BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: GLORIA LEE ROMERO, A.K.A. GLORIA LEE NAVARRO 105 Dearborn Pl. #38 Goleta, CA 93117 Original Pharmacy Technician Registration No. TCH 7860 Respondent.	Case No. 2635 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 1, 2004, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 2635 against Gloria Lee Romero, also known as Gloria Lee Navarro (Respondent) before the Board of Pharmacy.

2. On or about June 8, 1993, the Board of Pharmacy (Board) issued Original Pharmacy Technician Registration No. TCH 7860 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein, and expired on August 31, 2004, and has not been renewed.

3. On or about November 9, 2004, Tracey To, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.

2635, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 105 Dearborn Pl. #38, Goleta, CA 93117. A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about November 11, 2004, the aforementioned documents were returned by the U.S. Postal Service marked "Unable to Forward." The postal returned documents are incorporated herein by reference.

6. Business and Professions Code section 118 states, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

7. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2635.

9. California Government Code section 11520 states, in pertinent part:

"(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon

other evidence and affidavits may be used as evidence without any notice to respondent."

10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Respondent's express admissions by way of default and the evidence before it, contained in exhibit A, finds that the allegations in Accusation No. 2635 are true.

11. The total costs for investigation and enforcement are $7,169.50, as of December 23, 2004.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Gloria Lee Romero, a.k.a. Gloria Lee Navarro, has subjected her Original Pharmacy Technician Registration No. TCH 7860 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Pharmacy is authorized to revoke Respondent's Original Pharmacy Technician Registration based upon the following violations alleged in the Accusation:

a. Business & Professions Code sections 4301, subdivision (e) and 490 - conviction of a crime.

b. Business & Professions Code section 4324 and Health & Safety Code section 11173, subdivisions (a) and (b) - forged prescriptions for herself.

ORDER

IT IS SO ORDERED that Original Pharmacy Technician Registration No. TCH 7860, heretofore issued to Respondent Gloria Lee Romero, a.k.a. Gloria Lee Navarro, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Gloria Lee Romero** Pharmacy Technician Registration No. TCH 7860 Respondent.	Case No. 2635 **DEFAULT DECISION AND ORDER**

DECISION AND ORDER

The attached Default Decision and Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on March 13, 2005.

It is so ORDERED on February 11, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____
STANLEY W. GOLDENBERG
Board President

Exhibit A

Accusation No. 2635

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of the State of California
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Attorneys for Complainant

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: GLORIA LEE ROMERO AKA GLORIA LEE NAVARRO 105 Dearborn Pl. #38 Goleta, CA 93117 Original Pharmacy Technician Registration No. TCH 7860 Respondent.	Case No. 2635 **ACCUSATION**

Complainant alleges:

PARTIES

1. Patricia F. Harris (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about June 8, 1993, the Board of Pharmacy issued Original Pharmacy Technician Registration No. TCH 7860 to Gloria Lee Romero, also known as Gloria Lee Navarro (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2004, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Business and Professions Code provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

5. Section 4301 states:

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

. . . .

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

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

. . . .

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the

qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

. . . .

"(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.

"(p) Actions or conduct that would have warranted denial of a license."

6. Section 4324 states:

"(a) Every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the state prison, or by imprisonment in the county jail, for not more than one year."

7. Section 490 of the Code states:

"A Board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued, or the ground of knowingly making a false statement of fact required to be revealed in an application for such license. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a Board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the

judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of section 1203.4 of the Penal Code."

8. Health and Safety Code section 11173 states:

"(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

"(b) No person shall make a false statement in any prescription, order, report, or record, required by this division."

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

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, 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."

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

11. Section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

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DRUGS

12. Section 4022 of the Code provides, in pertinent part, that a "dangerous drug" means any drug unsafe for self-use in that under federal or state law it can be lawfully dispersed only on prescription or furnished pursuant to section 4006 of the Code.

13. Section 4021 of the Code provides in pertinent part, that a "controlled substance" means any substance listed in Chapter 2 of Division 10 of the Health and Safety Code.

"Darvocet," is a brand of propoxyphene and acetaminophen. It is a Schedule IV controlled substance, as designated by Health and Safety Code section 11057(c)(2) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Crime)

14. Respondent is subject to disciplinary action under sections 4031, subdivision (l) and 490 of the Code, in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional conduct, in that Respondent was convicted of a crime substantially related to the qualifications, functions, or duties of a pharmacy technician, by reason of the following:

A. On or about September 23, 1997, Respondent was convicted by the court on a plea of no contest of one count of violating Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol), a misdemeanor, in the Municipal Court of California, Santa Barbara Judicial District, County of Santa Barbara, State of California, entitled *People v. Gloria Lee Romero*, Case No. 475397.

B. The circumstances surrounding the conviction are that on or about August 25, 1997, Respondent willfully and unlawfully drove a motor vehicle while under the influence of an alcoholic beverage.

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SECOND CAUSE FOR DISCIPLINE

(Forged Prescription)

15. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivisions (f) and (g) of the Code, for unprofessional conduct, for violating section 4324, subdivision (a) of the Code and Health and Safety Code section 11173, subdivisions (a) and (b), in that on May 17, 2002, while employed as a Pharmacy Technician at Sansum - Santa Barbara Medical Clinic, in Santa Barbara, CA, Respondent forged her own prescriptions, via facsimile for a controlled substance, to wit: Darvocet, by fraud, deceit, misrepresentation or subterfuge.

THIRD CAUSE FOR DISCIPLINE

(Violation of Law)

16. Respondent is subject to disciplinary action under Business and Professions Code sections 4300 and 4301, subdivisions (o) and (p), on the grounds of unprofessional conduct, in that Respondent violated the law on or about September 23, 1997, for conviction of a crime, as more fully set forth in paragraph 11 above, and on May 17, 2002, by forging a prescription for a drug, as more fully set forth above in paragraph 12 above.

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 No. TCH 7860, issued to Gloria Lee Romero, also known as, Gloria Lee Navarro;

2. Ordering Gloria Romero, 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;

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

DATED: 11/1/04

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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