

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

In the Matter of the Accusation Against:

Case No. 3828

STEVI ELIZABETH RAMIREZ
2219 Yorkshire Road
Sacramento, CA 95815

Pharmacy Technician License No. TCH 51354

Respondent.

DECISION AND ORDER

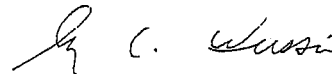
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on June 22, 2011.

It is so ORDERED May 23, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
4 State Bar No. 84287
1300 I Street, Suite 125
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8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3828

13 **STEVI ELIZABETH RAMIREZ**
2219 Yorkshire Road
14 **Sacramento, California 95815**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Technician License No. TCH**
16 **51354**

17 Respondent.

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

21 PARTIES

22 1. Virginia K. Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Kamala
24 D. Harris, Attorney General of the State of California, by Sterling A. Smith, Deputy Attorney
25 General.

26 2. Stevi Elizabeth Ramirez (Respondent) is representing herself in this proceeding and
27 has chosen not to exercise her right to be represented by counsel.

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CONTINGENCY

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

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

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

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

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 51354, issued to Respondent Stevi Elizabeth Ramirez is surrendered and accepted by the Board of Pharmacy.

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

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

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

5 17. Respondent may not apply for issuance of a new pharmacy technician license or
6 petition for reinstatement of her license for a period of three (3) years from and after the effective
7 date of the Decision and Order. If she ever applies for licensure or petitions for reinstatement in
8 the State of California, the Board shall treat it as a new application for licensure. Respondent
9 must comply with all the laws, regulations and procedures for licensure in effect at the time the
10 application or petition is filed, and all of the charges and allegations contained in Accusation No.
11 3828 shall be deemed to be true, correct and admitted by Respondent when the Board determines
12 whether to grant or deny the application or petition.

13 18. Should Respondent ever apply or reapply for a new license or certification, or petition
14 for reinstatement of a license, by any other health care licensing agency in the State of California,
15 all of the charges and allegations contained in Accusation, No. 3828 shall be deemed to be true,
16 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
17 proceeding seeking to deny or restrict licensure.

18 19. Respondent shall pay the Board its costs of investigation and enforcement in the
19 amount of \$5,000.00 prior to issuance of a new or reinstated license.

20 ACCEPTANCE

21 I have carefully read the Stipulated Surrender of License and Order. I understand the
22 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
23 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
24 be bound by the Decision and Order of the Board of Pharmacy.

25
26 DATED: _____

9-25-11

27 
STEVI ELIZABETH RAMIREZ, Respondent

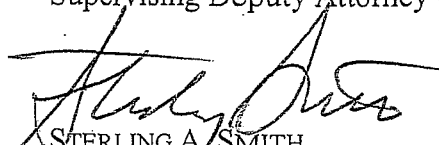
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ENDORSEMENT

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 8, 2011*

KAMALA D. HARRIS
Attorney General of California
ARTHUR TAGGART
Supervising Deputy Attorney General



STERLING A. SMITH
Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. 3828

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
4 State Bar No. 84287
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 3828

12 **STEVI ELIZABETH RAMIREZ**
3814 Arden Way
13 Sacramento, California 95864
Pharmacy Technician License No. TCH 51354

A C C U S A T I O N

14
15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

22 2. On or about December 16, 2003, the Board issued Pharmacy Technician Registration
23 No. TCH 41354 to Respondent Stevi Elizabeth Ramirez. The license was in full force and effect
24 at all times relevant to the charges brought herein and will expire on February 28, 2011, unless
25 renewed.

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STATUTORY PROVISIONS

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2 3. Under Business & Professions Code section 4300, the Board may discipline any
3 license, for any reason provided in the Pharmacy Law (i.e., Business & Professions Code sections
4 4000 et. seq.).

5 4. Business & Professions Code section 4301 states, in pertinent part:
6 “The board shall take action against any holder of a license who is guilty of unprofessional
7 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
8 Unprofessional conduct shall include, but is not limited to, any of the following:

9
10 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
11 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
12 otherwise, and whether the act is a felony or misdemeanor.

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

19 ...
20 (j) The violation of any of the statutes of this state or of the United States
21 regulating controlled substances and dangerous drugs.

22
23 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
24 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
25 applicable federal and state laws and regulations governing pharmacy, including regulations
26 established by the board.

27 ...”

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1 5. Business & Professions Code section 4060 provides, in pertinent part, that “no person
2 shall possess any controlled substance, except that furnished to a person upon the prescription of
3 a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to
4 Section 3640.7...”

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

9 7. Health & Safety Code section 11350, subdivision (a), provides in pertinent part that
10 “...every person who possesses...(2) any controlled substance classified in Schedule III, IV, or V
11 which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or
12 veterinarian licensed to practice in this state, shall be punished by imprisonment in the state
13 prison”.

14 8. Health & Safety Code section 11173, subdivision (a) provides that “no person shall
15 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
16 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
17 or subterfuge; or (2) by the concealment of a material fact”.

18 9. Business & Professions Code section 118 (b), states: The suspension, expiration, or
19 forfeiture by operation of law of a license issued by a board in the department, or its suspension,
20 forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender
21 without the written consent of the board, shall not, during any period in which it may be renewed,
22 restored, reissued, or reinstated, deprive the board of its authority to institute or continue a
23 disciplinary proceeding against the licensee upon any ground provided by law or to enter an order
24 suspending or revoking the license or otherwise taking disciplinary action against the licensee on
25 any such ground.

26 10. Business & Professions Code section 125.3 states, in pertinent part, that the Board
27 may request the administrative law judge to direct a licentiate found to have committed

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1 a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
2 investigation and enforcement of the case.

3 CONTROLLED SUBSTANCES/DANGEROUS DRUGS AT ISSUE

4 11. Hydrocodone with acetaminophen is a dangerous drug, a narcotic drug and a
5 Schedule III controlled substance as designated by Health & Safety Code section 11056(e)(4).
6 Hydrocodone with acetaminophen is dispensed as HC/AP 5/500 mg tablets and also as HC/AP
7 10/325 mg tablets.

8 12. At all relevant times from and after March 21, 2004, Respondent Stevi Elizabeth
9 Ramirez was employed as a pharmacy technician by Bel Air Pharmacy # 510, 1540
10 West El Camino, Sacramento, California 95833.

11 13. From time to time during the period of from in or about the end of 2006 through in or
12 about the end of 2009, Respondent stole approximately 3,000 HC/AP 10/325 mg tablets from the
13 inventory of Bel Air Pharmacy #510 during the performance of her duties as a pharmacy
14 technician employed by Bel Air Pharmacy #510. During said period of time, Respondent
15 administered said HC/AP 10/325 mg tablets to herself at the rate of approximately 7-8 tablets/day
16 and became addicted to said medication and other painkilling medications.

17 FIRST CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct: Violation of Drug Laws)

19 14. Paragraphs 1 through 13 above are incorporated by reference. Respondent Stevi
20 Elizabeth Ramirez is subject to disciplinary action for unprofessional conduct under Business &
21 Professions Code sections 4301(j) and 4301(o), by her violations of:

22 (a) Business and Professions Code section 4059(a) by furnishing HC/AP 10/325 mg
23 tablets to herself without a prescription;

24 (b) Business and Professions Code section 4060 and Health & Safety Code section
25 11350(a) by her possession of HC/AP 10/325 mg tablets without a prescription;

26 (c) Health & Safety Code section 11173(a) by her acts of obtaining HC/AP 10/325
27 mg tablets by fraud, deceit or subterfuge.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Acts Involving Moral Turpitude, Dishonesty, Fraud or Subterfuge)

3 15. Paragraphs 1 through 13 above are incorporated by reference. Respondent is subject
4 to disciplinary action under Business & Professions Code section 4301(f) in that she committed
5 acts of moral turpitude, dishonesty, fraud, deceit, or corruption. As alleged in Paragraph 13, while
6 working as a pharmacy technician for employer Bel Air Pharmacy #510, Respondent stole
7 approximately 3,000 HC/AP 10/325 mg tablets from the inventory of Bel Air Pharmacy #510.

8 THIRD CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct: Self-Administration of Controlled Substances to an Extent or in a
10 Manner Dangerous or Injurious.)

11 16. Paragraphs 1 through 13 above are incorporated by reference. Respondent Stevi
12 Elizabeth Ramirez is subject to disciplinary action for unprofessional conduct under Business &
13 Professions Code section 4301(h) in that Respondent administered HC/AP 10/325 mg tablets to
14 herself to an extent or in a manner as to be dangerous or injurious to herself, to others or the
15 public, and to the extent that the use impaired her ability to conduct with safety to the public the
16 practice authorized by the license. As alleged in Paragraph 13, Respondent became addicted to
17 said controlled substance and other painkillers, self-administering HC/AP 10/325 mg tablets
18 daily.

19 PRAYER

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

22 1. Revoking or suspending Pharmacy Technician License No. TCH 51354 issued to
23 Respondent Stevi Elizabeth Ramirez;

24 2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of the
25 investigation and enforcement pursuant to Business and Professions Code section 125.3; and

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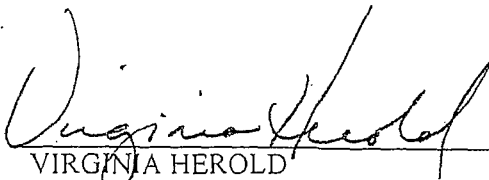
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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/30/10



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

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DEC 31 10:10:18