

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

In the Matter of the Accusation Against:

Case No. 4208

NORA L. TANG
309 Chapel Ave., #B
Alhambra, CA 91801

Pharmacy Technician Registration No.
TCH 90152

Respondent.

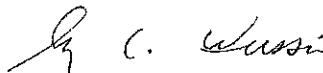
DECISION AND ORDER

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

This decision shall become effective on May 5, 2014.

It is so ORDERED on April 30, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 4208

11 **NORA L. TANG**
12 309 S. Chapel Ave, #B
Alhambra, CA 91801

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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14 **Pharmacy Technician Registration No. TCH
90152**

15 Respondent.
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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 Kamala
23 D. Harris, Attorney General of the State of California, by Christine J. Lee, Deputy Attorney
24 General.

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

27 3. On or about March 27, 2009, the Board of Pharmacy issued Pharmacy Technician
28 Registration No. TCH 90152 to Nora L. Tang (Respondent). The Pharmacy Technician

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 4208 and will expire on November 30, 2014, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 4208 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on July 22, 2013.
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 4208 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 4208. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her 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 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and 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. 4208, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
25 Registration No. TCH 90152 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue
27 an order accepting the surrender of her Pharmacy Technician Registration without further
28 process.

1 CONTINGENCY

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

11 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
12 copies of this Stipulated Surrender of License and Order, including Portable Document Format
13 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

22 ORDER

23 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 90152, issued
24 to Respondent Nora L. Tang, is surrendered and accepted by the Board of Pharmacy.

25 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
26 of the surrendered license by the Board shall constitute the imposition of discipline against
27 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
28 Respondent's license history with the Board of Pharmacy.

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

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

5 4. If she ever applies for licensure or petitions for reinstatement in the State of
6 California, the Board shall treat it as a new application for licensure. Respondent must comply
7 with all the laws, regulations and procedures for licensure in effect at the time the application or
8 petition is filed, and all of the charges and allegations contained in Accusation No. 4208 shall be
9 deemed to be true, correct and admitted by Respondent when the Board determines whether to
10 grant or deny the application or petition.

11 5. Respondent stipulates that should she apply for any license from the board on or after
12 the effective date of this decision, investigation and prosecution costs in the amount of \$3,137.50
13 shall be paid to the board prior to issuance of the license.

14 6. If Respondent should ever apply or reapply for a new license or certification, or
15 petition for reinstatement of a license, by any other health care licensing agency in the State of
16 California, all of the charges and allegations contained in Accusation, No. 4208 shall be deemed
17 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
18 other proceeding seeking to deny or restrict licensure.

19 7. Respondent may not apply for any license, permit, or registration from the board for
20 three (3) years from the effective date of this decision. Respondent stipulates that should she
21 apply for any license from the board on or after the effective date of this decision, all allegations
22 set forth in the accusation shall be deemed to be true, correct and admitted by respondent when
23 the board determines whether to grant or deny the application.

24 8. Respondent shall satisfy all requirements applicable to that license as of the date the
25 application is submitted to the board, including, but not limited to certification by a nationally
26 recognized body prior to the issuance of a new license. Respondent is required to report this
27 surrender as disciplinary action.

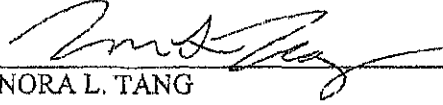
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ACCEPTANCE

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

DATED: 3/3/14


NORA L. TANG
Respondent

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ENDORSEMENT

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

Dated: 3/4/14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



CHRISTINE J. LEE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A
Accusation No. 4208

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 KIMBERLEE D. KING
Deputy Attorney General
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Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

12 In the Matter of the First Amended Accusation
13 Against:

Case No. 4208

FIRST AMENDED ACCUSATION

14 **NORA L. TANG**
309 S. Chapel Ave, #B
15 Alhambra, CA 91801

16 Pharmacy Technician Registration
No. TCH 90152

17 Respondent.
18

19
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about March 27, 2009, the Board of Pharmacy (Board) issued Pharmacy
26 Technician Registration No. TCH 90152 to Nora L. Tang (Respondent). The Pharmacy
27 Technician Registration was in full force and effect at all times relevant to the charges brought
28 herein and will expire on November 30, 2014, unless renewed.

1 JURISDICTION

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 STATUTORY PROVISIONS

5 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
7 within which the license may be renewed, restored, reissued or reinstated.

8 5. Section 490 states, in pertinent part:

9 "(a) In addition to any other action that a board is permitted to take against a licensee, a
10 board may suspend or revoke a license on the ground that the licensee has been convicted of a
11 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
12 or profession for which the license was issued.

13 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
14 discipline a licensee for conviction of a crime that is independent of the authority granted under
15 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
16 of the business or profession for which the licensee's license was issued.

17 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
18 conviction following a plea of nolo contendere. Any action that a board is permitted to take
19 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
20 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
21 made suspending the imposition of sentence, irrespective of a subsequent order under the
22 provisions of Section 1203.4 of the Penal Code."

23 6. Section 4300 provides, in pertinent part, that every license issued by the Board is
24 subject to discipline, including suspension or revocation.

25 7. Section 4301 states, in pertinent part:

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

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

4
5 "(l) The conviction of a crime substantially related to the qualifications, functions, and
6 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
7 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
8 substances or of a violation of the statutes of this state regulating controlled substances or
9 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
10 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
11 The board may inquire into the circumstances surrounding the commission of the crime, in order
12 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
13 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
14 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
15 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
16 of this provision. The board may take action when the time for appeal has elapsed, or the
17 judgment of conviction has been affirmed on appeal or when an order granting probation is made
18 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
19 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
20 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
21 indictment."

22 REGULATORY PROVISIONS

23 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

24 "For the purpose of denial, suspension, or revocation of a personal or facility license
25 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
26 crime or act shall be considered substantially related to the qualifications, functions or duties of a
27 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a

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1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare."

3 COST RECOVERY

4 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
5 law judge to direct a licensee found to have committed a violation or violations of the licensing
6 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
7 case.

8 FIRST CAUSE FOR DISCIPLINE

9 (Conviction of a Substantially Related Crime)

10 10. Respondent is subject to disciplinary action under section 4301, subdivision (l) and
11 490, in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
12 conduct in that Respondent was convicted of a crime substantially related to the qualifications,
13 functions, and duties of a pharmacy technician. On or about August 9, 2011, Respondent was
14 convicted by a jury of one felony count of violating Penal Code section 273A, subdivision (a)
15 [child cruelty: possible death] and one felony count of Penal Code section 273D, subdivision (a)
16 [inflict corporal injury on a child] in the criminal proceeding entitled *The State of California v.*
17 *Nora L. Tang* (Super. Ct. Riverside County, 2011, No. RIF152165). As to both counts, the jury
18 found true the allegations that Respondent inflicted great bodily injury on her nine-month old
19 child. The Court sentenced Respondent to serve 360 days in Riverside County Jail and placed her
20 on 48 months formal probation, with terms and conditions. Respondent filed an appeal of the
21 judgment of conviction on January 10, 2013. The Court of Appeals affirmed the judgment.

22 The circumstances surrounding the conviction are that on or about October 26, 2008 during
23 an investigation by the Riverside Police Department of possible child abuse, Respondent was
24 contacted. Respondent was untruthful during the initial investigation. Eventually, Respondent
25 admitted that on October 23, 2008 she became frustrated with her nine-month infant while
26 changing her diaper. She demonstrated to the officer, with a doll, how she shook her infant by the
27 hips. Respondent stated that the infant's physical condition did not deteriorate until noon of
28 October 25, 2008 when the infant became lethargic and would not wake. She also stated that she

1 did not seek medical attention until another 14 hours because she thought the infant was "tired".
2 Respondent's baby suffered traumatic injuries that resulted in severe closed head trauma, bilateral
3 retinal hemorrhages, spinal trauma, and medical neglect.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

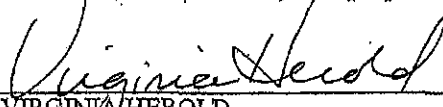
6 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), for
7 unprofessional conduct in that Respondent committed acts involving moral turpitude, dishonesty,
8 fraud, or deceit. Complainant refers to, and by this reference incorporates, the allegations set
9 forth above in paragraph 10, as though set forth fully.

10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacy Technician Registration No. TCH 90152, issued
14 to Respondent;
- 15 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
16 enforcement of this case, pursuant to section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: 7/11/13

19 
20 VIRGINIA HEROLD
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 Complainant

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