BILL LOCKYER, Attorney General
of the State of California
JOSHUA A. ROOM, State Bar No. 214663
Deputy Attorney General
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-1299
Facsimile: (415) 703-5480

Attorneys for Complainant

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

In the Matter of the Accusation Against: JOSIE SOLANO 117 N. Laurel Street Santa Ana, California 92703 Pharmacy Technician License No. TCH 25665 Respondent.	Case No. 2901 OAH No. **STIPULATED SURRENDER OF LICENSE AND ORDER**

In the interest of a prompt and speedy resolution of this matter, consistent with the public interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs, the parties hereby agree to the following Stipulated Surrender of License and Order which will be submitted to the Board for its approval and adoption as the final disposition of the Accusation.

PARTIES

1. Patricia F. Harris (Complainant), Executive Officer, Board of Pharmacy, brought this action solely in her official capacity and is represented herein by Bill Lockyer, Attorney General of the State of California, by Joshua A. Room, Deputy Attorney General.

2. Josie Solano (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about May 7, 1998, the Board of Pharmacy issued Pharmacy Technician License No. TCH 25665 to Josie Solano (Respondent). The License was in full force and effect at all times relevant to the charges brought in Accusation No. 2901 and will expire on April 30, 2006, unless renewed.

JURISDICTION

4. Accusation No. 2901 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 26, 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2901 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the charges and allegations in Accusation No. 2901. Respondent also has carefully read and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2901, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician License No. TCH 25665 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her License without further process.

///

///

///

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree the Board may, without further notice or formal proceeding, issue the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 25665, issued to Respondent Josie Solano, is surrendered and accepted by the Board of Pharmacy.

13. The surrender of Respondent's Pharmacy Technician and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both her wall License and pocket renewal certificate on or before the effective date of this Decision and Order.

///

16. Respondent may not apply or reapply for, or petition for reinstatement of, any license, permit, or registration from the Board for three (3) years from the effective date of this Decision and Order.

17. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2901 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition. Respondent is obligated to report this surrender as disciplinary action.

18. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other heath care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2901 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure. Respondent is obligated to report this surrender as disciplinary action.

19. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $1,917.00 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 4/17/06.

Josie Solano

JOSIE SOLANO
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 4/24/06.

BILL LOCKYER, Attorney General
of the State of California

JOSHUA A. ROOM
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SF2005401437
40079432.wpd

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

In the Matter of the Accusation Against: JOSIE SOLANO 117 N. Laurel Street Santa Ana, California 92703 Pharmacy Technician License No. TCH 25665 Respondent.	Case No. 2901 OAH No.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 21, 2006.

It is so ORDERED May 22, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

STANLEY W. GOLDENBERG
Board President

Exhibit A

Accusation No. 2901

BILL LOCKYER, Attorney General
of the State of California
JOSHUA A. ROOM, State Bar No. 214663
Deputy Attorney General
California Department of Justice
455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
Telephone: (415) 703-1299
Facsimile: (415) 703-5480

Attorneys for Complainant

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

In the Matter of the Accusation Against: JOSIE SOLANO AKA JOSIE SALANO AKA JOSIE RUIZ 117 N. Laurel Street Santa Ana, California 92703 Pharmacy Technician License No. TCH 25665 Respondent.	Case No. 2901 OAH No. **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about May 7, 1998, the Board of Pharmacy issued Pharmacy Technician License No. TCH 25665 to Josie Solano aka Josie Salano aka Josie Ruiz (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2006, unless renewed.

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 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.

6. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration, surrender, or cancellation 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. Section 4402(a) of the Code provides that any license that is not renewed within three years following its expiration may not be renewed, restored, or reinstated and shall be cancelled by operation of law at the end of the three-year period.

STATUTORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be 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.

. . .

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

. . .

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . .

. . .

"(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.

. . .

8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of the license.

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 4060 of the Code provides, in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife, a nurse practitioner, or a physician assistant.

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

"(a) Every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, published, passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of forgery . . .

"(b) Every person who has in his or her possession any drugs secured by a forged prescription shall be punished by imprisonment . . ."

12. Health and Safety Code section 11170 provides that no person shall prescribe, administer, or furnish a controlled substance for himself or herself.

13. Health and Safety Code section 11173, subdivision (a), provides that 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.

14. Health and Safety Code section 11175 makes it unlawful for any person to obtain or possess a prescription that does not comply with the Uniform Controlled Subtances Act [Health & Safety Code, § 11000 et seq.], to obtain a controlled substance by means of such non-compliant prescription, or to possess a controlled substance obtained by such a prescription.

15. Health and Safety Code section 11350 makes it unlawful for any person to possess any Schedule III, IV, or V controlled substance which is a narcotic drug without a written prescription from a physician, dentist, podiatrist, or veterinarian licensed to practice in this state.

16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

CONTROLLED SUBSTANCES / DANGEROUS DRUGS

17. Section 4021 of the Code states:

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

18. Section 4022 of the Code states, in pertinent part:

"'Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use, except veterinary drugs that are labeled as such, and includes the following:

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

. . .

"(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

///

19. **Buprenex®** is a brand name for a compound containing **buprenorphine**, a narcotic and Schedule V controlled substance as designated by Health and Safety Code section 11058(d) and a dangerous drug as designated by Business and Professions Code section 4022.

FACTUAL BACKGROUND

20. On or about November 8, 1995, in a criminal proceeding titled *People of the State of California v. Josie Solano*, Case No. 95HM09076 in Orange County Superior Court, Respondent was convicted of violating Penal Code section 488 (petty theft), a misdemeanor.

21. On or about February 21, 1997, in a criminal proceeding titled *People of the State of California v. Josie Solano*, Case No. 97CM01430 in Orange County Superior Court, Respondent was convicted of violating Penal Code section 488 (petty theft), a misdemeanor.

22. On or about June 5, 1997, the Board of Pharmacy received an application from Respondent for licensure as a Pharmacy Technician. The application was completed and signed by Respondent, under penalty of perjury, on May 15, 1997. Question seven thereof asked if Respondent had ever been convicted of or pleaded no contest to a violation of any law of the United States, a foreign country, or any state laws or local ordinances, and instructed Respondent to include all misdemeanor or felony convictions, regardless of their age, including those set aside under Penal Code section 1203.4. Respondent checked the box for "No." That was false.

23. On or about March 11, 2004, Respondent was arrested by the Fountain Valley (California) Police Department for violating Penal Code section 487(a) (grand theft) and Penal Code section(s) 666/484(a)/488 (theft with prior theft conviction). On or about April 8, 2004, in a criminal proceeding titled *People of the State of California v. Josie Solano*, Case No. 04WM03407 in Orange County Superior Court, Respondent was convicted of violating Penal Code 487(a) (grand theft), a misdemeanor, and of violating Penal Code section(s) 666/484(a)/488 (theft with prior theft conviction), also a misdemeanor. The circumstances were as follows:

a. On or about March 11, 2004, Respondent shoplifted/took without paying several electronics items from a Fry's Electronics store in or near Fountain Valley, CA. The items taken totaled nearly $500.00 in value. Respondent was apprehended by store security.

b. On or about April 6, 2004, Respondent was charged by criminal complaint, in a proceeding titled *People of the State of California v. Josie Solano*, Case No. 04WM03407 in Orange County Superior Court, with violating Penal Code section 487(a) (grand theft), a misdemeanor, and with violating Penal Code section(s) 666/484(a)/488 (theft with prior theft conviction), also a misdemeanor. On or about April 8, 2004, Respondent pleaded guilty to both counts, admitting as to count two the existence of two prior theft convictions. The sentence imposed on Respondent included ten (10) days in county jail, three (3) years informal probation, an order to stay away from Fry's Electronics, chemical testing, and a $100.00 fine.

24. On or about December 30, 2004, Respondent was arrested by the Irvine (California) Police Department for violating Health and Safety Code section 11175 (obtaining controlled substance with invalid prescription), and Health and Safety Code section 11350 (possession of controlled substance). On or about March 24, 2005, in a criminal proceeding titled *People of the State of California v. Josie Solano*, Case No. 05HF0115 in Orange County Superior Court, Respondent was convicted of a total of six (6) counts of violating Business and Professions Code section 4324(a) (forgery of prescription/possession of drugs obtained through forged prescription), all felonies. The circumstances of this case were as follows:

a. Beginning on or about October 9, 2004, prescriptions and refills in the name of Marissa Lopez for **Buprenex**, allegedly authorized by a Dr. Carlos Schmidt, were called in by phone to the Costco Warehouse Pharmacy (PHY 41247) in or near Irvine, CA.

b. On or about December 15, 2004, one such prescription (refill) for **Buprenex**, allegedly authorized by Dr. Schmidt for Marissa Lopez, was called into the Costco.

c. On or about December 16, 2004, Respondent picked up the filled prescription for **Buprenex** allegedly authorized in the name of Marissa Lopez from the Costco.

d. Pharmacy staff noted that Respondent had an unhealthy appearance and contacted Dr. Carlos Schmidt's office to verify the prescription. Dr. Schmidt denied writing any prescriptions for **Buprenex**, or for Ms. Lopez, and stated the prescriptions were fraudulent.

e. On or about December 29, 2004, another prescription for Marissa Lopez for **Buprenex** allegedly authorized by Dr. Schmidt was called into the same Costco.

f. On or about December 30, 2004, Respondent picked up the filled prescription for **Buprenex** allegedly authorized in the name of Marissa Lopez from the Costco.

g. On or about December 30, 2004, during her arrest by Irvine Police for violating Health and Safety Code section 11175 (obtaining controlled substance with invalid prescription), and Health and Safety Code section 11350 (possession of narcotic controlled substance), Respondent admitted to picking up several prior prescriptions for Marissa Lopez.

h. On or about January 19, 2005, in *People of the State of California v. Josie Solano*, Case No. 05HF0115 in Orange County Superior Court, Respondent was charged by Felony Complaint with twelve (12) felonies: six (6) counts of violating Penal Code sections 459-460(b) (second degree commercial burglary), for unlawfully entering the Irvine Costco on October 9, October 29, November 17, November 30, December 16, and December 30, 2004 with the intent to commit larceny; and six (6) counts of violating Health and Safety Code section 11173(a) (obtaining controlled substances by fraud, deceit, misrepresentation, etc.), for her conduct in fraudulently obtaining or attempting to obtain **Buprenex** on those dates.

i. On or about March 24, 2005, pursuant to a plea, Respondent was charged by a First Amended Felony Complaint in Case No. 05HF0115 with six (6) counts of violating Business and Professions Code section 4324(a) (forgery of prescription/possession of drugs obtained through forged prescription), all felonies. On that same date, Respondent pleaded guilty to all six (6) felony counts. The sentence imposed on Respondent included sixty (60) days in county jail, three (3) years formal probation, chemical testing, and a $200.00 fine.

25. On or about August 29, 2005, Respondent was arrested by the Costa Mesa (California) Police Department for violating Penal Code section 459 (commercial burglary) and Health and Safety Code section 11173(a) (obtaining controlled substance by fraud, deceit). On or about September 14, 2005, in a criminal proceeding titled *People of the State of California v. Josie Solano*, Case No. 05HF1537 in Orange County Superior Court, Respondent was convicted of one count of violating Penal Code section(s) 459-460(b) (commercial burglary) and one count of violating Health and Safety Code section 11173(a) (obtaining controlled substance by fraud, deceit, misrepresentation, etc.), both felonies. The circumstances of this case were as follows:

a. On or about August 29, 2005, a prescription for **Buprenex** in the name Patricia Lopez was called into a Longs Drugs Pharmacy (PHY 30195) in Costa Mesa, CA. The prescription was allegedly authorized for the patient by a Dr. Carlos Schmidt.

b. Pharmacy staff called Dr. Schmidt to verify the prescription. Dr. Schmidt stated that he did not authorize the prescription, and had never prescribed **Buprenex**.

c. Pharmacy staff contacted the police when Respondent came in to pick up the prescription. Respondent was apprehended by Costa Mesa Police.

d. On or about August 31, 2005, in *People of the State of California v. Josie Solano*, Case No. 05HF1537 in Orange County Superior Court, Respondent was charged with violation of Penal Code sections 459-460(b) (commercial burglary) and Health and Safety Code section 11173(a) (obtaining controlled substance by fraud, deceit, etc.), both felonies.

e. On or about September 14, 2005, Respondent entered plea(s) of guilty to both felony counts. The sentence imposed on Respondent included ninety (90) days in county jail, consecutive to the sixty (60) days imposed in Case No. 05HF0115, with credit for time served, three (3) years formal probation, registration pursuant to Health and Safety Code section 11590 (controlled substance offender), DNA testing, search conditions, fines and fees.

FIRST CAUSE FOR DISCIPLINE

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

26. Respondent is subject to discipline under Code section 4301(f) in that, as described in paragraphs 20-25 above, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.

SECOND CAUSE FOR DISCIPLINE

(Making or Signing of False Document)

27. Respondent is subject to discipline under Code section 4301(g) in that, as described in paragraphs 20-22 above, on or about May 15, 1997 Respondent completed a Board application under penalty of perjury falsely certifying that she had not been previously convicted.

THIRD CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

28. Respondent is subject to discipline under Code sections 4301(l) and/or 490 and/or California Code of Regulations, title 16, section 1770, in that as described in paragraph 20 above, on or about November 8, 1995, in a criminal case titled *People of the State of California v. Josie Solano*, Case No. 95HM09076 in Orange County Superior Court, Respondent was convicted of violating Penal Code section 488 (petty theft), a misdemeanor.

FOURTH CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

29. Respondent is subject to discipline under Code sections 4301(l) and/or 490 and/or California Code of Regulations, title 16, section 1770, in that as described in paragraph 21 above, on or about February 21, 1997, in a criminal case titled *People of the State of California v. Josie Solano*, Case No. 97CM01430 in Orange County Superior Court, Respondent was convicted of violating Penal Code section 488 (petty theft), a misdemeanor.

FIFTH CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

30. Respondent is subject to discipline under Code sections 4301(l) and/or 490 and/or California Code of Regulations, title 16, section 1770, in that as described in paragraph 23 above, on or about April 8, 2004, in a criminal case titled *People of the State of California v. Josie Solano*, Case No. 04WM03407 in Orange County Superior Court, Respondent was convicted of violating Penal Code 487(a) (grand theft), a misdemeanor, and of violating Penal Code section(s) 666/484(a)/488 (theft with prior theft conviction), also a misdemeanor.

///

///

///

///

SIXTH CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

31. Respondent is subject to discipline under Code sections 4301(l) and/or 490 and/or California Code of Regulations, title 16, section 1770, in that as described in paragraph 24 above, on or about March 24, 2005, in a criminal case titled *People of the State of California v. Josie Solano*, Case No. 05HF0115 in Orange County Superior Court, Respondent was convicted of a total of six (6) counts of violating Business and Professions Code section 4324(a) (forgery of prescription/possession of drugs obtained through forged prescription), all felonies.

SEVENTH CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

32. Respondent is subject to discipline under Code sections 4301(l) and/or 490 and/or California Code of Regulations, title 16, section 1770, in that as described in paragraph 25 above, on or about September 14, 2005, in a criminal proceeding titled *People of the State of California v. Josie Solano*, Case No. 05HF1537 in Orange County Superior Court, Respondent was convicted of one count of violating Penal Code section(s) 459-460(b) (commercial burglary) and one count of violating Health and Safety Code section 11173(a) (obtaining controlled substance by fraud, deceit, misrepresentation, etc.), both felonies.

EIGHTH CAUSE FOR DISCIPLINE

(Unlawful Possession of Controlled Substance)

33. Respondent is subject to disciplinary action under Code sections 4301(j) and/or 4301(o) in that Respondent, as described in paragraphs 24-25 above, possessed, conspired to possess, and/or assisted in or abetted the possession of **Buprenex**, a controlled substance, without a valid prescription, in violation of Code section 4060.

///

///

///

NINTH CAUSE FOR DISCIPLINE

(Securing Drugs by Forged Prescription)

34. Respondent is subject to disciplinary action under Code sections 4301(j) and/or 4301(o) in that Respondent, as described in paragraphs 24-25 above, secured, conspired to secure, and/or assisted in or abetted the acquisition of **Buprenex**, a controlled substance, via a forged/false prescription, in violation of Code section 4324.

TENTH CAUSE FOR DISCIPLINE

(Unlawful Self-Furnishing of Controlled Substance)

35. Respondent is subject to disciplinary action under Code sections 4301(j) and/or 4301(o) in that Respondent, as described in paragraphs 24-25 above, self-furnished, conspired to self-furnish, and/or assisted in or abetted the self-furnishing of **Buprenex**, a controlled substance, in violation of Health and Safety Code section 11170.

ELEVENTH CAUSE FOR DISCIPLINE

(Obtaining Controlled Substance by Fraud or Deceit)

36. Respondent is subject to disciplinary action under Code sections 4301(j) and/or 4301(o) in that Respondent, as described in paragraphs 24-25 above, obtained, conspired to obtain, and/or assisted in or abetted acquisition by fraud or deceit of **Buprenex**, a controlled substance, in violation of Health and Safety Code section 11173(a).

TWELFTH CAUSE FOR DISCIPLINE

(Obtaining or Possessing Controlled Substance by Non-Compliant Prescription)

37. Respondent is subject to disciplinary action under Code sections 4301(j) and/or 4301(o) in that Respondent, as described in paragraphs 24-25 above, obtained, conspired to obtain, and/or assisted in or abetted acquisition of **Buprenex**, a controlled substance, using a non-compliant/fraudulent prescription, in violation of Health and Safety Code section 11175.

///

THIRTEENTH CAUSE FOR DISCIPLINE

(Unlawful Possession of Controlled Substance)

38. Respondent is subject to disciplinary action under Code sections 4301(j) and/or 4301(o) in that Respondent, as described in paragraphs 24-25 above, possessed, conspired to possess, and/or assisted in or abetted the possession of **Buprenex**, a narcotic controlled substance, without a valid prescription, in violation of Health and Safety Code section 11350.

FOURTEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

39. Respondent is subject to disciplinary action under section 4301 of the Code in that Respondent, by way of the conduct described in paragraphs 20-25 above, engaged in "unprofessional conduct" not becoming the profession of a pharmacy technician.

PRAYER

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

A. Revoking or suspending Pharmacy Technician License No. TCH 25665, issued to Josie Solano aka Josie Salano aka Josie Ruiz (Respondent);

B. Ordering Respondent to pay the Board reasonable costs of investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

C. Taking such other and further action as is deemed necessary and proper.

DATED: 1/23/06

P. F. Harris

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

SF2005401437; 40070954.wpd