

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

In the Matter of the Accusation Against:

Case No. 3401

LOURDES MORRISSEY
14721 Labrador St.
North Hills, CA 91343

Pharmacy Technician License No. TCH 32807

Respondent.

DECISION AND ORDER

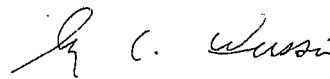
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on September 29, 2010.

It is so ORDERED on August 30, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 KIMBERLEY J. BAKER-GUILLEMET
Deputy Attorney General
4 State Bar No. 242920
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2533
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 3401

11 **LOURDES MORRISSEY**
12 14721 Labrador St.
North Hills, CA 91343
13 Pharmacy Technician Registration No. TCH
32807

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Respondent.
15

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

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Edmund
22 G. Brown Jr., Attorney General of the State of California, by Kimberley J. Baker-Guillemet,
23 Deputy Attorney General.

24 2. Lourdes Morrissey (Respondent) is representing herself in this proceeding and has
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about March 27, 2000, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 32807 to Lourdes Morrissey. The was in full force and effect at all times
28 relevant to the charges brought in Accusation No. 3401 and will expire on January 31, 2012,
unless renewed.

1 JURISDICTION

2 4. Accusation No. 3401 was filed before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
4 statutorily required documents were properly served on Respondent on January 26, 2010.
5 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
6 No. 3401 is attached as exhibit A and incorporated herein by reference.

7 ADVISEMENT AND WAIVERS

8 5. Respondent has carefully read, and understands the charges and allegations in
9 Accusation No. 3401. Respondent also has carefully read, and understands the effects of this
10 Stipulated Surrender of License and Order.

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

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

20 CULPABILITY

21 8. Respondent admits the truth of each and every charge and allegation in Accusation
22 No. 3401, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
23 Registration No. TCH 32807 for the Board's formal acceptance.

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

26 CONTINGENCY

27 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
28 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may

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

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

11 12. This Stipulated Surrender of License and Order is intended by the parties to be an
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
14 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
15 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
16 executed by an authorized representative of each of the parties.

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

19 **ORDER**

20 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 32807, issued
21 to Respondent Lourdes Morrissey is surrendered and accepted by the Board of Pharmacy.

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

26 15. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
27 as of the effective date of the Board's Decision and Order.
28

1 16. Respondent shall cause to be delivered to the Board both her wall license certificate
2 and, if one was issued, pocket license on or before the effective date of the Decision and Order.

3 17. If she ever applies for licensure or petitions for reinstatement in the State of
4 California, the Board shall treat it as a new application for licensure. Respondent must comply
5 with all the laws, regulations and procedures for licensure in effect at the time the application or
6 petition is filed, and all of the charges and allegations contained in Accusation No. 3401 shall be
7 deemed to be true, correct and admitted by Respondent when the Board determines whether to
8 grant or deny the application or petition.

9 18. Should Respondent ever apply or reapply for a new license or certification, or petition
10 for reinstatement of a license, by any other health care licensing agency in the State of California,
11 all of the charges and allegations contained in Accusation, No. 3401 shall be deemed to be true,
12 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
13 proceeding seeking to deny or restrict licensure.

14 19. Respondent shall pay the Board its costs of investigation and enforcement in the
15 amount of one thousand three hundred and thirty dollars and no cents (\$1,330.00) prior to
16 issuance of a new or reinstated license.

17 20. Upon acceptance of the surrender, Respondent shall relinquish her pharmacy
18 technician license to the board within ten (10) days of notification by the Board that the surrender
19 is accepted. Respondent may not reapply for any license, permit, or registration from the board
20 for three (3) years from the effective date of the surrender. Respondent shall meet all
21 requirements applicable to the license sought as of the date the application for that license is
22 submitted to the board.

23 ///

24 ///

25 ///

26 ///

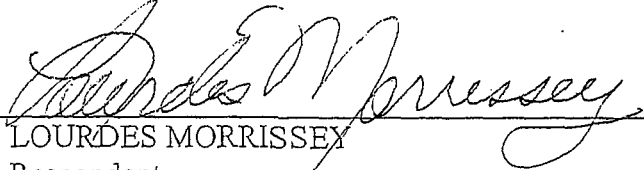
27 ///

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

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 Registration. 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: 5/5/10 
LOURDES MORRISSEY
Respondent

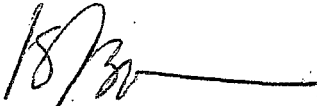
ENDORSEMENT

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: March 19, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General


KIMBERLEY J. BAKER-GUILLEMET
Deputy Attorney General
Attorneys for Complainant

LA2009603936
60522410.doc

Exhibit A

Accusation No. 3401

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 KIMBERLEY J. BAKER-GUILLEMET
Deputy Attorney General
4 State Bar No. 242920
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2533
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 3401

11 LOURDES MORRISSEY
12 14721 Labrador St.
13 North Hills, CA 91343

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 32807

16 Respondent.

17
18 Complainant alleges:

19 P A R T I E S

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

22 2. On or about March 27, 2000, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 32807 to Lourdes Morrissey (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on January 31, 2010, unless renewed.

26 ///

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.

4. Section 4301 of the Code states, in pertinent part:

"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:

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

"(j) The violation of any of the statutes of this state, or any other 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 or by any other state or federal regulatory agency.

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

///

///

1 violating Vehicle Code section 12500, subdivision (a), (unlicensed driver), a misdemeanor. As to
2 this count, Respondent was sentenced to 24 months summary probation and ordered to pay
3 restitution and court fees.

4 b. The circumstances are that on or about January 12, 2006, a Los Angeles County
5 Sheriff's Department Deputy observed Respondent make an unsafe lane change in her vehicle in
6 violation of Vehicle Code section 21658. The deputy conducted a traffic stop to warn
7 Respondent regarding the violation. Upon making contact with Respondent, the deputy observed
8 that she was displaying symptoms of being under the influence of a stimulant. The deputy also
9 observed a glass pipe sticking out of Respondent's right jacket pocket as she stepped out of the
10 vehicle. When the deputy recovered the glass pipe, he saw that it had a bulbous end.

11 c. The deputy detained Respondent. When other deputies arrived they recognized the
12 glass pipe to be commonly used to ingest narcotics. The deputies observed that Respondent was
13 displaying the following symptoms: bruxism (grinding of teeth), profuse sweating despite cool
14 weather, rapid speech and an inability to be still.

15 d. Respondent spontaneously stated to the deputies, "I smoked meth on Tuesday[.] I'm
16 fine now." Based on the deputies' training and experience, they determined that Respondent was
17 under the influence of a stimulant. When the deputies checked Respondent's driver's license
18 status, records reflected that her license was suspended. The deputies placed Respondent under
19 arrest for being under the influence of a stimulant, possession of drug paraphernalia and for
20 driving with a suspended license. Once at the station, Respondent refused to take a urine test.

21 SECOND CAUSE FOR DISCIPLINE

22 (Violation of Law Regulating Controlled Substances and Dangerous Drugs)

23 9. Respondent is subject to disciplinary action under section 4301, subdivision (j) in that
24 she violated the law regulating controlled substances and dangerous drugs, as set forth in
25 paragraph 8, subparagraphs (a) through (d) above. Complainant refers to, and by this reference
26 incorporates, the allegations set forth above in paragraph 8, subparagraphs (a) through (d), as
27 though set forth fully.

28 //

1 THIRD CAUSE FOR DISCIPLINE

2 (Substantially Related Conviction)

3 10. Respondent is subject to disciplinary action under section 4301, subdivision (j) in that
4 she was convicted of a crime substantially related to the qualifications, functions, and duties of a
5 licensee under this chapter, as set forth in paragraph 8, subparagraphs (a) through (d) above.
6 Complainant refers to, and by this reference incorporates, the allegations set forth above in
7 paragraph 8, subparagraphs (a) through (d), as though set forth fully.

8 FOURTH CAUSE FOR DISCIPLINE

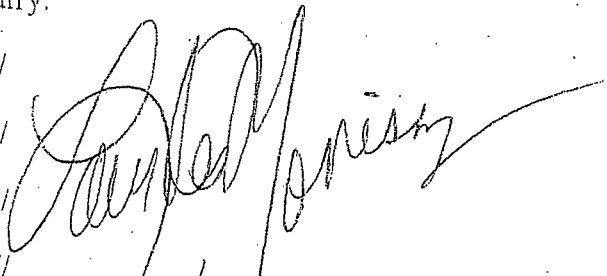
9 (Violating Laws and Regulations Governing Pharmacy)

10 11. Respondent is subject to disciplinary action under section 4301, subdivision (o) in
11 that she violated laws and regulations governing pharmacy, as set forth in paragraph 8,
12 subparagraphs (a) through (d) above. Specifically, she violated Code section 4301, subdivisions
13 (h), (j), (l) and (p). Complainant refers to, and by this reference incorporates, the allegations set
14 forth above in paragraph 8, subparagraphs (a) through (d), as though set forth fully.

15 FIFTH CAUSE FOR DISCIPLINE

16 (Engaging in Conduct Warranting License Denial)

17 12. Respondent is subject to disciplinary action under section 4301, subdivision (p) in
18 that she engaged in conduct that warrants denial of her license, as set forth in paragraph 8,
19 subparagraphs (a) through (d) above. Complainant refers to, and by this reference incorporates,
20 the allegations set forth above in paragraph 8, subparagraphs (a) through (d), as though set forth
21 fully.

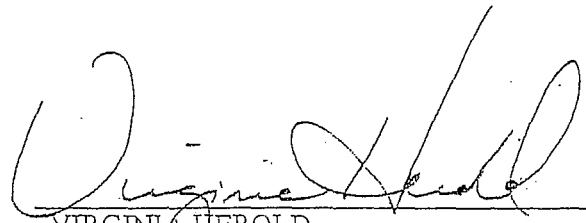
22 ///
23 /// 
24 ///
25 ///
26 /// 9/10/10
27 ///
28 ///

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 32807, issued to Lourdes Morrissey.
2. Ordering Lourdes Morrissey 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/30/09



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

LA2009603936
accusation.rtf

RECEIVED
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
RECEIVED