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

In the Matter of the Petition to Revoke  
Probation Against:

**GENOVEVA PEREDA**  
**Genoveva Pereda**  
**27644 Genevieve Drive**  
**Sun City, California 92586**  
**Pharmacy Technician Registration No. TCH**  
**30005**

Respondent.

Case No. 3836

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 17, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Petition to Revoke Probation No. 3836 against Genoveva Pereda (Respondent) before the Board of Pharmacy. (Petition to Revoke Probation attached as Exhibit A.)

2. On or about July 20, 1999, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 30005 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, 2011, unless renewed.

3. On or about January 18, 2011, Respondent was served by Certified and First Class Mail copies of the Petition to Revoke Probation No. 3836, Statement to Respondent, Notice of

1 Defense (2 copies), Request for Discovery, and Discovery Statutes (Government Code sections  
2 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business  
3 and Professions Code section 4100, is required to be reported and maintained with the Board,  
4 which was and is: Genoveva Pereda, 27644 Genevieve Drive, Sun City, California 92586.

5 4. Service of the Petition to Revoke Probation was effective as a matter of law under the  
6 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions  
7 Code section 124.

8 5. On or about January 28, 2011, the aforementioned documents were returned by the  
9 U.S. Postal Service marked "Attempted, Not Known."

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

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

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
17 the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of  
18 Petition to Revoke Probation No. 3836.

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

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

24 9. Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.  
3836, finds that the charges and allegations in Petition to Revoke Probation No. 3836, are  
separately and severally, found to be true and correct by clear and convincing evidence.

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DETERMINATION OF ISSUES

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1. Based on the foregoing findings of fact, Respondent Genoveva Pereda has subjected her Pharmacy Technician Registration No. TCH 30005 to discipline.

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

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

a. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 3; requiring quarterly reports to the Board. Respondent has failed to submit timely quarterly reports to the Board. The Board has received no reports since Respondent's probation began;

b. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 7; requiring submission of cost recovery payments to the Board. The Board has received no payments since Respondent's probation began;

c. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 11 requiring notification to the Board of a change in mailing address. The Board sent a letter to the Respondent via Certified Mail which was returned marked "Unclaimed-Unable to Forward" and "Notify Sender of New Address" with an address provided;

d. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 17; requiring random drug testing. Respondent has failed to enroll in the Board-appointed random drug testing program, and consequently, has not submitted to drug testing as required.

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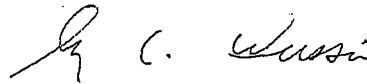
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 30005, heretofore issued to Respondent Genoveva Pereda, 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 July 27, 2011.

It is so ORDERED June 27, 2011.



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STANLEY C. WEISSER, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

80487510.DOC  
DOJ Matter ID: SD2010702688

Attachment:  
Exhibit A: Petition to Revoke Probation

# Exhibit A

Petition to Revoke Probation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 ERIN M. SUNSERI  
Deputy Attorney General  
4 State Bar No. 207031  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2071  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11  
12 In the Matter of the Petition to Revoke  
Probation Against,

Case No. 3836

13 **GENOVEVA PEREDA**  
27644 Genevieve Drive  
14 **Sun City, California 92586**  
**Pharmacy Technician Registration**  
15 **No. TCH 30005**

**PETITION TO REVOKE PROBATION**

16 Respondent

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about July 20, 1999, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 30005 to Genoveva Pereda (Respondent). The Pharmacy Technician  
25 Registration was in effect at all times relevant to the charges brought herein and will expire on  
26 June 30, 2011, unless renewed.

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JURISDICTION

3. This Petition to Revoke Probation 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 4011 of the Code provides that the Board shall administer and enforcer both the Pharmacy Law [§ 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300 of the Code states, in pertinent part:

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

.....

6. In a disciplinary action entitled "*In the Matter of Accusation Against Genoveva Pereda*," Case No. 3309, the Board of Pharmacy issued a Decision and Order effective April 29, 2010, in which Respondent's Pharmacy Technician Registration was revoked. However, the revocation was stayed and Respondent's Pharmacy Technician Registration was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that Decision is attached as Exhibit "A" and is incorporated by reference.

FIRST CAUSE TO REVOKE PROBATION

**(Failure to Report Quarterly to the Board)**

7. At all times after the effective date of Respondent's probation, Condition 3 stated:

**3. Report to the Board.** Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation.

1 8. Respondent's probation is subject to revocation because she failed to comply with  
2 Probation Condition 3, referenced above. Respondent failed to submit timely quarterly reports to  
3 the Board as required. The Board has received no reports since Respondent's probation began.

4 **SECOND CAUSE TO REVOKE PROBATION**

5 **(Failure to Submit Cost Recovery Payments)**

6 9. At all times after the effective date of Respondent's probation, Condition 7 stated:

7 7. **Reimbursement of Board Costs.** As a condition precedent to  
8 successful completion of probation, respondent shall pay to the Board its  
9 costs of investigation and prosecution in the amount of \$2,511.50.  
10 Respondent shall make payments as follows: monthly payments as  
determined by the Board or its designee. Failure to pay costs by the  
deadline(s) as directed shall be considered a violation of probation.

11 10. Respondent's probation is subject to revocation because she failed to comply with  
12 Probation Condition 7, referenced above. The Board has received no payments since  
13 Respondent's probation began.

14 **THIRD CAUSE TO REVOKE PROBATION**

15 **(Failure to Notify the Board of a Change in Mailing Address)**

16 11. At all times after the effective date of Respondent's probation, Condition 11 stated:

17  
18 11. **Notification of a Change in Name, Residence Address,**  
19 **Mailing Address or Employment.** Respondent shall notify the Board in  
writing within ten (10) days of a change in name, mailing address, or  
telephone number.

20 12. Respondent's probation is subject to revocation because she failed to comply with  
21 Probation Condition 11, referenced above. The Board sent a letter to the Respondent via  
22 Certified Mail which was returned marked "Unclaimed- Unable to Forward" and "Notify Sender  
23 of New Address" with an address provided.

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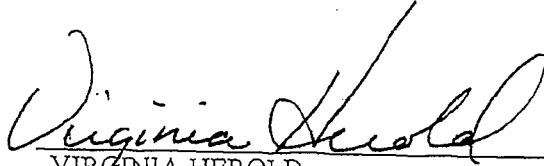




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3. Taking such other and further action as deemed necessary and proper.

DATED: 12/17/10



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

SD2010702688  
70392534.doc

**Exhibit A**

Decision and Order

Board of Pharmacy Case No. 3309

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

In the Matter of the Accusation Against:

Case No. 3309

**GENOVEVA PEREDA**  
27644 Genevieve Dr.  
Sun City, CA 92586

Pharmacy Technician Registration No. TCH  
30005

Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary 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 April 29, 2010.

It is so ORDERED on March 30, 2010.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

*Benneth H. Schell*

KENNETH H. SCHELL  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 ERIN M. SUNSERI  
Deputy Attorney General  
4 State Bar No. 207031  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2071  
7 Facsimile: (619) 645-2061  
*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:  
12  
13 **GENOVEVA PEREDA**  
29403 Falcon Hill Drive  
14 Menifee, CA 92584  
Pharmacy Technician Registration  
15 No. TCH 30005  
16 Respondent.

Case No. 3309  
OAH No. L-2009070935  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

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

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

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 3309.

4 9. Respondent agrees that her Pharmacy Technician Registration is subject to discipline  
5 and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary  
6 Order below.

7 CONTINGENCY

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

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

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

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

1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 30005 issued  
3 to Respondent Genoveva Pereda is revoked. However, the revocation is stayed and Respondent  
4 is placed on probation for five (5) years on the following terms and conditions.

5 1. **Certification Prior to Resuming Work**

6 Respondent shall be automatically suspended from working as a pharmacy technician until  
7 she is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
8 satisfactory proof of certification to the board. Respondent shall not resume working as a  
9 pharmacy technician until notified by the board. Failure to achieve certification within one (1)  
10 year shall be considered a violation of probation. Respondent shall not resume working as a  
11 pharmacy technician until notified by the board.

12 During suspension, respondent shall not enter any pharmacy area or any portion of any  
13 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
14 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
15 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
16 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
17 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
18 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
19 substances. Respondent shall not resume work until notified by the board.

20 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
21 licensed premises by the board in which she holds an interest at the time this decision becomes  
22 effective unless otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 2. **Obey All Laws**

25 Respondent shall obey all state and federal laws and regulations.

26 Respondent shall report any of the following occurrences to the board, in writing, within  
27 seventy-two (72) hours of such occurrence:

28  an arrest or issuance of a criminal complaint for violation of any provision of the



1 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
2 substances laws

- 3  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
4 criminal complaint, information or indictment
- 5  a conviction of any crime
- 6  discipline, citation, or other administrative action filed by any state or federal agency  
7 which involves respondent's license or which is related to the practice of pharmacy or  
8 the manufacturing, obtaining, handling, distributing, billing, or charging for any drug,  
9 device or controlled substance.

10 Failure to timely report any such occurrence shall be considered a violation of probation.

11 **3. Report to the Board**

12 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
13 designee. The report shall be made either in person or in writing, as directed. Among other  
14 requirements, respondent shall state in each report under penalty of perjury whether there has  
15 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
16 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
17 in submission of reports as directed may be added to the total period of probation. Moreover, if  
18 the final probation report is not made as directed, probation shall be automatically extended until  
19 such time as the final report is made and accepted by the board.

20 **4. Interview with the Board**

21 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
22 with the board or its designee, at such intervals and locations as are determined by the board or its  
23 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
24 or failure to appear at two (2) or more scheduled interviews with the board or its designee during  
25 the period of probation, shall be considered a violation of probation.

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**5. Cooperate with Board Staff**

Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of her probation. Failure to cooperate shall be considered a violation of probation.

**6. Notice to Employers**

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 3309 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 3309 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy of the terms and conditions of the decision in case number 3309 in advance of the respondent commencing work at each pharmacy. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause her direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that she has read the decision in case number 3309 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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1 Failure to timely notify present or prospective employer(s) or to cause that/those  
2 employer(s) to submit timely acknowledgements to the board shall be considered a violation of  
3 probation.

4 "Employment" within the meaning of this provision shall include any full-time,  
5 part-time, temporary or relief service or pharmacy management service as a pharmacy  
6 technician or in any position for which a pharmacy technician license is a requirement  
7 or criterion for employment, whether the respondent is considered an employee,  
8 independent contractor or volunteer.

9 **7. Reimbursement of Board Costs**

10 As a condition precedent to successful completion of probation, respondent shall pay to the  
11 board its costs of investigation and prosecution in the amount of \$ 2511.50. Respondent shall  
12 make said payments as follows: monthly payments as determined by the board or its designee.  
13 There shall be no deviation from this schedule absent prior written approval by the board or its  
14 designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
15 probation.

16 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to  
17 reimburse the board its costs of investigation and prosecution.

18 **8. Probation Monitoring Costs**

19 Respondent shall pay any costs associated with probation monitoring as determined by the  
20 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
21 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
22 be considered a violation of probation.

23 **9. Status of License**

24 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
25 technician license with the board, including any period during which suspension or probation is  
26 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

27 If respondent's pharmacy technician license expires or is cancelled by operation of law or  
28 otherwise at any time during the period of probation, including any extensions thereof due to

1 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
2 terms and conditions of this probation not previously satisfied.

3 **10. License Surrender While on Probation/Suspension**

4 Following the effective date of this decision, should respondent cease work due to  
5 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
6 respondent may tender her pharmacy technician license to the board for surrender. The board or  
7 its designee shall have the discretion whether to grant the request for surrender or take any other  
8 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
9 license, respondent will no longer be subject to the terms and conditions of probation. This  
10 surrender constitutes a record of discipline and shall become a part of the respondent's license  
11 history with the board.

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

18 **11. Notification of a Change in Name, Residence Address, Mailing Address or**  
19 **Employment**

20 Respondent shall notify the board in writing within ten (10) days of any change of  
21 employment. Said notification shall include the reasons for leaving, the address of the new  
22 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
23 shall further notify the board in writing within ten (10) days of a change in name, residence  
24 address and mailing address, or phone number.

25 Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
26 phone number(s) shall be considered a violation of probation.

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1           **12. Tolling of Probation**

2           Except during periods of suspension, respondent shall, at all times while on probation, be  
3 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.  
4 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
5 period of probation shall be extended by one month for each month during which this minimum is  
6 not met. During any such period of tolling of probation, respondent must nonetheless comply  
7 with all terms and conditions of probation.

8           Should respondent, regardless of residency, for any reason (including vacation) cease  
9 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,  
10 respondent must notify the board in writing within ten (10) days of cessation of work and must  
11 further notify the board in writing within ten (10) days of the resumption of the work. Any  
12 failure to provide such notification(s) shall be considered a violation of probation.

13           It is a violation of probation for respondent's probation to remain tolled pursuant to the  
14 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
15 exceeding thirty-six (36) months.

16           "Cessation of work" means calendar month during which respondent is not  
17 working for at least 40 hours as a pharmacy technician, as defined in Business and  
18 Professions Code section 4115. "Resumption of work" means any calendar month  
19 during which respondent is working as a pharmacy technician for at least 40 hours as  
20 a pharmacy technician as defined by Business and Professions Code section 4115.

21           **13. Violation of Probation**

22           If a respondent has not complied with any term or condition of probation, the board shall  
23 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
24 all terms and conditions have been satisfied or the board has taken other action as deemed  
25 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
26 to impose the penalty that was stayed.

27           If respondent violates probation in any respect, the board, after giving respondent notice  
28 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

1 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
2 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
3 a petition to revoke probation or an accusation is filed against respondent during probation, the  
4 board shall have continuing jurisdiction, and the period of probation shall be automatically  
5 extended until the petition to revoke probation or accusation is heard and decided.

6 **14. Completion of Probation**

7 Upon written notice by the board indicating successful completion of probation,  
8 respondent's pharmacy technician license will be fully restored.

9 **15. No Ownership of Licensed Premises**

10 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
11 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
12 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
13 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
14 days following the effective date of this decision and shall immediately thereafter provide written  
15 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
16 documentation thereof shall be considered a violation of probation.

17 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
18 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
19 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or  
20 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,  
21 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently  
22 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold  
23 that interest, but only to the extent of that position or interest as of the effective date of this  
24 decision. Violation of this restriction shall be considered a violation of probation.

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1           **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

2           Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
3 attendance at a recognized and established substance abuse recovery support group in California,  
4 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
5 or its designee. Respondent must attend at least one group meeting per week unless otherwise  
6 directed by the board or its designee. Respondent shall continue regular attendance and submit  
7 signed and dated documentation confirming attendance with each quarterly report for the duration  
8 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
9 probation.

10           **17. Random Drug Screening**

11           Respondent, at her own expense, shall participate in random testing, including but not  
12 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
13 screening program as directed by the board or its designee. Respondent may be required to  
14 participate in testing for the entire probation period and the frequency of testing will be  
15 determined by the board or its designee. At all times respondent shall fully cooperate with the  
16 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
17 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
18 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
19 of probation. Upon request of the board or its designee, respondent shall provide documentation  
20 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
21 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
22 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
23 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
24 shall be considered a violation of probation and shall result in the automatic suspension of work  
25 by respondent. Respondent may not resume work as a pharmacy technician until notified by the  
26 board in writing.

27           During suspension, respondent shall not enter any pharmacy area or any portion of or any  
28 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other

1 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
2 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
3 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
4 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
5 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
6 substances. Respondent shall not resume work until notified by the board.

7 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
8 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
9 licensed premises in which she holds an interest at the time this decision becomes effective unless  
10 otherwise specified in this order.

11 Failure to comply with this suspension shall be considered a violation of probation.

12 **18. Notification of Departure**

13 Prior to leaving the probationary geographic area designated by the board or its designee for  
14 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
15 writing of the dates of departure and return. Failure to comply with this provision shall be  
16 considered a violation of probation.

17 **19. Abstain from Drugs and Alcohol Use**

18 Respondent shall completely abstain from the possession or use of alcohol, controlled  
19 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
20 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
21 request of the board or its designee, respondent shall provide documentation from the licensed  
22 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
23 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
24 violation of probation. Respondent shall ensure that she is not in the same physical location as  
25 individuals who are using illicit substances even if respondent is not personally ingesting the  
26 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
27 not supported by the documentation timely provided, and/or any physical proximity to persons  
28 using illicit substances, shall be considered a violation of probation.



1 20. **Prohibition under California Code of Regulations, Title 16, Section 1793.8**

2 California Code of Regulations, Title 16, Section 1793.8 provides, in pertinent part, as  
3 follows: A general acute care hospital, as defined in Health and Safety Code 1250(a), that has an  
4 ongoing clinical pharmacy program may allow pharmacy technicians to check the work of other  
5 pharmacy technicians in connection with the filling of floor and ward stock and unit dose  
6 distribution systems for patients admitted to the hospital whose orders have previously been  
7 reviewed and approved by a licensed pharmacist.

8 Respondent shall not check the work of other pharmacy technicians as detailed above  
9 during the term of her probation.

10  
11 ACCEPTANCE

12 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
13 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this  
14 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
15 to be bound by the Decision and Order of the Board of Pharmacy.

16  
17 DATED: 11/25/09 Genoveva Pereda  
18 GENOVEVA PEREDA  
Respondent

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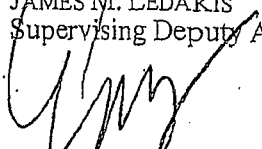
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 1-19-10

Respectfully Submitted,

EDMOND G. BROWN JR.  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

  
ERIN M. SUNSERI  
Deputy Attorney General  
*Attorneys for Complainant*

SD2009803872  
Stipulation.rtf

**Exhibit A**

**Accusation No. 3309**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 KATHLEEN B.Y. LAM, State Bar No. 95379  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101

5 P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2091  
7 Facsimile: (619) 645-2061

8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3309

13 GENOVEVA PEREDA  
14 27644 Genevieve Drive  
Sun City, CA 92586

**ACCUSATION**

15 Pharmacy Technician Registration  
16 No. TCH 30005

Respondent.

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about July 20, 1999, the Board of Pharmacy issued Pharmacy  
23 Technician Registration No. TCH 30005 to Genoveva Pereda (Respondent). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on June 30, 2011, unless renewed.

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

3  
4 8. Section 4022 of the Code states

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

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

8 (b) Any device that bears the statement: "Caution: federal law restricts this  
9 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar  
10 import, the blank to be filled in with the designation of the practitioner licensed to  
11 use or order use of the device.

12 (c) Any other drug or device that by federal or state law can be lawfully  
13 dispensed only on prescription or furnished pursuant to Section 4006.

14 9. Section 4060 of the Code states, in pertinent part:

15 No person shall possess any controlled substance, except that furnished to  
16 a person upon the prescription of a physician, dentist, podiatrist, optometrist,  
17 veterinarian, or naturopathic doctor. . . .

### 18 REGULATORY PROVISIONS

19 10. California Code of Regulations, title 16, section 1770; states:

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

### 27 COST RECOVERY

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

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1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Violation of California Statutes Regulating  
3 Controlled Substances & Dangerous Drugs)

4 15. Respondent is subject to disciplinary action under sections 4301,  
5 subdivision (j) and 4060 of the Code in that on or about November 14, 2006, Respondent  
6 knowingly violated California statutes regulating controlled substances and dangerous drugs  
7 when she was found in possession and under the influence of methamphetamine, and controlled  
8 substance paraphernalia as detailed in paragraph 13, above. Such acts constitute unprofessional  
9 conduct and are substantially related to the qualifications, duties, and functions of a pharmacy  
10 technician.

11 SECOND CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct – Self-Administration of a Controlled Substance)

13 16. Respondent is subject to disciplinary action under sections 4301,  
14 subdivision (h) of the Code in that on or about November 14, 2006, Respondent admitted to  
15 smoking methamphetamine, as detailed in paragraph 13, above. The self-administration of an  
16 illegal controlled substance constitutes unprofessional conduct and is substantially related to the  
17 qualifications, duties, and functions of a pharmacy technician.

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1 PRAYER

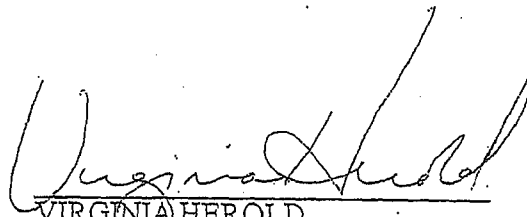
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Pharmacy Technician Registration Number TCH  
5 30005, issued to Genoveva Pereda;

6 2. Ordering Genoveva Pereda to pay the Board of Pharmacy the reasonable  
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
8 Code section 125.3; and

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

10  
11 DATED: 6/24/09



12  
13  
14 VIRGINIA HEROLD  
15 Executive Officer  
16 Board of Pharmacy  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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