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

In the Matter of the Accusation Against:  
**LISA M. MEJIA**  
1642 W. 213th Street  
Torrance, CA 90501  
  
Pharmacy Technician Registration No. TCH  
35023  
  
Respondent.

Case No. 3162  
OAH No. L-2009090167  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 14, 2009, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), filed Accusation No. 3162 against Lisa M. Mejia (Respondent) before the Board.

2. On or about October 20, 2000, the Board issued Pharmacy Technician Registration No. TCH 35023 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2010, unless renewed.

3. On or about April 24, 2009, Thurman Peden, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 3162, Statement to

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1 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
2 11507.6 and 11507.7 to Respondent's address of record with the Board, which was and is:

3 1642 W. 213th Street  
4 Torrance, CA 90501.

5 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

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

8 5. On or about May 21, 2009, Respondent signed and returned a Notice of Defense,  
9 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's  
10 address of record and it informed her that an administrative hearing in this matter was scheduled  
11 for December 30, 2009. Respondent failed to appear at that hearing.

12 6. Government Code section 11506 states, in pertinent part:

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

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

19 (a) If the respondent either fails to file a notice of defense or to appear at the  
20 hearing, the agency may take action based upon the respondent's express admissions  
21 or upon other evidence and affidavits may be used as evidence without any notice to  
22 respondent.

23 8. Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 evidence on file herein, finds that the allegations in Accusation No. 3162 are true.

26 9. The total cost for investigation and enforcement in connection with the Accusation  
27 are \$7,488.00 as of December 29, 2009.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Lisa M. Mejia has subjected her  
3 Pharmacy Technician Registration No. TCH 35023 to discipline.

4 2. A copy of the Accusation is attached.

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

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

8 a. Conviction of a Substantially Related Crime [pursuant to Code section 4301(l), in  
9 conjunction with California Code of Regulations, title 16, section 1770;

10 b. Dishonest Acts [pursuant to Code section 4301(f)];

11 c. Furnishing Drug Without a Prescription [pursuant to Code section 4301(o), in that  
12 Respondent violated Code section 4059(a);

13 d. Possession of a Controlled Substance [pursuant to Code section 4301(o), in that  
14 Respondent violated Code section 4060];

15 e. Administering or Furnishing Controlled Substance to Oneself [pursuant to Code  
16 section 4301(o) in that Respondent violated Health and Safety Code section 11170];

17 f. Obtaining Controlled Substances by Deceit or Subterfuge [pursuant to Code section  
18 4301(o), in that Respondent violated Health and Safety Code section  
19 11173(a)(1);

20 g. Failure to Cooperate with Board's Investigation [pursuant to Code section  
21 4301 (q).

22 ORDER

23 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 35023, heretofore  
24 issued to Respondent Lisa M. Mejia, is revoked.

25 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
26 written motion requesting that the Decision be vacated and stating the grounds relied on within

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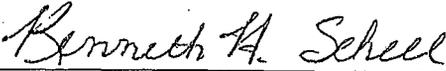
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1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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This Decision shall become effective on June 23, 2010.

It is so ORDERED May 24, 2010.

  
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KENNETH H. SCHELL, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

default decision\_LIC.rtf  
DOJ docket number:LA2008600726

Attachment:  
Exhibit A: Accusation No.3162

**Exhibit A**  
**Accusation No. 3162**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 KEVIN J. RIGLEY, State Bar No. 131800  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 620-2558  
5 Facsimile: (213) 897-2804  
6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:	Case No. 3162
11 LISA M. MEJIA 1642 W. 213th Street 12 Torrance, CA 90501	<b>A C C U S A T I O N</b>
13 Pharmacy Technician Registration No. TCH 35023	
14 Respondent.	

15  
16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about October 20, 2000, the Board of Pharmacy (Board) issued  
21 Pharmacy Technician Registration No. TCH 35023 to Lisa M. Mejia (Respondent). The  
22 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
23 brought herein and will expire on June 30, 2010, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board under the authority of the  
26 following laws. All section references are to the Business and Professions Code (Code) unless  
27 otherwise indicated.

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STATUTORY PROVISIONS

1  
2           4.     Section 118, subdivision (b), of the Code provides, in pertinent part, that  
3 the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board  
4 jurisdiction to proceed with a disciplinary action during the period within which the license may  
5 be renewed, restored, reissued or reinstated.

6           5.     Section 4059, subdivision (a), of the Code provides, in pertinent part:  
7           “A person may not furnish any dangerous drug, except upon the prescription of a  
8 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
9 3640.7. . . .”

10          6.     Section 4060 of the Code states in pertinent part:  
11          “No person shall possess any controlled substance, except that furnished to a  
12 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
13 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a  
14 certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section  
15 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to  
16 Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause  
17 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall  
18 not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
19 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
20 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
21 labeled with the name and address of the supplier or producer. . . .”

22          7.     Section 4300 of the Code permits the Board to take disciplinary action to  
23 suspend or revoke a license by the Board.

24          8.     Section 4301 of the Code states, in pertinent part:  
25          “The board shall take action against any holder of a license who is guilty of  
26 unprofessional conduct or whose license has been procured by fraud or misrepresentation or

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1 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
2 following:

3 . . . .

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

7 . . . .

8 "(l) The conviction of a crime substantially related to the qualifications, functions,  
9 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
10 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
11 substances or of a violation of the statutes of this state regulating controlled substances or  
12 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
13 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
14 The board may inquire into the circumstances surrounding the commission of the crime, in order  
15 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
16 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
17 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty  
18 or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
19 meaning of this provision. The board may take action when the time for appeal has elapsed, or  
20 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
21 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
22 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a  
23 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,  
24 or indictment.

25 . . . .

26 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
27 abetting the violation of or conspiring to violate any provision or term of this chapter or of the

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1 applicable federal and state laws and regulations governing pharmacy, including regulations  
2 established by the board or by any other state or federal regulatory agency:

3 . . . .

4 "(q) Engaging in any conduct that subverts or attempts to subvert an investigation  
5 of the board."

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

8 10 Health and Safety Code section 11173, subdivision (a)(1), provides that no  
9 person shall obtain or attempt to obtain controlled substances by fraud, deceit, misrepresentation,  
10 or subterfuge.

11 **REGULATORY PROVISIONS**

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

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

19 **COST RECOVERY**

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

24 **CONTROLLED SUBSTANCES - DANGEROUS DRUGS**

25 13. Hydrocodone is a Schedule III controlled narcotic substance pursuant to  
26 Health and Safety Code section 11056(e)(4). Vicodin and Norco are trade/brand names for  
27 combination drugs containing hydrocodone and acetaminophen. Hydrocodone is categorized as  
28 a dangerous drug pursuant to Business and Professions Code section 4022.





1 SEVENTH CAUSE FOR DISCIPLINE

2 (Failure to Cooperate with Board's Investigation)

3 21. Respondent is subject to disciplinary action under Code section 4301,  
4 subdivision (q), in that Respondent committed acts which constitute unprofessional conduct  
5 when she failed to respond to the Board's inquires in connection with the subject investigation  
6 herein conducted by the Board on the following dates: May 3, 2007, July 10, 2007 and August  
7 31, 2007.

8 PRAYER

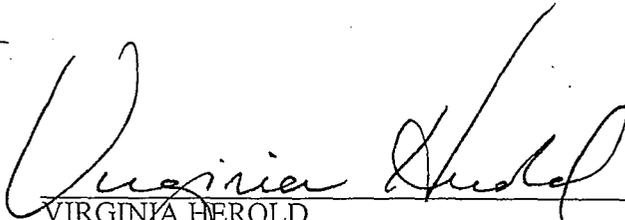
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
10 alleged, and that following the hearing, the Board issue a decision:

11 A. Revoking or suspending Pharmacy Technician Registration  
12 No. TCH 35023 issued to Respondent;

13 B. Ordering Respondent to pay the Board the reasonable costs of the  
14 investigation and enforcement of this case, pursuant to Business and Professions Code section  
15 125.3, and

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

17  
18 DATED: 4/14/09

19  
20  
21 

22 VIRGINIA HEROLD  
23 Executive Officer  
24 Board of Pharmacy  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
28