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

12 In the Matter of the Petition to Revoke  
13 Probation Against:

14 **STEVEN RAYOS**  
15 15617 Stevens Ave  
16 Bellflower, CA 90706  
17 **Pharmacy Technician Registration No.**  
18 **TCH 40025**

19 Respondent.

Case No. 4016

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

20 **FINDINGS OF FACT**

21 1. On or about September 1, 2011, Complainant Virginia K. Herold, in her official  
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
23 filed Petition to Revoke Probation No. 4016 against Steven Rayos (Respondent) before the Board  
24 of Pharmacy. (Petition to Revoke Probation attached as Exhibit A.)

25 2. On or about November 17, 2001, the Board of Pharmacy (Board) issued Pharmacy  
26 Technician Registration No. TCH 40025 to Respondent. The Pharmacy Technician Registration  
27 was in full force and effect at all times relevant to the charges brought in Petition to Revoke  
28 Probation No. 4016, but expired on May 31, 2011, and is currently under disciplinary suspension.

1 Pursuant to Business and Professions Code section 118(b), this lapse in licensure does not deprive  
2 the Board of its authority to institute or continue this disciplinary proceeding.

3 3. On or about September 19, 2011, Respondent was served by Certified and First Class  
4 Mail copies of the Petition to Revoke Probation No. 4016, Statement to Respondent, Notice of  
5 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,  
6 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and  
7 Professions Code section 4100, is required to be reported and maintained with the Board.  
8 Respondent's address of record was and is: 15617 Stevens Avenue, Bellflower, CA 90706.

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

12 5. On or about September 26, 2011, the aforementioned documents were returned by the  
13 U.S. Postal Service marked "Moved, Left No Address,"

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

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
19 of the Petition to Revoke Probation, and therefore waived his right to a hearing on the merits of  
20 Petition to Revoke Probation No. 4016.

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

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

25 9. Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.  
2 4016, finds that the charges and allegations in Petition to Revoke Probation No. 4016, are  
3 separately and severally, found to be true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and  
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
6 and Enforcement is \$1,582.50 as of November 20, 2012.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Steven Rayos has subjected his  
9 Pharmacy Technician Registration No. TCH 40025 to discipline.

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

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

15 a. Business and Professions Code sections 4011 and 4300(a) – Probation violations  
16 required by the terms and conditions of the Decision and Order in Accusation Case No. 3338,  
17 effective November 18, 2010.

18 Condition 3 – Failure to Report Quarterly to the Board;

19 Condition 4 – Failure to Appear for Interviews with the Board Upon Request;

20 Condition 7 – Failure to Submit Cost Recovery Payments; and

21 Condition 17 - Failure to Submit to Random Drug Screening.

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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.

It is so ORDERED ON May 3, 2013.

By Stanley C. Weiss  
STANLEY C. WEISSER  
Board President

# Exhibit A

Petition to Revoke Probation

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE TULLENERS  
Deputy Attorney General  
4 State Bar No. 157464  
California Department of Justice  
5 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
6 Telephone: (213) 897-2578  
Facsimile: (213) 897-2804  
7 *Attorneys for Complainant*

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

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

Case No. 4016

13 **STEVEN RAYOS**  
14 **15617 Stevens Avenue**  
**Bellflower, California 90706**

**PETITION TO REVOKE PROBATION**

15 **Pharmacist License No. TCH 40025**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about November 17, 2001, the Board of Pharmacy issued Original Pharmacy  
22 Technician License Number TCH 40025 to Steven Rayos (Respondent). The Pharmacy  
23 Technician License expired on May 31, 2011.

24 3. In a disciplinary action entitled "In the Matter of the Accusation Against Steven  
25 Rayos," Case No. 3338, the Board of Pharmacy issued a decision, effective November 18, 2010,  
26 revoking Respondent's Pharmacy Technician License. Revocation was stayed, and Respondent  
27 was placed on probation for a period of three (3) years with certain terms and conditions. A copy  
28 of that decision is attached as Exhibit A, and is incorporated by reference.

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6. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.

7. In a disciplinary action entitled "In the Matter of the Accusation Against Steven Rayos", Case No. 3338, the Board issued a Decision, effective November 18, 2010, in which Respondent's Pharmacy Technician License was revoked. However, the revocation was stayed and Respondent's Pharmacy Technician License was placed on probation for three (3) years subject to Terms and Conditions (T&Cs) as set forth in the Decision and Order, including the requirements that Respondent shall report to the Board or its designee quarterly, shall appear in person for interviews with the Board as scheduled, shall reimburse the Board its costs of investigation and prosecution and shall enroll and participate in random drug screening.

*(Failure to Report Quarterly to the Board)*

3. Probationer 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.

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1           9.       Respondent's probation is subject to revocation because he failed to comply with  
2 Term and Condition 3 of probation, listed above. Respondent failed to submit timely quarterly  
3 reports to the Board. No reports have been received by the Board since the start of probation.

4                               **SECOND CAUSE TO REVOKE PROBATION**

5                               *(Failure to Appear for Interviews with the Board Upon Request)*

6           10.       At all times after the effective date of the Decision and Order imposing probation  
7 on Respondent's License, Term and Condition 4 of that Order required:

8                       4.       Upon receipt of reasonable notice, Respondent shall appear in person for  
9 interviews with the Board or its designee, at such intervals and locations as are  
10 determined by the Board or its designee. Failure to appear for any scheduled  
11 interview without prior notification to board staff, or failure to appear at two (2) or  
more scheduled interviews with the board or its designee during the period of  
probation shall be considered a violation of probation.

12           11.       Respondent's probation is subject to revocation as he failed to comply with Term  
13 and Condition 4 of probation, listed above. Respondent failed to appear as requested for  
14 probation office conferences with the Board on two separate occasions, namely November 16,  
15 2010, and December 13, 2010. Respondent did not provide notification to Board staff regarding  
16 his failure to appear at each conference.

17                               **THIRD CAUSE TO REVOKE PROBATION**

18                               *(Failure to Submit Cost Recovery Payments)*

19           12.       At all times after the effective date of the Decision and Order imposing probation  
20 on Respondent's License, Term and Condition 7 of that Order required in pertinent part:

21                       7.       As a condition to successful completion of probation, respondent shall pay  
22 to the board its costs of investigation and prosecution in the amount of \$3,486.50.  
23 Respondent shall make said payments as follows: Respondent shall pay the sum of  
24 \$116.22 each month by the same date as the effective date assigned to the Decision  
25 and Order adopting this stipulation for a period of thirty (30) months commencing  
26 on the effective date of the Decision and Order. There shall be no deviation from  
27 this schedule absent prior written approval by the board or its designee. Failure to  
28 pay costs by the deadlines as directed shall be considered a violation of probation.

///



13. Respondent's probation is subject to revocation as he failed to comply with Term and Condition 7 of probation, listed above. Respondent failed to submit any cost recovery payments to the Board.

**FOURTH CAUSE TO REVOKE PROBATION**

***(Failure to Submit to Random Drug Screening)***

14. At all times after the effective date of the Decision and Order imposing probation on Respondent's License, Term and Condition 17 of that Order required in pertinent part:

17. Respondent, at his own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug screening program as directed by the board or its designee. Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be determined by the Board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct. Failure to timely submit to testing as directed shall be considered a violation of probation.

15. Respondent's probation is subject to revocation as he failed to comply with Term and Condition 17 of probation, listed above. Respondent has not enrolled in the Board-appointed random drug testing program and, consequently, has not submitted to drug testing as required.

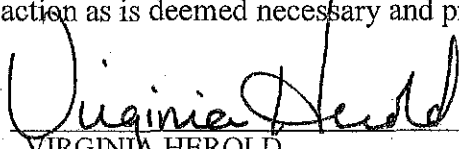
**PRAYER**

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

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3338 and imposing the disciplinary Order that was stayed, thereby revoking California Pharmacy Technician License No. TCH 40025 issued to Steven Rayos (Respondent); and

2. Taking such other and further action as is deemed necessary and proper.

DATED: 9/1/11

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

## **Exhibit A**

**Decision and Order**

**Board of Pharmacy Case No. 3338**

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

In the Matter of the Accusation Against:

Case No. 3338

STEVEN RAYOS  
15617 Stevens Avenue  
Bellflower, CA 90706

Pharmacy Technician Registration No. TCH  
40025

Respondent.

DECISION AND ORDER

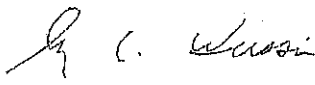
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on November 18, 2010.

It is so ORDERED on October 19, 2010.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE TULLENERS  
Deputy Attorney General  
4 State Bar No. 157464  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2578  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation Against:

12 STEVEN RAYOS  
15617 Stevens Avenue  
13 Bellflower, CA 90706

14 Pharmacy Technician Registration  
No. TCH 40025

15 Respondent.  
16

Case No. 3338  
OAH No. L-2010011060

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, by Desiree Tulleners, Deputy Attorney  
24 General.

25 2. Respondent Steven Rayos is representing himself in this proceeding, and has chosen  
26 not to exercise his right to be represented by counsel.

27 3. On or about November 7, 2001, the Board of Pharmacy (Board) issued Pharmacy  
28 Technician Registration No. TCH 40025 to Steven Rayos (Respondent). The Pharmacy

1 Technician Registration was in full force and effect at all times relevant to the charges brought in  
2 Accusation No. 3338, and will expire on May 31, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3338 was filed before the Board, Department of Consumer Affairs,  
5 and is currently pending against Respondent. The Accusation and all other statutorily required  
6 documents were properly served on Respondent on November 23, 2009. Respondent timely filed  
7 his Notice of Defense contesting the Accusation. A copy of Accusation No. 3338 is attached as  
8 Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 3338. Respondent has also carefully read, and understands the effects of this  
12 Stipulated Settlement and Disciplinary Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 3338.

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

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

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 Disciplinary Order:

*IT IS HEREBY ORDERED* that Pharmacy Technician Registration No. TCH 40025 issued to Respondent Steven Rayos is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Respondent shall be automatically suspended from working as a pharmacy technician until

1 he is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
2 satisfactory proof of certification to the board. Failure to achieve certification within one (1) year  
3 shall be considered a violation of probation. Respondent shall not resume working as a pharmacy  
4 technician until notified by the board.

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

13 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
14 any licensed premises by the board in which he holds an interest at the time this decision becomes  
15 effective unless otherwise specified in this order.

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

17 **2. Obey All Laws**

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

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

- 21 ☐ an arrest or issuance of a criminal complaint for violation of any provision of the
- 22 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
- 23 substances laws
- 24 ☐ a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 25 criminal complaint, information or indictment
- 26 ☐ a conviction of any crime
- 27 ☐ discipline, citation, or other administrative action filed by any state or federal agency
- 28 which involves respondent's pharmacy technician registration or which is related to

1 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,  
2 billing, or charging for any drug, device or controlled substance.

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

4 **3. Report to the Board**

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

13 **4. Interview with the Board**

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

19 **5. Cooperate with Board Staff**

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

23 **6. Notice to Employers**

24 During the period of probation, respondent shall notify all present and prospective  
25 employers of the decision in case number 3338 and the terms, conditions and restrictions imposed  
26 on respondent by the decision, as follows:

27 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
28 respondent undertaking any new employment, respondent shall cause his direct supervisor,



1 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
2 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
3 individual(s) has/have read the decision in case number 3338 and the terms and conditions  
4 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
5 supervisor(s) submit timely acknowledgement(s) to the board.

6 If respondent works for or is employed by or through a pharmacy employment service,  
7 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
8 of the terms and conditions of the decision in case number 3338 in advance of the respondent  
9 commencing work at each pharmacy. A record of this notification must be provided to the board  
10 upon request.

11 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
12 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
13 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
14 report to the board in writing acknowledging that he has read the decision in case number 3338  
15 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
16 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

#### 25 7. Reimbursement of Board Costs

26 As a condition precedent to successful completion of probation, respondent shall pay to the  
27 board its costs of investigation and prosecution in the amount of \$3,486.50. Respondent shall  
28 make said payments as follows: Respondent shall pay the sum of \$116.22 each month by the

1 same date as the effective date assigned to the Decision and Order adopting this stipulation for a  
2 period of thirty (30) months commencing on the effective date of the Decision and Order. There  
3 shall be no deviation from this schedule absent prior written approval by the board or its designee.  
4 Failure to pay costs by the deadlines as directed shall be considered a violation of probation.

5 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to  
6 reimburse the board its costs of investigation and prosecution.

7 **8. Probation Monitoring Costs**

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

12 **9. Status of License**

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

16 If respondent's pharmacy technician license expires or is cancelled by operation of law or  
17 otherwise at any time during the period of probation, including any extensions thereof due to  
18 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
19 terms and conditions of this probation not previously satisfied.

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

21 Following the effective date of this decision, should respondent cease work due to  
22 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
23 respondent may tender his pharmacy technician license to the board for surrender. The board or  
24 its designee shall have the discretion whether to grant the request for surrender or take any other  
25 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
26 license, respondent will no longer be subject to the terms and conditions of probation. This  
27 surrender constitutes a record of discipline and shall become a part of the respondent's license  
28 history with the board.

1 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician  
2 license to the board within ten (10) days of notification by the board that the surrender is  
3 accepted. Respondent may not reapply for any license, permit, or registration from the board for  
4 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
5 applicable to the license sought as of the date the application for that license is submitted to the  
6 board.

7 **11. Notification of a Change in Name, Residence Address, Mailing Address or**  
8 **Employment**

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

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

16 **12. Tolling of Probation**

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

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

28 It is a violation of probation for respondent's probation to remain tolled pursuant to the

provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months.

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

### 13. Violation of Probation

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

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

### 14. Completion of Probation

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

### 15. No Ownership of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)

1 days following the effective date of this decision and shall immediately thereafter provide written  
2 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
3 documentation thereof shall be considered a violation of probation.

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

5 After one confirmed positive drug or alcohol screen, respondent shall begin regular  
6 attendance at a recognized and established substance abuse recovery support group in California,  
7 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
8 or its designee. Respondent must attend at least one group meeting per week unless otherwise  
9 directed by the board or its designee. Respondent shall continue regular attendance and submit  
10 signed and dated documentation confirming attendance with each quarterly report for the duration  
11 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
12 probation.

13 **17. Random Drug Screening**

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

1 board in writing.

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

10 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.

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

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

15 **18. Work Site Monitor**

16 Within ten (10) days of the effective date of this decision, respondent shall identify a work  
17 site monitor, for prior approval by the board, who shall be responsible for supervising respondent  
18 during working hours. Respondent shall be responsible for ensuring that the work site monitor  
19 reports in writing to the board quarterly. Should the designated work site monitor determine at  
20 any time during the probationary period that respondent has not maintained sobriety, he shall  
21 notify the board immediately, either orally or in writing as directed. Should respondent change  
22 employment, a new work site monitor must be designated, for prior approval by the board, within  
23 ten (10) days of commencing new employment. Failure to identify an acceptable initial or  
24 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be  
25 considered a violation of probation.

26 **19. Notification of Departure**

27 Prior to leaving the probationary geographic area designated by the board or its designee for  
28 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in

1 writing of the dates of departure and return. Failure to comply with this provision shall be  
2 considered a violation of probation.

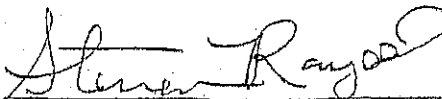
3 20. Abstain from Drugs and Alcohol Use

4 Respondent shall completely abstain from the possession or use of alcohol, controlled  
5 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
6 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
7 request of the board or its designee, respondent shall provide documentation from the licensed  
8 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
9 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
10 violation of probation. Respondent shall ensure that he is not in the same physical location as  
11 individuals who are using illicit substances even if respondent is not personally ingesting the  
12 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
13 not supported by the documentation timely provided, and/or any physical proximity to persons  
14 using illicit substances, shall be considered a violation of probation.

15 ACCEPTANCE

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

20  
21 DATED: 4-23-10

  
22 STEVEN RAYOS  
23 Respondent  
24  
25  
26  
27  
28

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: June 23, 2010

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

*Desiree Tulleners*

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Deputy Attorney General  
Attorneys for Complainant

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