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

10
11 In the Matter of the Statement of Issues
Against:

Case No. 4839

12 **STEPHANIE ECHAVARRIA**

STATEMENT OF ISSUES

13 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
20 2. On or about July 17, 2012, the Board of Pharmacy, Department of Consumer Affairs
21 received an application for a Pharmacy Technician Registration from Stephanie Echavarria
22 (Respondent). On or about July 10, 2012, Respondent certified under penalty of perjury to the
23 truthfulness of all statements, answers, and representations in the application. The Board denied
24 the application on March 12, 2013.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 480, subdivision (a)(3)(A) of the Code provides that the Board may deny a
2 license if the applicant has done any act that would be grounds for suspension or revocation if
3 done by a licentiate of the Board.

4 5. Section 4300 of the Code states:

5 ". . . .

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

11 "(1) Medical or psychiatric evaluation.

12 "(2) Continuing medical or psychiatric treatment.

13 "(3) Restriction of type or circumstances of practice.

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

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

16 "(6) Random fluid testing for alcohol or drugs.

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

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

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

27 6. Section 4301 of the Code states:

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

4 ". . . .

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

10 ". . . .

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

13 ". . . ."

14 7. Section 118(a) of the Code states:

15 "The withdrawal of an application for a license after it has been filed with a board in the
16 department shall not, unless the board has consented in writing to such withdrawal, deprive the
17 board of its authority to institute or continue a proceeding against the applicant for the denial of
18 the license upon any ground provided by law or to enter an order denying the license upon any
19 such ground."

20 8. Section 4021 of the Code states:

21 "Controlled substance" means any substance listed in Chapter 2 (commencing with Section
22 11053) of Division 10 of the Health and Safety Code.

23 8. Section 4022 of the Code states

24 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self use in
25 humans or animals, and includes the following:

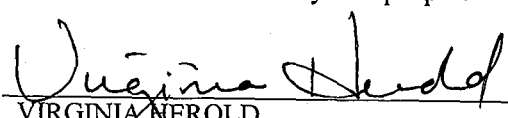
26 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
27 prescription," "Rx only," or words of similar import.

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

DATED: 11/4/13



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

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