

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

In the Matter of the Accusation Against:

Case No. 3077

MYRA A. QUINTANILLA aka  
MAYRA ALEJANDRO QUINTANILLA  
1640 E. 51<sup>st</sup> Street  
Los Angeles, CA 90011

Pharmacy Technician Registration No. TCH  
49672

Respondent.

DECISION AND ORDER

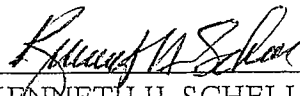
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 3, 2008.

It is so ORDERED September 3, 2008.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
KENNETH H. SCHELL  
Board President

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 GLORIA A. BARRIOS, State Bar No. 94811  
Supervising Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-2804  
E-mail: gloria.barrios@doj.ca.gov

7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3077

12 MYRA A. QUINTANILLA aka  
MAYRA ALEJANDRO QUINTANILLA  
13 1640 E. 51<sup>ST</sup> Street  
Los Angeles, CA 90011

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Pharmacy Technician Registration No. TCH  
15 49672

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
19 proceeding that the following matters are true:  
20

21 **PARTIES**

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of  
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
24 by Edmund G. Brown Jr., Attorney General of the State of California, by Gloria A. Barrios,  
25 Supervising Deputy Attorney General.

26 2. Myra A. Quintanilla aka Mayra Alejandro Quintanilla (Respondent)  
27 represents herself in this proceeding.

28 ///

1                   3.       On or about July 30, 2003, the Board of Pharmacy (the Board) issued  
2 Pharmacy Technician Registration No. TCH 49672 to Myra A. Quintanilla aka Mayra Alejandro  
3 Quintanilla. The license was in full force and effect at all times relevant to the charges brought  
4 in Accusation in Case No. 3077 and will expire on October 31, 2008, unless renewed.

5                                   **JURISDICTION**

6                   4.       In the Matter of the Accusation Against Myra A. Quintanilla aka Mayra  
7 Alejandro Quintanilla, Case No. 3077 was filed before the Board, Department of Consumer  
8 Affairs, and is currently pending against Respondent. The Accusation and all other statutorily  
9 required documents were properly served on Respondent on December 20, 2007. Respondent  
10 timely filed her Notice of Defense contesting the Accusation. A copy of the Accusation Case  
11 No. 3077 is attached as exhibit B and incorporated herein by reference.

12                                   **ADVISEMENT AND WAIVERS**

13                   5.       Respondent has carefully read and understands the charges and allegations  
14 in the Accusation, Case No. 3077. Respondent also has carefully read, and understands the  
15 effects of this Stipulated Surrender of License and Order.

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

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

25                                   **CULPABILITY**

26                   8.       Respondent admits the truth of each and every charge and allegation in the  
27 Accusation Case No. 3077, should she ever apply for the reinstatement of her pharmacy  
28 technician registration or any other pharmacy license and agrees that cause exists for discipline

1 and hereby surrenders her Pharmacy Technician Registration No. TCH 49672 for the Board's  
2 formal acceptance.

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

6 CONTINGENCY

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

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

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

23 ORDER

24 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH  
25 49672, issued to Respondent Myra A. Quintanilla aka Mayra Alejandro Quintanilla is  
26 surrendered and accepted by the Board of Pharmacy.

27 ///

28 ///



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

4 DATED: 5-19-08

5  
 6 

7 MYRA A. QUINTANILLA aka  
 8 MAYRA ALEJANDRO QUINTANILLA  
 9 Respondent


10 ENDORSEMENT

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

13 DATED: 5/19/08

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

16 KAREN B. CHIAPPELLE  
 17 Supervising Deputy Attorney General

18 

19 GLORIA A. BARRIOS  
 20 Supervising Deputy Attorney General

21 Attorneys for Complainant

22 Matter ID: LA2005601293  
 23 QUINT.SUR.WPD

24  
 25  
 26  
 27  
 28

**Exhibit A**

**In the Matter of the Accusation, Case No. 3077**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 KAREN B. CHAPPELLE,  
Supervising Deputy Attorney General  
3 GLORIA A. BARRIOS, State Bar No. 94811  
Supervising Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2540  
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

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11 **STATE OF CALIFORNIA**

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Case No. 3077

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14 1640 E. 51st Street  
Los Angeles, CA 90011

**A C C U S A T I O N**

15 Pharmacy Technician Registration No. TCH 49672

16 Respondent.

17  
18  
19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about July 30, 2003, the Board of Pharmacy issued Pharmacy  
25 Technician Registration No. TCH 49672 to Mayra A. Quintanilla aka Mayra Alejandra  
26 Quintanilla (Respondent). The Pharmacy Technician Registration was in full force and effect at  
27 all times relevant to the charges brought herein and will expire on October 31, 2008, unless  
28 renewed.



1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 KAREN B. CHAPPELLE,  
Supervising Deputy Attorney General  
3 GLORIA A. BARRIOS, State Bar No. 94811  
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11 **STATE OF CALIFORNIA**

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aka MAYRA ALEJANDRA QUINTANILLA  
13 1640 E. 51st Street  
Los Angeles, CA 90011  
14 Pharmacy Technician Registration No. TCH 49672

**A C C U S A T I O N**

15 Respondent.

17  
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19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about July 30, 2003, the Board of Pharmacy issued Pharmacy  
25 Technician Registration No. TCH 49672 to Mayra A. Quintanilla aka Mayra Alejandra  
26 Quintanilla (Respondent). The Pharmacy Technician Registration was in full force and effect at  
27 all times relevant to the charges brought herein and will expire on October 31, 2008, unless  
28 renewed.

JURISDICTION

1  
2           3.       This Accusation is brought before the Board of Pharmacy (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise indicated.

5           4.       Section 4300 provides, in pertinent part, that every license issued by the  
6 Board is subject to discipline including suspension or revocation.

7           5.       Section 4301 of the Code states:

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

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

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

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

1 or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
2 meaning of this provision. The board may take action when the time for appeal has elapsed, or  
3 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
4 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
5 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a  
6 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,  
7 or indictment.

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

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

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

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

19 8. Section 125.3 of the Code states, in pertinent part, that the Board may  
20 request the administrative law judge to direct a licentiate found to have committed a violation or  
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
22 and enforcement of the case.

### 23 DRUG STATUTES

24 9. Section 4060 of the Code states:

25 "No person shall possess any controlled substance, except that furnished to a  
26 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
27 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a  
28 certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section

1 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to  
2 Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause  
3 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall  
4 not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
5 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
6 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
7 labeled with the name and address of the supplier or producer.

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

11 10. Health and Safety Code section 11377, subdivision (a), states:

12 "Except as authorized by law and as otherwise provided in subdivision (b) or  
13 Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the  
14 Business and Professions Code, every person who possesses any controlled substance which is  
15 (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in  
16 subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d),  
17 (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2)  
18 or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section  
19 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to  
20 practice in this state, shall be punished by imprisonment in a county jail for a period of not more  
21 than one year or in the state prison."

22 11. Health and Safety Code section 11550, subdivision (a), states:

23 "No person shall use, or be under the influence of any controlled substance which  
24 is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,  
25 specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054,  
26 specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of  
27 subdivision (d) or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug  
28 classified in Schedule III, IV, or V, except when administered by or under the direction of a

1 person licensed by the state to dispense, prescribe, or administer controlled substances. It shall  
2 be the burden of the defense to show that it comes within the exception. Any person convicted of  
3 violating this subdivision is guilty of a misdemeanor and shall be sentenced to serve a term of not  
4 less than 90 days or more than one year in a county jail. The court may place a person convicted  
5 under this subdivision on probation for a period not to exceed five years and, except as provided  
6 in subdivision (c), shall in all cases in which probation is granted require, as a condition thereof,  
7 that the person be confined in a county jail for at least 90 days. Other than as provided by  
8 subdivision (c), in no event shall the court have the power to absolve a person who violates this  
9 subdivision from the obligation of spending at least 90 days in confinement in a county jail.”

10 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

11 12. Marijuana is a hallucinogenic Schedule I controlled substance as defined  
12 in Health and Safety Code section 11054(d)(13) and a dangerous drug according to Business and  
13 Professions Code section 4022.

14 13. Methamphetamine is a Schedule II controlled substance as designated by  
15 Health and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug  
16 pursuant to Business and Professions Code section 4022.

17 14. Tylenol 3; a brand name for 500 mg. acetaminophen with codeine 30 mg.,  
18 is a Schedule III controlled substance as designated by Health and Safety Code section  
19 11056(e)(2) and is categorized as a dangerous drug pursuant to Business and Professions Code  
20 section 4022.

21 **FIRST CAUSE FOR DISCIPLINE**

22 (Use of Drugs)

23 15. Respondent is subject to disciplinary action under Code section 4300 in  
24 that Respondent used drugs in violation of Code section 4301, subdivision (h). The  
25 circumstances are as follows:

26 a. On or about March 27, 2006, in Case No. 5CR15778, Respondent was  
27 convicted on her plea of *guilty* for violating Health and Safety Code section 11377(a) (possession  
28 of a controlled substance), a misdemeanor, in the criminal proceeding entitled *The People of the*

1 *State of California v. Mayra Alejandra Quintanilla*, Los Angeles County Superior Court, Central  
2 Arraignment Courthouse. The Court deferred entry of the judgment.

3 b. The circumstances are that on or about November 5, 2002, Los Angeles  
4 Police Department Officers during a routine traffic stop observed Respondent unsecured by a  
5 seat belt as a passenger of a vehicle, and upon approach to the vehicle the officers noticed a  
6 strong odor of Marijuana emitting from the vehicle. Respondent admitted to the officers that the  
7 Tylenol 3 with Codeine, a controlled substance, found in the vehicle was hers without having a  
8 valid prescription. Further, she admitted to the officers that she only uses Methamphetamine, a  
9 controlled substance, when her children are not at home. The officers booked into evidence  
10 controlled substances and dangerous drugs found in the vehicle as follows: 1 gg  
11 Methamphetamine, 68 tablets Tylenol 3 with Codeine, and 10.38 gg Marijuana.

12 **SECOND CAUSE FOR DISCIPLINE**

13 (Violation of Drug Statutes)

14 16. Respondent is subject to disciplinary action under Code section 4300 in  
15 that Respondent violated drug statutes in violation of Code section 4301, subdivision (j) in  
16 conjunction with Code section 4060, Health and Safety Code sections 11377, subdivision (a) and  
17 11550, subdivision (a) as more fully set forth in paragraphs 15a and 15b.

18 **THIRD CAUSE FOR DISCIPLINE**

19 (Criminal Conviction)

20 17. Respondent is subject to disciplinary action under Code section 4300 in  
21 that Respondent was convicted for a crime that is substantially related to the qualifications,  
22 functions, and duties of a Pharmacy Technician in violation of Code section 4301, subdivision (l)  
23 in conjunction with California Code of Regulations, title 16, section 1770 as more fully set forth  
24 in paragraphs 15a and 15b.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 (Acts Warranting Denial of Licensure)

27 18. Respondent is subject to disciplinary action under Code section 4300 in  
28 that Respondent committed an act which would have warranted a denial of licensure as a

1 Pharmacy Technician in violation of Code section 4301, subdivision (p) as more fully set forth in  
2 paragraphs 15a and 15b.

3 PRAYER

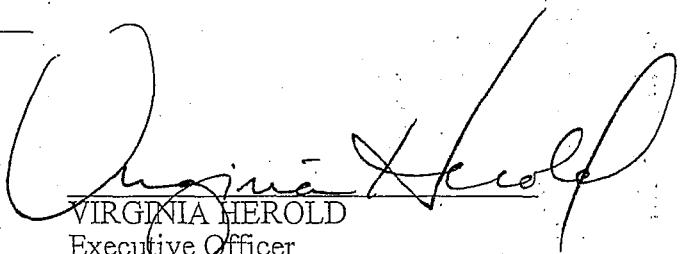
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
5 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

6 A. Revoking or suspending Pharmacy Technician Registration No. TCH  
7 49672, issued to Mayra A. Quintanilla aka Mayra Alejandra Quintanilla.

8 B. Ordering Mayra A. Quintanilla to pay the Board of Pharmacy the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3;

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

12  
13 DATED: 7/30/07



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

14  
15  
16  
17  
18  
19 Complainant

20  
21  
22 LA2007600768  
23 QUIN.ACC.WPD  
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28