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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. 5750

12 **YVONNE ARMAS**

13 927 Paseo Camarillo
14 Camarillo, CA 93010

15 Pharmacy Technician Registration No. TCH
27203

16 Respondent.

A C C U S A T I O N

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about September 24, 1998, the Board issued Pharmacy Technician Registration
23 Number TCH 27203 to Yvonne Armas (Respondent). Said registration was in full force and effect
24 at all times relevant to the charges brought herein and will expire on October 31, 2017, unless
25 renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

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

1 4. Section 4300 of the Code 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,
4 whose default has been entered or whose case has been heard by the board and found
guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one
8 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 discretion may deem proper.

11 (c) The board may refuse a license to any applicant guilty of
12 unprofessional conduct. The board may, in its sole discretion, issue a probationary
license to any applicant for a license who is guilty of unprofessional conduct and who
13 has met all other requirements for licensure. The board may issue the license subject
to any terms or conditions not contrary to public policy, including, but not limited to,
14 the following:

15 (1) Medical or psychiatric evaluation.

16 (2) Continuing medical or psychiatric treatment.

17 (3) Restriction of type or circumstances of practice.

18 (4) Continuing participation in a board-approved rehabilitation program.

19 (5) Abstention from the use of alcohol or drugs.

20 (6) Random fluid testing for alcohol or drugs.

21 (7) Compliance with laws and regulations governing the practice of
pharmacy.

22 (d) The board may initiate disciplinary proceedings to revoke or suspend
23 any probationary certificate of licensure for any violation of the terms and conditions
of probation. Upon satisfactory completion of probation, the board shall convert the
24 probationary certificate to a regular certificate, free of conditions.

25 (e) The proceedings under this article shall be conducted in accordance
with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
26 Government Code, and the board shall have all the powers granted therein. The action
shall be final, except that the propriety of the action is subject to review by the
27 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.”

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1 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
2 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
3 disciplinary action during the period within which the license may be renewed, restored, reissued
4 or reinstated.

5 6. Section 4301 of the Code provides, in pertinent part:

6 “The board shall take action against any holder of a license who is guilty
7 of unprofessional conduct or whose license has been procured by fraud or
8 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
9 not limited to, any of the following:

10 ...

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

16 ...

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

19 ...

20 (o) Violating or attempting to violate, directly or indirectly, or assisting in
21 abetting the violation of or conspiring to violate any provision or term of this chapter
22 or of the applicable federal and state laws and regulations governing pharmacy,
23 including regulations established by the board or by any other state or federal
24 regulatory agency.”

25 7. Health and Safety Code section 11550 states, in pertinent part:

26 “(a) A person shall not use, or be under the influence of any controlled
27 substance that is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of
28 subdivision (f) of section 11054, specified in paragraph (14), (15), (21), (22), or (23)
of subdivision (d) of section 11054, specified in subdivision (b) or (c) of Section
11055, or specified in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of
subdivision (e) of section 11055, or (2) a narcotic drug classified in Schedule III, IV,
or V, except when administered by or under the direction of a person licensed by the
state to dispense, prescribe, or administer controlled substances. It shall be the burden
of the defense to show that it comes within the exception. A person convicted of
violating this subdivision is guilty of a misdemeanor and shall be sentenced to serve a
term of not more than one year in county jail. The court may also place a person
convicted under this subdivision on probation for a period not to exceed five years.”

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Self-Administration of Controlled Substances)**

3 8. Respondent is subject to disciplinary action under section 4301, subdivision (h) of the
4 Code in that she self-administered controlled substances/dangerous drugs, without a prescription.
5 Specifically, on August 17, 2015, Ventura County Sheriff's Department deputies responded to a
6 report of people drinking and being loud in a parking lot. Upon arrival, the deputies contacted
7 four subjects, one of which was Respondent. The deputies observed that Respondent displayed
8 signs and symptoms of being under the influence of a controlled substance. Respondent admitted
9 to taking prescription medication and to drinking alcohol all day. Respondent also admitted that
10 there was methamphetamine¹ in the drink being shared among the group and that she felt the
11 effects of methamphetamine.²

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

14 9. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
15 (o) of the Code in that Respondent violated Health and Safety Code section 11550, subdivision
16 (a), a pharmacy law of the State of California regulating controlled substances and dangerous
17 drugs. The conduct is described in more particularity in paragraph 8 above, inclusive, and hereby
18 incorporated by reference.

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24 _____
25 ¹ Methamphetamine is a Schedule II controlled substance pursuant to Health and Safety
26 Code section 11055 and is categorized as a dangerous drug pursuant to section 4022 of the Code.
27 ² On or about August 30, 2016, Respondent pled guilty to one misdemeanor count of
28 violating Health and Safety Code section 11550(a) [under the influence of a controlled substance]
in the criminal proceeding entitled *The People of the State of California v. Yvonne Armas* (Super.
Ct., County of Venutra, Case No. 2015026245). Respondent was placed on a deferred entry of
judgment program for a period of 24 months, with terms and conditions.

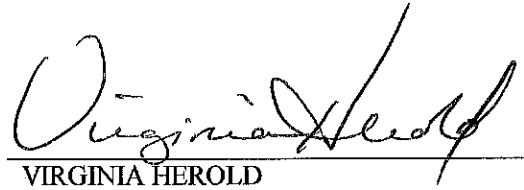
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PRAYER

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 27203, issued to Yvonne Armas;
2. Ordering Yvonne Armas 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: 10/19/16



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

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