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

10 In the Matter of the Accusation Against:

Case No. 5900

11 **GLORIA PATRICIA GODOY**
12 7872 Claybeck Ave.
Sun Valley, CA 91352

A C C U S A T I O N

13 **Pharmacy Technician Registration No.**
14 **TCH 90759**

15 Respondent.

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17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On July 20, 2009, the Board issued Pharmacy Technician Registration Number TCH
23 90759 to Gloria Patricia Godoy (Respondent). The Pharmacy Technician Registration was in full
24 force and effect at all times relevant to the charges brought herein and will expire on January 31,
25 2019 unless it is renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before Board under the authority of the following laws.

3 All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Code section 4300 provides in pertinent part that “[e]very license issued may be
5 suspended or revoked.”

6 5. Code section 4300.1 states:

7 The expiration, cancellation, forfeiture, or suspension of a board-issued license
8 by operation of law or by order or decision of the board or a court of law, the
9 placement of a license on a retired status, or the voluntary surrender of a license by a
10 licensee shall not deprive the board of jurisdiction to commence or proceed with any
11 investigation of, or action or disciplinary proceeding against, the licensee or to render a
12 decision suspending or revoking the license.

11 **STATUTES**

12 6. Code section 4022 defines “dangerous drug” to mean any drug that is “unsafe for self-
13 use in humans or animals.”

14 7. Code section 4301 provides in pertinent part:

15 The board shall take action against any holder of a license who is guilty of
16 unprofessional conduct or whose license has been issued by mistake. Unprofessional
17 conduct shall include, but is not limited to, any of the following:

18 ...

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

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

24 ...

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

27 ...

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

1 8. Code section 4324 states:

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

7 (b) Every person who has in his or her possession any drugs secured by a forged
8 prescription shall be punished by imprisonment pursuant to subdivision (h) of Section
9 1170 of the Penal Code, or by imprisonment in the county jail for not more than one
10 year.

11 **REGULATIONS**

12 9. California Code of Regulations, title 16, section 1770, states:

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

20 **COST RECOVERY**

21 10. Code section 125.3 provides in pertinent part that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
25 renewed or reinstated.

26 **DRUG CLASSIFICATIONS**

27 11. Combigan is a dangerous drug approved for reducing elevated intraocular pressure in
28 patients with glaucoma. (Bus. & Prof. Code, § 4022.)

STATEMENT OF FACTS

24 12. On or about September 10, 2013, Respondent, while working as a Pharmacy
25 Technician at a CVS retail pharmacy in Sun Valley, California, wrote a refill authorization for her
26 family member's prescription of Combigan eye drops without the doctor's authorization.

27 13. Respondent wrote on the refill authorization form that "Maria" approved three refills,
28 but Respondent never spoke with anyone in the doctor's office, let alone "Maria." Respondent

1 knew that the refills had not been approved by any person authorized to prescribe dangerous drugs
2 when she wrote the refill prescription and, later, when she submitted it to the pharmacist to be
3 dispensed.

4 14. Relying on the forged refill prescription, the pharmacist dispensed the medication on
5 or about September 10, 2013. Respondent picked up the Combigan eye drops and signed for them
6 on behalf of her family member.

7 15. Respondent admitted in a written statement that she forged the prescription refill
8 authorization.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Falsification of a Document)**

11 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (g),
12 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
13 conduct in that she knowingly made or signed a document that falsely represented the existence or
14 nonexistence of a state of facts: to wit, that her family member's physician had authorized a refill
15 of a prescription for Combigan, a dangerous drug. Complainant realleges paragraphs 11 through
16 15.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Commission of an Act Involving Dishonesty, Fraud, Deceit)**

19 17. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
20 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
21 conduct in that Respondent committed an act involving dishonesty, fraud or deceit. Complainant
22 realleges paragraphs 11 through 15.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Forgery of a Dangerous Drug Prescription)**

25 18. Respondent is subject to disciplinary action under Code section 4301, subdivisions (j)
26 and (o), in conjunction with California Code of Regulations, title 16, section 1770, for
27 unprofessional conduct in that Respondent violated a state law governing dangerous drugs: to wit,
28 Code section 4234, subdivision (a), which criminalizes forgery of drug prescriptions.

1 Complainant realleges paragraphs 11 through 15.

2 **FOURTH CAUSE FOR DISCIPLINE**

3 **(Possession of a Dangerous Drug Obtained with a Forged Prescription)**

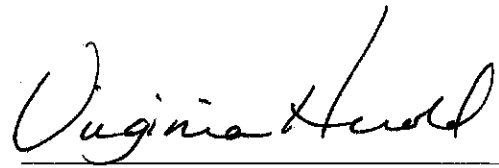
4 19. Respondent is subject to disciplinary action under Code section 4301, subdivisions (j)
5 and (o), in conjunction with California Code of Regulations, title 16, section 1770, for
6 unprofessional conduct in that Respondent violated a state law governing dangerous drugs: to wit,
7 Code section 4234, subdivision (b), which criminalizes possession of drugs that are obtained with
8 a forged prescription. Complainant realleges paragraphs 11 through 15.

9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 90759,
- 13 issued to Gloria Patricia Godoy
- 14 2. Ordering Gloria Patricia Godoy to pay the Board of Pharmacy the reasonable costs of
- 15 the investigation and enforcement of this case, pursuant to Business and Professions Code section
- 16 125.3; and,
- 17 3. Taking such other and further action as deemed necessary and proper.

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21 DATED: 7/11/17



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

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