agreed  
15 before the Board's investigators, as follows:

16 a. On or about June 6, 2014, the Board's investigator sent an interview letter to  
17 Respondent via Federal Express.

18 b. On or about June 10, 2014, the Board's investigator received an email from Federal  
19 Express indicating that the interview letter had been signed for at the address of record with the  
20 Board, and the delivery records indicated that Respondent signed for receiving the letter.

21 c. On or about June 24, 2014, the Board's investigator sent a second interview letter to  
22 Respondent via United States Postal Service, and Respondent failed to respond.

23 d. On or about September 22, 2014, the Board's investigator sent a Written Notices of  
24 Noncompliance to Respondent.

25 **FIFTH CAUSE FOR DISCIPLINE**

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

27 26. Respondent is subject to disciplinary action under section 4301, subdivision (f), on  
28 the grounds of unprofessional conduct, in that Respondent committed acts involving moral

1 turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by this reference  
2 incorporates the allegations set forth above in paragraphs 22 through 25, inclusive, as though set  
3 forth fully.

4 **SIXTH CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct / Violating Pharmacy Law)**

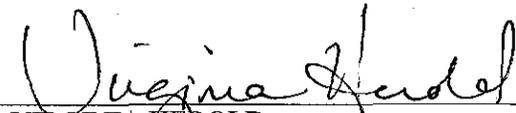
6 27. Respondent is subject to disciplinary action under Code sections 4301, subdivisions  
7 (o) and (p), in that Respondent committed acts violating the Pharmacy Law and / or federal and  
8 state laws that would have warranted denial of a license. Complainant refers to and by this  
9 reference incorporates the allegations set forth above in paragraphs 22 through 26, inclusive, as  
10 though set forth fully.

11 **PRAAYER**

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

- 14 1. Revoking or suspending Pharmacy Technician Registration Number TCH 71273,  
15 issued to Elizabeth Duran ;
- 16 2. Ordering Elizabeth Duran to pay the Board of Pharmacy the reasonable costs of the  
17 investigation and enforcement of this case, pursuant to Business and Professions Code section  
18 125.3; and
- 19 3. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: 3/15/16



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

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