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

In the Matter of the Accusation Against:

Case No. 3402

**STEVEN J. CORREA  
P.O. Box 63  
Cottonwood, CA 96022**

**DEFAULT DECISION AND ORDER**

**Inmate Register Number 17617-097  
FCI Herlong  
Satellite Camp  
P.O. Box 800  
Herlong, CA 96113**

[Gov. Code, §11520]

**Pharmacy Technician License No. TCH  
36611**

Respondent.

FINDINGS OF FACT

1. On or about June 16, 2011, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3402 against Steven J. Correa (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 8, 2001, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 36611 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 3402. The Pharmacy Technician Registration has expired on June 30, 2011 and has not been renewed.

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1           3.     On or about June 16, 2011, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 3402, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board, which was and is:

6   P.O. Box 63  
7   Cottonwood, CA 96022

8           4.     Service of the Accusation was effective as a matter of law under the provisions of  
9 Government Code section 11505, subdivision (c) and/or Business & Professions Code  
10 section 124.

11           5.     On or about June 20, 2011 the aforementioned documents were received by Mr.  
12 Correa as indicated on the return receipt.

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

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

19           7.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
20 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation  
21 No. 3402.

22           8.     California Government Code section 11520 states, in pertinent part:

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

27           9.     Pursuant to its authority under Government Code section 11520, the Board finds  
28 Respondent in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 3402, finds that

1 the charges and allegations in Accusation No. 3402, are separately and severally, found to be true  
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$2,725.00 as of August 18, 2011.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Stephen J. Correa has subjected  
8 his Pharmacy Technician Registration No. TCH 36611 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
11 Registration based upon the following violations alleged in the Accusation which are supported  
12 by the evidence contained in the Default Decision Evidence Packet in this case:

13 (a) Respondent is subject to disciplinary action pursuant to Code section 4301,  
14 subdivision (l), on the grounds of unprofessional conduct, in that on or about July 22, 2008, in the  
15 criminal proceeding titled *USA v. Correa* (U.S. Dist. Ct., Eastern Dist. of CA, 2008, Case  
16 No. 2:08CR00224-01 LKK), Respondent pleaded guilty to violating 21 United States Code  
17 sections 846 and 841, subdivision (a)(1) (Conspiracy to Distribute and to Possess With Intent to  
18 Distribute Oxycodone, a Class C felony), a crime substantially related to the qualifications,  
19 functions, and duties of a pharmacy technician. On March 24, 2009, Respondent was committed  
20 to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 25  
21 months, commencing on May 5, 2009. The circumstances of the crime are as follows: On or  
22 about April 26, 2007, through January 31, 2008, while employed as a pharmacy technician at  
23 Owens Pharmacy located in Red Bluff, California, Respondent stole approximately 100 to 318  
24 tablets of OxyContin 80 mg from the pharmacy inventory and sold them to T.M..

25 (b) Respondent is subject to disciplinary action pursuant to Code section 4301,  
26 subdivision (f), on the grounds of unprofessional conduct, in that on or about April 26, 2007,  
27 through January 31, 2008, while employed as a pharmacy technician at Owens Pharmacy located  
28

1 in Red Bluff, California, Respondent committed acts involving moral turpitude, dishonesty, fraud,  
2 deceit, or corruption, as set forth in paragraph 16 above.

3 (c) Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code  
4 section 4301, subdivision (j), on the grounds of unprofessional conduct, in that on or about  
5 April 26, 2007, through January 31, 2008, while employed as a pharmacy technician at Owens  
6 Pharmacy located in Red Bluff, California, Respondent violated the following statutes of this  
7 state and of the United States regulating controlled substances and dangerous drugs:

8 (i) Respondent knowingly or intentionally distributed or dispensed, or  
9 possessed with the intent to distribute or dispense, 100 to 318 tablets of OxyContin 80 mg, in  
10 violation of 21 United States Code section 841, subdivision (a)(1).

11 (ii) Respondent possessed approximately 100 to 318 tablets of OxyContin  
12 80 mg without a lawful prescription for the medication from a physician, dentist, podiatrist,  
13 optometrist, or veterinarian, in violation of Code section 4060 and Health and Safety Code  
14 section 11350, subdivision (a).

15 (iii) Respondent furnished or dispensed 100 to 318 tablets of OxyContin  
16 80 mg to T.M., in violation of Code section 4059, subdivision (a), and Health and Safety Code  
17 section 11158, subdivision (a).

18 (iv) Respondent sold 100 to 318 tablets of OxyContin 80 mg to T.M. without  
19 a prescription, in violation of Health and Safety Code section 11352, subdivision (a).

20 (d) Respondent is subject to disciplinary action pursuant to Code section 4301,  
21 subdivision (o), on the grounds of unprofessional conduct, in that on or about April 26, 2007,  
22 through January 31, 2008, while employed as a pharmacy technician at Owens Pharmacy located  
23 in Red Bluff, California, Respondent violated or attempted to violate, directly or indirectly, or  
24 assisted in or abetted the violation of, or conspired to violate, state laws governing pharmacy, as  
25 set forth in subparagraphs 18 (b) and (c) above.

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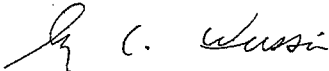
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 36611, heretofore issued to Respondent Steven J. Correa is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute. This decision shall become effective on May 18, 2012.

It is so ORDERED on April 18, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF



By \_\_\_\_\_  
STANLEY C. WEISSER

Board President

10740657.DOC  
DOJ Matter ID:SA2009311484

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
4 State Bar No. 083047  
1300 I-Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5339  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3402

12 **STEVEN J. CORREA**  
13 **P.O. Box 63**  
**Cottonwood, CA 96022**

**ACCUSATION**

14 **Inmate Register Number 17617-097**  
15 **FCI Herlong**  
**Satellite Camp**  
16 **P.O. Box 800**  
**Herlong, CA 96113**

17 **Pharmacy Technician License No. TCH 36611**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about June 8, 2001, the Board issued Pharmacy Technician License Number  
25 TCH 36611 to Steven J. Correa ("Respondent"). Respondent's pharmacy technician license was  
26 in full force and effect at all times relevant to the charges brought herein and will expire on June  
27 30, 2011, unless renewed.

28 ///

STATUTORY PROVISIONS

1  
2 3. Business and Professions Code ("Code") section 4202, subdivision (d), states that the  
3 Board may suspend or revoke a license issued pursuant to this section on any ground specified in  
4 Section 4301.

5 4. Code section 4300 states, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the  
8 board, whose default has been entered or whose case has been heard by the board and  
found guilty, by any of the following methods:

9 (1) Suspending judgment.

10 (2) Placing him or her upon probation.

11 (3) Suspending his or her right to practice for a period not exceeding one  
12 year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the  
board in its discretion may deem proper . . .

15 5. Code section 4301 states, in pertinent part:

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

19 . . . .  
20 (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  
21 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

22 . . . .  
23 (j) The violation of any of the statutes of this state or of the United States  
regulating controlled substances and dangerous drugs.

24 . . . .  
25 (l) The conviction of a crime substantially related to the qualifications,  
26 functions, and duties of a licensee under this chapter. The record of conviction of a  
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
27 States Code regulating controlled substances or of a violation of the statutes of this  
state regulating controlled substances or dangerous drugs shall be conclusive  
28 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
be conclusive evidence only of the fact that the conviction occurred. The board may



1 inquire into the circumstances surrounding the commission of the crime, in order to  
2 fix the degree of discipline or, in the case of a conviction not involving controlled  
3 substances or dangerous drugs, to determine if the conviction is of an offense  
4 substantially related to the qualifications, functions, and duties of a licensee under this  
5 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
6 contendere is deemed to be a conviction within the meaning of this provision. The  
7 board may take action when the time for appeal has elapsed, or the judgment of  
8 conviction has been affirmed on appeal or when an order granting probation is made  
9 suspending the imposition of sentence, irrespective of a subsequent order under  
10 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
11 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
12 dismissing the accusation, information, or indictment.

13  
14 (o) Violating or attempting to violate, directly or indirectly, or assisting in  
15 or abetting the violation of or conspiring to violate any provision or term of this  
16 chapter or of the applicable federal and state laws and regulations governing  
17 pharmacy, including regulations established by the board . . .

18  
19 6. Code section 4022 states:

20 "Dangerous drug" or "dangerous device" means any drug or device  
21 unsafe for self-use in humans or animals, and includes the following:

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

24 (b) Any device that bears the statement: "Caution: federal law restricts  
25 this device to sale by or on the order of a -----," "Rx only," or words of similar  
26 import, the blank to be filled in with the designation of the practitioner licensed to use  
27 or order use of the device.

28 (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.

7. Code section 4059, subdivision (a), states:

A person may not furnish any dangerous drug, except upon the  
prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
naturopathic doctor pursuant to Section 3640.7. A person may not furnish any  
dangerous device, except upon the prescription of a physician, dentist, podiatrist,  
optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

8. Code section 4060 states, in pertinent part:

No person shall possess any controlled substance, except that furnished to  
a person upon the prescription of a physician, dentist, podiatrist, optometrist,  
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant  
to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to  
Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist  
pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052 . . .

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9. 21 United States Code section 841 states, in pertinent part:

(a) Unlawful acts. Except as authorized by this title, it shall be unlawful for any person knowingly or intentionally--

(1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance . . .

10. Health and Safety Code section 11158, subdivision (a), states:

(a) Except as provided in Section 11159 or in subdivision (b) of this section, no controlled substance classified in Schedule II shall be dispensed without a prescription meeting the requirements of this chapter. Except as provided in Section 11159 or when dispensed directly to an ultimate user by a practitioner, other than a pharmacist or pharmacy, no controlled substance classified in Schedule III, IV, or V may be dispensed without a prescription meeting the requirements of this chapter.

11. Health and Safety Code section 11350 states, subdivision (a), states:

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

12. Health and Safety Code section 11352, subdivision (a), states:

Except as otherwise provided in this division, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055 or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for three, four, or five years.

13. 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.



1 in Red Bluff, California, Respondent committed acts involving moral turpitude, dishonesty, fraud,  
2 deceit, or corruption, as set forth in paragraph 16 above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Violations of Statutes of this State and of the U.S. Regulating**  
5 **Controlled Substances and Dangerous Drugs)**

6 18. Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section  
7 4301, subdivision (j), on the grounds of unprofessional conduct, in that on or about April 26,  
8 2007, through January 31, 2008, while employed as a pharmacy technician at Owens Pharmacy  
9 located in Red Bluff, California, Respondent violated the following statutes of this state and of  
10 the United States regulating controlled substances and dangerous drugs:

11 a. Respondent knowingly or intentionally distributed or dispensed, or possessed with the  
12 intent to distribute or dispense, 100 to 318 tablets of OxyContin 80 mg, in violation of 21 United  
13 States Code section 841, subdivision (a)(1).

14 b. Respondent possessed approximately 100 to 318 tablets of OxyContin 80 mg without  
15 a lawful prescription for the medication from a physician, dentist, podiatrist, optometrist, or  
16 veterinarian, in violation of Code section 4060 and Health and Safety Code section 11350,  
17 subdivision (a).

18 c. Respondent furnished or dispensed 100 to 318 tablets of OxyContin 80 mg to T.M.,  
19 in violation of Code section 4059, subdivision (a), and Health and Safety Code section 11158,  
20 subdivision (a).

21 d. Respondent sold 100 to 318 tablets of OxyContin 80 mg to T.M. without a  
22 prescription, in violation of Health and Safety Code section 11352, subdivision (a).

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Violations of State Laws Governing Pharmacy)**

25 19. Respondent is subject to disciplinary action pursuant to Code section 4301,  
26 subdivision (o), on the grounds of unprofessional conduct, in that on or about April 26, 2007,  
27 through January 31, 2008, while employed as a pharmacy technician at Owens Pharmacy located  
28 in Red Bluff, California, Respondent violated or attempted to violate, directly or indirectly, or

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assisted in or abetted the violation of, or conspired to violate, state laws governing pharmacy, as set forth in subparagraphs 18 (b) and (c) above.

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 License Number TCH 36611, issued to Steven J. Correa.
2. Ordering Steven J. Correa 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: June 16, 2011 

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

SA2009311484  
accusation.rtf