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

In the Matter of the Accusation Against:
BHAVANA S. MAHABALI
143 Fagundes Street
Hayward, CA 94544
Pharmacy Technician Registration No. TCH
25967

Respondent.

Case No. 4710

DEFAULT DECISION AND ORDER

[Gov. Code, § 11520]

FINDINGS OF FACT

1. On or about February 19, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4710 against Bhavana S. Mahabali (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 5, 1998, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 25967 to Respondent. The Pharmacy Technician Registration expired on May 31, 2013, and has not been renewed.

3. On or about March 3, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 4710, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
2 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
3 is required to be reported and maintained with the Board. Respondent's address of record was
4 and is:

5 143 Fagundes Street
6 Hayward, CA 94544.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. 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 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4710.

18 7. California Government Code section 11520 states, in pertinent part:

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 4710, finds that
28 the charges and allegations in Accusation No. 4710 are separately and severally found to be true
and correct by clear and convincing evidence.

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1 9. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$1,370 as of March 26, 2014.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Bhavana S. Mahabali has
6 subjected her Pharmacy Technician Registration No. TCH 25967 to discipline.

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

8 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
9 Registration based upon the following violation alleged in the Accusation, which is supported by
10 the evidence contained in the Default Decision Evidence Packet in this case:

11 a. Business and Professions Code sections 4300 and 4301, subdivision (h) (use of a
12 controlled substance and dangerous drug).

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ORDER

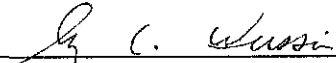
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 25967, heretofore issued to Respondent Bhavana S. Mahabali, is revoked.

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 May 26, 2014.

It is so ORDERED April 24, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
STAN C. WEISSER
Board President

MAHABALI.DEFAULT DECISION.DOCX
DOJ Matter ID:SF2013405043

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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2 FRANK H. PACOE
Supervising Deputy Attorney General
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Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4710

12 **BHAVANA S. MAHABALI**
13 **143 Fagundes Street**
Hayward, CA 94544

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **25967**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about June 5, 1998, the Board issued Pharmacy Technician Registration
23 Number TCH 25967 to Bhavana S. Mahabali (Respondent). The Pharmacy Technician
24 Registration expired on May 31, 2013, and has not been renewed.

25 **JURISDICTION**

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

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

...”

7. Methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2) and a dangerous drug as designated by Business and Professions Code section 4022. It is a stimulant drug.

COSTS

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

CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Use of a Controlled Substance and Dangerous Drug)

9. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (h) of the Code in that she administered a controlled substance to herself and used a dangerous drug in a dangerous manner. The circumstances of Respondent’s conduct are as follows:

a. On or about November 23, 2012, the vehicle in which Respondent was traveling was pulled over in Fremont, California. Respondent was subsequently arrested. During a search of Respondent’s purse incident to her arrest, a police officer located in the purse a small plastic baggie containing a white crystal-like residue. The officer, based on his training and experience, suspected the substance in the baggie to be methamphetamine.

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