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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:  
**DANNA MICHELLE SILVA**  
**1502 Mt. Diablo Avenue**  
**Milpitas, CA 95035**  
**Pharmacy Technician License No. TCH 8898**  
  
Respondent.

Case No. 3838

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 10, 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. 3838 against Danna Michelle Silva (Respondent) before the Board of Pharmacy. A copy of the Petition to Revoke Probation is attached as exhibit A.

2. On or about August 13, 1993, the Board of Pharmacy issued Pharmacy Technician License Number TCH 8898 to Danna Michelle Silva (Respondent). The Pharmacy Technician License expired on or about January 31, 2005 without renewal, and remained delinquent until on or about January 12, 2010, when it was renewed. The License remains current and active and will expire on January 31, 2011, unless renewed.

3. In a disciplinary action titled "In the Matter of Accusation against Danna Michelle Silva," Case No. 2577, the Board of Pharmacy issued a Decision and Order effective May 2, 2003 in which Respondent's License was revoked, with revocation stayed, probation with terms and conditions for three (3) years. A copy of the Decision and Order is attached as exhibit B.

1           4.     On or about December 13, 2010, Respondent was served by Certified and First Class  
2 Mail with copies of: Petition to Revoke Probation No. 3838; a Statement to Respondent; a Notice  
3 of Defense (2 copies); a Request for Discovery; and Discovery Statutes (Gov. Code, §§ 11507.5,  
4 11507.6, 11507.7) to Respondent's address of record, which was and is 1502 Mt. Diablo Avenue,  
5 Milpitas, CA 95035. Pursuant to Business and Professions Code section 136 and/or 4100, and/or  
6 California Code of Regulations, title 16, section 1704, Respondent's address of record, and any  
7 changes thereto, are required to be reported and maintained with the Board of Pharmacy (Board).

8           5.     Service of the Petition to Revoke Probation was effective under Government Code  
9 section 11505, subdivision (c) and/or Business and Professions Code section 124.

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. 3838.

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 Investigatory Evidence Packet in this matter,  
27 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
28 therein on file at the Board's offices regarding the allegations contained in Petition to Revoke  
Probation No. 3838, finds that the charges and allegations in Petition to Revoke Probation No.  
3838, are separately and severally true and correct by clear and convincing evidence.

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DETERMINATION OF ISSUES

1  
2       1.     Based on the foregoing findings of fact, Respondent Danna Michelle Silva has  
3 subjected her Pharmacy Technician License No. TCH 8898 to discipline.

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

5       3.     The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
6 License based upon the following violations in the Petition to Revoke Probation supported by the  
7 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8       a.     In violation of Term and Condition 4 of the probation imposed by the Decision and  
9 Order of the Board in Case No. 2577, Respondent failed to timely submit quarterly reports;

10      b.     In violation of Term and Condition 9 of the probation ordered in Case No. 2577,  
11 Respondent failed to timely submit payment(s) for probation monitoring costs;

12      c.     In violation of Term and Condition 10 of the probation ordered in Case No. 2577,  
13 Respondent failed to maintain current, active licensure with the Board;

14      d.     In violation of Term and Condition 16 of the probation ordered in Case No. 2577,  
15 Respondent failed to timely submit to/cooperate with random drug screening; and

16      e.     In violation of Term and Condition 6 of the probation ordered in Case No. 2577,  
17 Respondent failed to cooperate with Board staff ensuring her compliance with probation.

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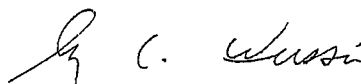
ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 8898, heretofore issued to Respondent Danna Michelle Silva, 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 April 15, 2011.

It is so ORDERED March 16, 2011.



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

20400151.DOC  
DOJ Matter ID:SF2010202641

Attachments:  
Exhibit A: Petition to Revoke Probation  
Exhibit B: Decision and Order in Case No. 2577

# Exhibit A

Petition to Revoke Probation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
Deputy Attorney General  
4 State Bar No. 214663  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1299  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Petition to Revoke Probation  
11 Against:

Case No. 3838

12 **DANNA MICHELLE SILVA**  
13 **1502 Mt. Diablo Avenue**  
**Milpitas, CA 95035**

**PETITION TO REVOKE PROBATION**

14 **Pharmacy Technician License No. TCH 8898**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about August 13, 1993, the Board of Pharmacy issued Pharmacy Technician  
21 License Number TCH 8898 to Danna Michelle Silva (Respondent). The Pharmacy Technician  
22 License expired on or about January 31, 2005 without renewal, and remained delinquent until on  
23 or about January 12, 2010, when it was renewed. The License remains current and active and  
24 will expire on January 31, 2011, unless renewed.

25 3. In a disciplinary action titled "In the Matter of Accusation Against Danna Michelle  
26 Silva," Case No. 2577, the Board of Pharmacy issued a decision effective May 2, 2003 in which  
27 Respondent's License was revoked, with revocation stayed, probation with terms and conditions  
28 for three (3) years. A copy of the decision is attached as Exhibit A and incorporated by reference.



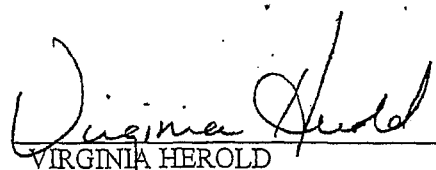






- 1           1.    Revoking the probation that was granted by the Board of Pharmacy in Case No. 2577  
2 and imposing the disciplinary order that was stayed, thereby revoking Pharmacy Technician  
3 License No. TCH 8898, issued to Danna Michelle Silva;  
4           2.    Revoking or suspending Pharmacy Technician License No. TCH 8898, issued to  
5 Danna Michelle Silva;  
6           3.    Taking such other and further action as is deemed necessary and proper.

8 DATED: 12/10/10

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

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# Exhibit B

Decision and Order in Case No. 2577

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

In the Matter of the Accusation Against:

DANNA MICHELLE SILVA  
1502 Mt. Diablo Avenue  
Milpitas, CA 95035

Pharmacy Technician Registration No. TCH  
8898

Respondent.

Case No. 2577

OAH No. N2002100475

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 May 2, 2003.

It is so ORDERED April 3, 2003.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



JOHN D. JONES  
Board President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 ROBERT R. REYFF, State Bar No. 074945  
Deputy Attorney General  
3 California Department of Justice  
1515 Clay Street, 20<sup>th</sup> Floor  
4 P.O. Box 70550  
Oakland, CA 94612-0550  
5 Telephone: (510) 622-2212  
Facsimile: (510) 622-2270  
6 E-mail: robert.reyff@doj.ca.gov

7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2577

12 DANNA MICHELLE SILVA  
1502 Mt. Diablo Avenue  
13 Milpitas, CA 95035

OAH No. N2002100475

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Pharmacy Technician Registration No. TCH  
8898

15  
16 Respondent.

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

20 PARTIES

21 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
22 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
23 by Bill Lockyer, Attorney General of the State of California, by Robert R. Reyff, Deputy  
24 Attorney General.

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

27 3. On or about August 13, 1993, the Board of Pharmacy issued Pharmacy  
28 Technician Registration No. TCH 8898 to DANNA MICHELLE SILVA (Respondent). The

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. 2577 and will expire on January 31, 2003, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2577 was filed before the Board of Pharmacy (Board) ,  
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
6 and all other statutorily required documents were properly served on Respondent on August 22,  
7 2002. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
8 Accusation No. 2577 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations  
11 in Accusation No. 2577. Respondent has also carefully read, and understands the effects of this  
12 Stipulated Settlement and Disciplinary Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in  
24 Accusation No. 2577.

25 9. Respondent agrees that her Pharmacy Technician Registration is subject to  
26 discipline and she agrees to be bound by the Board of Pharmacy (Board) 's imposition of  
27 discipline as set forth in the Disciplinary Order below.

28 //



1 from working as a pharmacy technician until she is certified by the Pharmacy Technician  
2 Certification Board (PTCB) and provides satisfactory proof of certification to the Board.

3           During suspension, Respondent shall not enter any pharmacy area or any portion  
4 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other  
5 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous  
6 drugs and devices or controlled substances are maintained. Respondent shall not do any act  
7 involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor  
8 shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have  
9 access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or  
10 controlled substances.

11           Subject to the above restrictions, Respondent may continue to own or hold an  
12 interest in any entity licensed by the Board in which she holds an interest at the time this decision  
13 becomes effective unless otherwise specified in this order.

14           3.       **Obey All Laws.** Respondent shall obey all state and federal laws and  
15 regulations substantially related to or governing the practice of pharmacy.

16           4.       **Reporting to the Board.** Respondent shall report to the Board quarterly.  
17 The report shall be made either in person or in writing, as directed. Respondent shall state under  
18 penalty of perjury whether there has been compliance with all the terms and conditions of  
19 probation. If the final probation report is not made as directed, probation shall be extended  
20 automatically until such time as the final report is made and accepted by the Board.

21           5.       **Interview with the Board.** Upon receipt of reasonable notice,  
22 Respondent shall appear in person for interviews with the Board upon request at various intervals  
23 at a location to be determined by the Board. Failure to appear for a scheduled interview without  
24 prior notification to Board staff shall be considered a violation of probation.

25           6.       **Cooperation with Board Staff.** Respondent shall cooperate with the  
26 Board's inspectional program and in the Board's monitoring and investigation of Respondent's  
27 compliance with the terms and conditions of her probation. Failure to comply shall be  
28 considered a violation of probation.



1                   7.     **Notice to Employers.** Respondent shall notify all present and prospective  
2 employers of the decision in case number 2577 and the terms, conditions and restrictions  
3 imposed on Respondent by the decision. Within 30 days of the effective date of this decision,  
4 and within 15 days of Respondent undertaking new employment, Respondent shall cause her  
5 employer to report to the Board in writing acknowledging the employer has read the decision in  
6 case number 2577.

7                   If Respondent works for or is employed by or through a pharmacy employment  
8 service, Respondent must notify the pharmacist-in-charge and/or owner at every pharmacy of the  
9 terms and conditions of the decision in case number 2577 in advance of the Respondent  
10 commencing work at each pharmacy.

11                   "Employment" within the meaning of this provision shall include any full-time, part-time,  
12 temporary or relief service or pharmacy management service as a pharmacy technician,  
13 whether the Respondent is considered an employee or independent contractor.

14                   8.     **Reimbursement of Board Costs.** Respondent shall pay to the Board its  
15 costs of investigation and prosecution in the amount of \$3,000.00. Respondent shall make said  
16 payments as follows: monthly payments, payments to be set for \$100.00 per month, payable by  
17 the 15<sup>th</sup> of each and every month, beginning the 15<sup>th</sup> of the month following the Board's adoption  
18 of this stipulation, and continuing thereafter until fully paid.

19                   The filing of bankruptcy by Respondent shall not relieve Respondent of her  
20 responsibility to reimburse the Board its costs of investigation and prosecution.

21                   9.     **Probation Monitoring Costs.** Respondent shall pay the costs associated  
22 with probation monitoring as determined by the Board each and every year of probation. Such  
23 costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs  
24 shall be considered a violation of probation.

25                   10.    **Status of License.** Respondent shall, at all times while on probation,  
26 maintain an active current technician registration/certification with the Board, including any  
27 period during which suspension or probation is tolled.

28 If Respondent's technician registration/certification expires or is canceled by operation of law or

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

3           **11. Notification of Employment/Mailing Address Change.** Respondent  
4 shall notify the Board in writing within 10 days of any change of employment. Said notification  
5 shall include the reasons for leaving and/or the address of the new employer, supervisor or owner  
6 and work schedule, if known. Respondent shall notify the Board in writing within 10 days of a  
7 change in name, mailing address or phone number.

8           **12. No Access to Controlled Substances.** Respondent shall not order,  
9 possess, dispense or otherwise have access to any controlled substance(s) in Schedule II, III, IV  
10 or V (Health and Safety Code sections 11055-11058 inclusive). Respondent shall not order,  
11 receive or retain any triplicate prescription forms.

12           **13. Violation of Probation.** If Respondent violates probation in any respect,  
13 the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation  
14 and carry out the disciplinary order which was stayed. If a petition to revoke probation or an  
15 accusation is filed against Respondent during probation, the Board shall have continuing  
16 jurisdiction, and the period of probation shall be extended, until the petition to revoke probation  
17 or accusation is heard and decided.

18           If Respondent has not complied with any term or condition of probation, the  
19 Board shall have continuing jurisdiction over Respondent, and probation shall automatically be  
20 extended until all terms and conditions have been satisfied or the Board has taken other action as  
21 deemed appropriate to treat the failure to comply as a violation of probation, to terminate  
22 probation, and to impose the penalty which was stayed.

23           **14. Completion of Probation.** Upon successful completion of probation,  
24 Respondent's technician registration will be fully restored.

25           **15. License Surrender While on Probation/Suspension.** Following the  
26 effective date of this decision, should Respondent cease practice due to retirement or health, or  
27 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender her  
28 license to the Board for surrender. The Board shall have the discretion whether to grant the



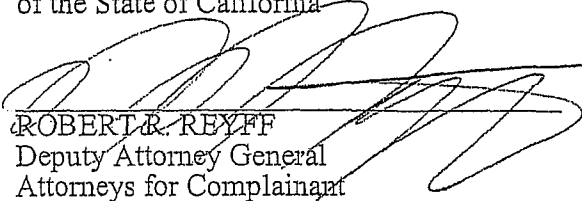
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ENDORSEMENT

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: February 6, 2003

BILL LOCKYER, Attorney General  
of the State of California

  
~~ROBERT R. REIFF~~  
Deputy Attorney General  
Attorneys for Complainant

DOJ Docket Number: 03583110-SF2002AD0746  
ej 2/5/03

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2 ROBERT R. REYFF, State Bar No. 074945  
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6  
7 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: Case No. 2577

12 DANNA M. SILVA  
1502 Mt. Diablo Avenue  
13 Milpitas, CA 95035

**A C C U S A T I O N**

14 Pharmacy Technician License No. TCH 8898  
15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Patricia F. Harris (Complainant) brings this Accusation solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about August 13, 1993, the Board of Pharmacy issued Pharmacy  
22 Technician License Number TCH 8898 to DANNA M. SILVA (Respondent). The Pharmacy  
23 Technician License was in full force and effect at all times relevant to the charges brought herein  
24 and will expire on January 31, 2003, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Pharmacy (Board), under the  
27 authority of the following sections of the Business and Professions Code (Code).

28 4. Section 4300 of the Code provides in pertinent part that every license issued

1 may be suspended or revoked.

2 5. Section 4301 of the Code states:

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

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

10 (g) Knowingly making or signing any certificate or other document that falsely  
11 represents the existence or nonexistence of a state of facts.

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

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

18 6. Section 4022 of the Code states:

19 "Dangerous drug" or "dangerous device" means any drug or device unsafe for  
20 self-use, except veterinary drugs that are labeled as such, and includes the following:

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

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

26 (c) Any other drug or device that by federal or state law can be lawfully dispensed  
27 only on prescription or furnished pursuant to section 4006."

28 7. Section 4060 of the Code states:

1                    "No person shall possess any controlled substance, except that furnished to a  
2 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished  
3 pursuant to a drug order issued by a certified nurse-midwife pursuant to section 2746.51, a nurse  
4 practitioner pursuant to section 2836.1, or a physician assistant pursuant to section 3502.1. This  
5 section shall not apply to the possession of any controlled substance by a manufacturer,  
6 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse  
7 practitioner, or physician assistant, when in stock in containers correctly labeled with the name  
8 and address of the supplier or producer.

9                    Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,  
10 or a physician assistant to order his or her own stock of dangerous drugs and devices."

11                    8. Health & Safety Code section 11170 provides in pertinent part that no person  
12 shall prescribe, administer or furnish a controlled substance for himself or herself.

13                    9. Health & Safety Code section 11173 (a) provides in pertinent part that no  
14 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure  
15 the administration of or prescription for controlled substances, by, fraud, deceit,  
16 misrepresentation or subterfuge or by the concealment of a material fact.

17                    10. Health and Safety Code section 11350(a) provides in pertinent part that, it is  
18 unlawful to possess a controlled substance unless upon the legitimate and lawful written  
19 prescription of a licensed physician, dentist, podiatrist or veterinarian.

20                    11. Health and Safety Code section 11352(a) provides in pertinent part that, it is  
21 unlawful to transport, import into the state, sell, furnish, administer, or give away, or offer to  
22 transport, import into the state, sell, furnish, administer, or give away, any controlled substance  
23 specified in subdivision (b) or (c) of section 11055 or classified in Schedule III, IV, or V which is  
24 a narcotic drug.

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

1 DRUGS

2 13. Lorcet, a trade name for hydrocodone bitartrate and acetaminophen, is a  
3 Schedule III controlled substance as defined in Health and Safety Code section 11056(e) and a  
4 dangerous drug within the meaning of Code section 4022.

5 14. Vicodin and Vicodin ES are trade names for a chemical compound of  
6 hydrocodone and acetaminophen, is a Schedule III controlled substance as defined by Health and  
7 Safety Code section 11056(e) and a dangerous drug within the meaning of Code section 4022.

8 FIRST CAUSE FOR DISCIPLINE  
9 (Moral Turpitude, Dishonesty, Fraud)  
(Bus. & Prof. Code §4301(f))

10 15. On or about May 21, 2001, while employed as a pharmacy technician at the  
11 Community Hospital of Los Gatos in Santa Clara County, California, respondent unlawfully  
12 obtained and possessed a controlled substance by diversion from the pharmacy supply. The  
13 circumstances are hereinafter set forth. On the aforementioned date, respondent falsely informed  
14 a staff pharmacist that she had received a verbal request to refill a nursing station's supply of  
15 Vicodin and Vicodin ES. Respondent removed said controlled substances from the pharmacy.  
16 Thereafter, respondent falsely signed the name of another person on a narcotic requisition form,  
17 thereby indicating that she had delivered Vicodin and Vicodin ES to the hospital intensive care  
18 unit, when in truth and in fact she had not delivered said controlled substances but had placed  
19 them in her lab jacket, which she produced upon demand from a staff pharmacist.

20 16. Respondent's conduct, as set forth in paragraphs 15, above, constitutes  
21 unprofessional conduct within the meaning of Code section 4301(f).

22 SECOND CAUSE FOR DISCIPLINE  
23 (Forgery of Requisition Form)  
(Bus. & Prof. Code § 4301(g))

24 17. Complainant realleges the allegations in paragraph 15, above and incorporates  
25 therein by reference as if fully set forth at this point.

26 18. Respondent's conduct as set forth in paragraph 15, above, constitutes a  
27 violation of Code section 4301(g).

28



1 THIRD CAUSE FOR DISCIPLINE  
2 (Violation of Drug Statutes)  
3 (Bus. & Prof. Code § 4301(j))

4 19. Complainant realleges the allegations in paragraph 15. above and incorporates  
5 therein by reference as if fully set forth at this point.

6 20. Respondent's conduct as set forth in paragraph 15, above, constitutes a  
7 violation of Code section 4301(j).

8 PRAYER

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

- 11 1. Revoking or suspending Pharmacy Technician License Number TCH 8898,  
12 issued to DANNA M. SILVA;
- 13 2. Ordering DANNA M. SILVA to pay the Board of Pharmacy the reasonable  
14 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
- 15 3. Taking such other and further action as deemed necessary or proper.

16 DATED: 7/31/02

17  
18 P. F. Harris  
19 PATRICIA F. HARRIS  
20 Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

25 RRR:tg

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