

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

In the Matter of the Accusation Against:

JOANNE G. ZOROLA
821 Legacy Drive
San Marcos, CA 92069

Pharmacy Technician Registration No.
TCH 34227

Respondent.

Case No. 2965

OAH No. L2006120315

DECISION AND ORDER

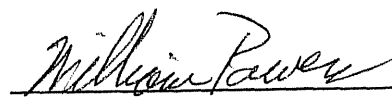
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on June 20, 2007.

It is so ORDERED May 21, 2007.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA SCHNEIDER,
Supervising Deputy Attorney General
3 RON ESPINOZA, State Bar No. 176908
Deputy Attorney General
4 California Department of Justice
110 West "A" Street, Suite 1100
5 San Diego, CA 92101

6 P.O. Box 85266
San Diego, CA 92186-5266
7 Telephone: (619) 645-2100
Facsimile: (619) 645-2061
8 E-mail: ron.espinoza@doj.ca.gov

9 Attorneys for Complainant

10
11 **BEFORE THE**
BOARD OF PHARMACY
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

14 JOANNE G. ZOROLA
821 Legacy Drive
15 San Marcos, CA 92069

16
17 Pharmacy Technician Registration No.
TCH 34227

18 Respondent.

Case No. 2965

OAH No. L2006120315

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

25 PARTIES

26 1. Virginia Herold (Complainant) is the current Executive Officer of the
27 Board of Pharmacy, Department of Consumer Affairs, and at all times has acted in her official
28 capacity. Patricia F. Harris, former Executive Officer of the Board of Pharmacy, filed this action

1 in her official capacity as the Executive Officer of the Board of Pharmacy on June 30, 2006.
2 Complainant is represented in this matter by Edmund G. Brown Jr., Attorney General of the State
3 of California, by Ron Espinoza, Deputy Attorney General.

4 2. Joanne G. Zorola is representing herself in this proceeding and has chosen
5 not to exercise her right to be represented by counsel.

6 3. On or about August 15, 2000, the Board of Pharmacy issued Pharmacy
7 Technician Registration No. TCH 34227 to Joanne G. Zorola (Respondent). The Pharmacy
8 Technician Registration was in full force and effect at all times relevant to the charges brought in
9 Accusation No. 2965 and expired on August 31, 2006.

10 JURISDICTION

11 4. Accusation No. 2965 was filed before the Board of Pharmacy (Board),
12 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
13 and all other statutorily required documents were properly served on Respondent on August 15,
14 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
15 Accusation No. 2965 is attached as Exhibit A and incorporated herein by reference.

16 ADVISEMENT AND WAIVERS

17 5. Respondent has carefully read, and understands the charges and allegations
18 in Accusation No. 2965. Respondent also has carefully read, and fully understands the effects of
19 this Stipulated Surrender of License and Order.

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

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

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation No. 2965, agrees that cause exists for discipline and hereby surrenders her Pharmacy
4 Technician Registration No. TCH 34227 for the Board's formal acceptance.

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

8 RESERVATION

9 10. The admissions made by Respondent herein are only for the purposes of
10 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
11 licensing agency is involved, and shall not be admissible in any other criminal or civil
12 proceeding.

13 COST RECOVERY

14 11. The parties understand and agree that the costs of investigation and
15 enforcement of this case are waived unless and until Respondent seeks reinstatement of her
16 Pharmacy Technician Registration, or applies for a new registration or license with the Board.
17 The costs waived total \$7,351.50 and consist of \$3,055 in investigation costs and \$4,296.50 in
18 enforcement costs.

19 CONTINGENCY

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

1 matter.

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

5 14. In consideration of the foregoing admissions and stipulations, the parties
6 agree that the Board may, without further notice or formal proceeding, issue and enter the
7 following Order:

8 **ORDER**

9 **IT IS HEREBY ORDERED** that Pharmacy Technician Registration No. TCH
10 34227 issued to Respondent Joanne G. Zorola is surrendered and accepted by the Board of
11 Pharmacy.

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

16 2. Respondent shall lose all rights and privileges as a pharmacy technician in
17 the State of California as of the effective date of the Board's Decision and Order.

18 3. Respondent shall cause to be delivered to the Board her Pharmacy
19 Technician Registration wall certificate and pocket license on or before the effective date of the
20 Decision and Order.

21 4. Respondent understands and agrees that she may not apply for licensure or
22 petition for reinstatement for any license from the Board for three (3) years from the effective
23 date of the Decision and Order.

24 5. Respondent understands and agrees that if she ever applies for licensure or
25 petitions for reinstatement in the State of California, the Board shall treat it as a new application
26 for licensure. Respondent must comply with all the laws, regulations and procedures for
27 licensure in effect at the time the application or petition is filed, and all of the charges and
28 allegations contained in Accusation No. 2965 shall be deemed to be true, correct and admitted by

1 Respondent when the Board determines whether to grant or deny the application or petition.


2 6. Should Respondent ever apply or reapply for a new license or certification,
3 or petition for reinstatement of a license, by any other health care licensing agency in the State of
4 California, all of the charges and allegations contained in Accusation No. 2965 shall be deemed
5 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
6 other proceeding seeking to deny or restrict licensure.

7 7. Respondent shall pay the Board its costs of investigation and enforcement
8 of the case in the amount of \$7,351.50 prior to issuance of a new or reinstated license as to
9 Respondent.

10
11 ACCEPTANCE

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

16 DATED: 03-30-07

17
18 
19 JOANNE G. ZOROLA
Respondent

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

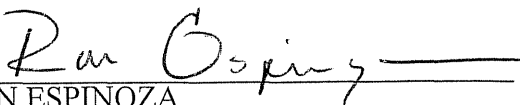
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: 4-2-07

EDMUND G. BROWN JR., Attorney General
of the State of California



RON ESPINOZA
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SD2006800099
80121301.wpd

Exhibit A
Accusation No. 2965

1 BILL LOCKYER, Attorney General
of the State of California
2 RON ESPINOZA, State Bar No. 176908
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-2100
Facsimile: (619) 645-2061
7 E-mail: ron.espinoza@doj.ca.gov

8 Attorneys for Complainant

9
10 **BEFORE THE**
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

Case No. 2965

13 JOANNE G. ZOROLA
191 E. Fallbrook St. #H
14 Fallbrook, CA 92028

OAH No.

A C C U S A T I O N

15 Pharmacy Technician No. TCH 34227

16 Respondent.
17

18 Complainant alleges:

19 PARTIES

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

23 2. On or about August 15, 2000, the Board of Pharmacy issued Pharmacy
24 Technician Registration Number TCH 34227 to Joanne G. Zorola (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on August 31, 2006, unless renewed.

27 ///

28 ///

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.

A. Section 4301 of the Code 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.

". . . .

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

". . . .

"(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.

". . . ."

B. Section 125.3 of the Code states, in pertinent part, that 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.

C. Section 4021 of the Code defines "controlled substance" as any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety

1 Code.

2 D. Section 4022 of the Code defines "dangerous drugs" as any drug that is
3 unsafe for self-medication and which by federal or state law can be lawfully dispensed only on
4 prescription.

5 E. Section 4059 of the Code states, in relevant part:

6 "(a) A person may not furnish any dangerous drug, except upon the prescription of
7 a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to
8 Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of
9 a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to
10 Section 3640.7.

11 ". . . ."

12 F. Section 4060 of the Code states:

13 "No person shall possess any controlled substance, except that furnished to a
14 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished
15 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse
16 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This
17 section shall not apply to the possession of any controlled substance by a manufacturer,
18 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
19 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
20 and address of the supplier or producer.

21 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
22 or a physician assistant to order his or her own stock of dangerous drugs and devices."

23 G. Health and Safety Code section 11377 states, in relevant part:

24 "(a) Except as authorized by law and as otherwise provided in subdivision (b) or
25 Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the
26 Business and Professions Code, every person who possesses any controlled substance which is
27 (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in
28 subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d),

1 (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2)
2 or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section
3 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to
4 practice in this state, shall be punished by imprisonment in a county jail for a period of not more
5 than one year or in the state prison.

6 ". . . ."

7 H. Health and Safety Code section 11350 states, in relevant part:

8 "(a) Except as otherwise provided in this division, every person who possesses (1)
9 any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
10 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
11 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
12 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
13 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
14 licensed to practice in this state, shall be punished by imprisonment in the state prison.

15 ". . . ."

16 I. Health and Safety Code section 11170 states:

17 "No person shall prescribe, administer, or furnish a controlled substance for
18 himself."

19 DRUGS

20 4. The following are all dangerous drugs, pursuant to Business and
21 Professions Code section 4022, unless otherwise indicated, and are also controlled substances if
22 so identified:

23 A. Vicodin HP, a brand name for hydrocodone 10 mg with acetaminophen
24 660 mg, is a Schedule III controlled substance under Health and Safety Code section 11056,
25 subdivision (e)(4).

26 B. Vicodin ES, a brand name for hydrocodone 7.5 mg with acetaminophen
27 750 mg, is a Schedule III controlled substance under Health and Safety Code section 11056,
28 subdivision (e)(4).

- 1 C. Lortab, a brand name for hydrocodone 7.5 mg with acetaminophen 500
2 mg, is a Schedule III controlled substance under Health and Safety Code section 11056,
3 subdivision (e)(4).
- 4 D. Vicodin, a brand name for hydrocodone 5 mg with acetaminophen 500
5 mg, is a Schedule III controlled substance under Health and Safety Code section 11056,
6 subdivision (e)(4).
- 7 E. Tylenol with Codeine, a brand name for acetaminophen with codeine
8 60mg, is a Schedule III controlled substance under Health and Safety Code section 11056,
9 subdivision (e)(2).
- 10 F. Xanax, a brand name for alprazolam, is a Schedule IV controlled
11 substance under Health and Safety Code section 11057, subdivision (d)(1).
- 12 G. Valium, a brand name for diazepam, is a Schedule IV controlled
13 substance under Health and Safety Code section 11057, subdivision (d)(9).
- 14 H. Ativan, a brand name for lorazepam, is a Schedule IV controlled
15 substance under Health and Safety Code section 11057, subdivision (d)(16).
- 16 I. Restoril, a brand name for temazepam, is a Schedule IV controlled
17 substance under Health and Safety Code section 11057, subdivision (d)(29).
- 18 J. Ambien, a brand name for zolpidem, is a Schedule IV controlled
19 substance under Health and Safety Code section 11057, subdivision (d)(32).
- 20 K. Tenuate, a brand name for diethylpropion, is a Schedule IV controlled
21 substance under Health and Safety Code section 11057, subdivision (f)(1).
- 22 L. Lonox, a brand name for diphenxylate with atropine, is a Schedule V
23 controlled substance under Health and Safety Code section 11058, subdivision (c)(4).
- 24 M. Fioricet, a brand name for butalbital, acetaminophen and caffeine, is a
25 dangerous drug under Business & Professions Code section 4022.
- 26 N. Imitrex, a brand name for sumatriptan, is a dangerous drug under
27 Business & Professions Code section 4022.
- 28 O. Soma, a brand name for carisoprodol, is a dangerous drug under Business

1 & Professions Code section 4022.

2 P. Flexeril, a brand name for cyclobenzaprine, is a dangerous drug under
3 Business & Professions Code section 4022.

4 Q. Effexor XR, a brand name for venlafaxine, is a dangerous drug under
5 Business & Professions Code section 4022.

6 R. Remeron, a brand name for mirtazapine, is a dangerous drug under
7 Business & Professions Code section 4022.

8 S. Vistaril, a brand name for hydroxyzine, is a dangerous drug under
9 Business & Professions Code section 4022.

10 T. Donnatal, a brand name for atropine, phenobarbital, hyoscyamine and
11 scopolamine, is a dangerous drug under Business & Professions Code section 4022.

12 U. Phenergan, a brand name for promethazine, is a dangerous drug under
13 Business & Professions Code section 4022.

14 V. Allegra, a brand name for fexofenadine, is a dangerous drug under
15 Business & Professions Code section 4022.

16 W. Zyrtec D, a brand name for cetirizine and pseudoephedrine, is a dangerous
17 drug under Business & Professions Code section 4022.

18 X. Deltasone, a brand name for prednisone, is a dangerous drug under
19 Business & Professions Code section 4022.

20 Y. Pyridium, a brand name for phenazopyridine, is a dangerous drug under
21 Business & Professions Code section 4022.

22 Z. Cipro, a brand name for ciprofloxacin, is a dangerous drug under Business
23 & Professions Code section 4022.

24 AA. Gas X, a brand name for simethicone, is an over-the-counter medication
25 and is not a dangerous drug under Business and Professions Code section 4022.

26 BB. Chlor-Trimeton, a brand name for chlorpheniramine, is an
27 over-the-counter medication and is not a dangerous drug under Business and Professions Code
28 section 4022.

1 CC. Cheratussin AC, a brand name for guaifenesin and codeine, is a Schedule
2 V controlled substance under Health and Safety Code section 11058, subdivision (c)(1).

3 FACTS AND CIRCUMSTANCES

4 5. On or about June 8, 2005, Respondent was working as a pharmacy
5 technician for Rite Aid. On or about said date, Respondent was interviewed at work by a Rite
6 Aid Loss Prevention Manager for possible involvement in stealing money from the store. During
7 the interview, Respondent admitted that she had stolen approximately \$1,000.00 in cash from
8 store registers by marking down prescriptions and pocketing the amount of the markdown.
9 Respondent also admitted that she had stolen approximately \$100.00 in store merchandise.
10 Respondent further admitted that she had stolen approximately \$266.00 in dangerous and/or
11 controlled drugs from the store and for which she had no legitimate prescription, including
12 promethazine, cheratussin, hydrocodone, cyclobenzaprine, and acetaminophen/codeine.

13 6. Following her admissions, Respondent was placed on suspension from
14 Rite Aid pending further investigation. Before leaving the store, Respondent agreed to empty the
15 contents of her purse. Among the contents were two Rite Aid "gas relief" bottles. Respondent
16 agreed to inspection of the bottles and approximately 67 tablets/capsules of controlled
17 substances, 40 tablets/capsules of dangerous drugs, 23 tablets of over-the-counter drugs, and 5
18 unidentified tablets were found in the two bottles (see paragraph 4, subsection A-BB above, for
19 the specific drugs found).

20 7. On July 19, 2005, a police report regarding the incident was filed with the
21 Escondido Police Department.

22 FIRST CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct- Acts of Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

24 8. Respondent is subject to disciplinary action under Business and
25 Professions Code section 4301, subdivision (f), for acts involving moral turpitude, dishonesty,
26 fraud, deceit or corruption. The circumstances are as follows:

27 a. On or about June 8, 2005, Respondent admitted that while working as a
28 pharmacy technician for Rite Aid she stole approximately \$1,000.00 in cash from her employer

1 as more particularly alleged in paragraph 5 above and incorporated herein by reference.

2 b. On or about June 8, 2005, Respondent admitted that while working as a
3 pharmacy technician for Rite Aid she stole approximately \$100.00 in store merchandise from her
4 employer as more particularly alleged in paragraph 5 above and incorporated herein by reference.

5 c. On or about June 8, 2005, Respondent admitted that while working as a
6 pharmacy technician for Rite Aid she stole approximately \$266.00 in dangerous and/or
7 controlled drugs from her employer, including promethazine, cheratussin, hydrocodone,
8 cyclobenzaprine, and acetaminophen/codeine, as more particularly alleged in paragraph 5 above
9 and incorporated herein by reference.

10 SECOND CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct- Unlawful Possession of Controlled Substance)

12 9. Respondent is subject to disciplinary action under Business and
13 Professions Code section 4301, subdivision (o), in conjunction with Section 4060, for the
14 unlawful possession of a controlled substance without a prescription. The circumstances are as
15 follows:

16 a. On or about June 8, 2005, Respondent admitted that while working as a
17 pharmacy technician for Rite Aid she stole and possessed controlled substances from her
18 employer and for which she did not have a prescription, including cheratussin, hydrocodone, and
19 acetaminophen/codeine, as more particularly alleged in paragraph 5 above and incorporated
20 herein by reference.

21 b. On or about June 8, 2005, Respondent unlawfully possessed without a
22 prescription approximately 67 tablets/capsules of controlled substances, including Vicodin HP,
23 Vicodin ES, Vicodin, Lortab, Tylenol with Codeine, Xanax, Valium, Ativan, Restoril, Ambien,
24 Tenuate, and Lonox, as more particularly alleged in paragraph 6 above and incorporated herein
25 by reference.

26 THIRD CAUSE FOR DISCIPLINE

27 (Unprofessional Conduct- Furnishing Dangerous Drugs Without Prescription)

28 10. Respondent is subject to disciplinary action under Business and

1 Professions Code section 4301, subdivision (o), in conjunction with Section 4059, for the
2 unlawful furnishing of dangerous drugs without a prescription. The circumstances are as
3 follows:

4 a. On or about June 8, 2005, Respondent admitted that while working as a
5 pharmacy technician for Rite Aid she stole and furnished herself with dangerous drugs from her
6 employer and for which she did not have a prescription, including promethazine, cheratussin,
7 hydrocodone, cyclobenzaprine, and acetaminophen/codeine, as more particularly alleged in
8 paragraph 5 above and incorporated herein by reference.

9 b. On or about June 8, 2005, Respondent unlawfully furnished herself
10 without a prescription approximately 40 tablets/capsules of dangerous drugs, including Fioricet,
11 Imitrex, Soma, Flexeril, Effexor XR, Remeron, Vistaril, Donnatal, Phenergan, Allegra, Zyrtec D,
12 Deltasone, Pyridium, and Cipro, as more particularly alleged in paragraph 6 above and
13 incorporated herein by reference.

14 FOURTH CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct- Violation of Statute Regulating Controlled Substances)

16 11. Respondent is subject to disciplinary action under Business and
17 Professions Code section 4301, subdivision (j), in conjunction with Health and Safety Code
18 section 11350, subdivision (a), for the unlawful possession of a controlled substance without a
19 prescription. The circumstances are as follows:

20 a. On or about June 8, 2005, Respondent admitted that while working as a
21 pharmacy technician for Rite Aid she stole and possessed controlled substances from her
22 employer and for which she did not have a prescription, including cheratussin, hydrocodone, and
23 acetaminophen/codeine, as more particularly alleged in paragraph 5 above and incorporated
24 herein by reference.

25 b. On or about June 8, 2005, Respondent unlawfully possessed without a
26 prescription Vicodin HP, Vicodin ES, Vicodin, Lortab, and Tylenol with Codeine, as more
27 particularly alleged in paragraph 6 above and incorporated herein by reference.

28 ///

1 FIFTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct- Violation of Statute Regulating Controlled Substances)

3 12. Respondent is subject to disciplinary action under Business and
4 Professions Code section 4301, subdivision (j), in conjunction with Health and Safety Code
5 section 11377, subdivision (a), for the unlawful possession of a non-narcotic controlled substance
6 without a prescription. The circumstances are as follows:

7 a. On or about June 8, 2005, Respondent unlawfully possessed without a
8 prescription Xanax, Valium, Ativan, Restoril, Ambien, Tenuate, and Lonox, as more particularly
9 alleged in paragraph 6 above and incorporated herein by reference.

10 SIXTH CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct- Violation of Statute Regulating Controlled Substances)

12 13. Respondent is subject to disciplinary action under Business and
13 Professions Code section 4301, subdivision (j), in conjunction with Health and Safety Code
14 section 11170 for the unlawful furnishing to oneself a controlled substance. The circumstances
15 are as follows:

16 a. On or about June 8, 2005, Respondent admitted that while working as a
17 pharmacy technician for Rite Aid she stole and furnished herself with controlled substances from
18 her employer, including cheratussin, hydrocodone, and acetaminophen/codeine, as more
19 particularly alleged in paragraph 5 above and incorporated herein by reference.

20 b. On or about June 8, 2005, Respondent unlawfully furnished herself with
21 approximately 67 tablets/capsules of controlled substances, including Vicodin HP, Vicodin ES,
22 Vicodin, Lortab, Tylenol with Codeine, Xanax, Valium, Ativan, Restoril, Ambien, Tenuate, and
23 Lonox, as more particularly alleged in paragraph 6 above and incorporated herein by reference.

24 PRAYER

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

27 1. Revoking or suspending Pharmacy Technician Number TCH 34227,
28 issued to Joanne G. Zorola;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Ordering Joanne G. Zorola 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; and

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

DATED: 6/30/06

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

SD2006800099
80074021.wpd

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: Joanne G. Zorola**

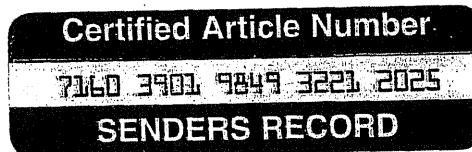
Case No.: **2965**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 19, 2006, I served the attached **Statement to Respondent, Accusation, Request for Discovery, Discovery Statutes, Notice of Defense (2) copies**, by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Statement to Respondent, Accusation, Request for Discovery, Discovery Statutes, Notice of Defense (2) copies**, was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 110 West A Street, Suite 1100, P.O. Box 85266, San Diego, CA 92186-5266, addressed as follows:

Joanne G. Zorola
191 E. Fallbrook St. #H
Fallbrook, CA 92028



Respondent In Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 19, 2006, at San Diego, California.

Rosita Donovan
Declarant

Rosita Donovan
Signature

cc: Kim deLong, Enforcement Analyst, Board of Pharmacy