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

In the Matter of the Accusation Against:

Case No. 4920

CHRISTINA C. OROZCO

3919 West 113th St.
Inglewood, CA 90303

DEFAULT DECISION AND ORDER

**Pharmacy Technician Registration No. TCH
73277**

[Gov. Code, §11520]

Respondent.

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FINDINGS OF FACT

1. On or about May 17, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4920 against Christina C. Orozco (Respondent) before the Board of Pharmacy (Board). (Accusation attached as Exhibit A.)

2. On or about November 28, 2006, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 73277 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4920 and will expire on July 31, 2014, unless renewed.

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1 3. On or about June 3, 2014, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 4920, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was
6 and is:

7 3919 West 113th St.
8 Inglewood, CA 90303.

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

12 5. On or about July 7, 2014, the aforementioned documents were returned by the U.S.
13 Postal Service marked "Unclaimed."

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

15 ...

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

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
22 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4920.

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

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

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
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 Accusation No. 4920, finds that
2 the charges and allegations in Accusation No. 4920, are separately and severally, found to be true
3 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 \$2,559.00 as of July 10, 2014.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Christina C. Orozco has
9 subjected her Pharmacy Technician Registration No. TCH 73277 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 Accusation which are supported
13 by the evidence contained in the Default Decision Evidence Packet in this case:

14 a. Business and Professions Code sections 4301, subdivision (j), in conjunction with
15 section 4060 of the Code, in that Respondent committed an act in violation of a statute of this
16 state, of any other state, or of the United States regulating controlled substances and dangerous
17 drugs when Respondent unlawfully possessed and stole Alprazolam.

18 b. Business and Professions Code sections 4300 and 4301, subdivision (f) of the Code,
19 on the grounds of unprofessional conduct as Respondent committed an act involving moral
20 turpitude, dishonesty, fraud, deceit and corruption, whether the act was committed in the course
21 of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

22 c. Business and Professions Code section 4301, subdivision (o) of the Code, on the
23 grounds of unprofessional conduct, in that Respondent was committed an act violating the
24 Pharmacy Act.

25 ORDER

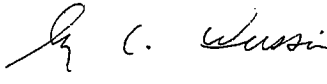
26 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 73277, heretofore
27 issued to Respondent Christina C. Orozco, is revoked.

1 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
2 written motion requesting that the Decision be vacated and stating the grounds relied on within
3 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
4 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

5 This Decision shall become effective on September 10, 2014.

6 It is so ORDERED August 11, 2014.

7 BOARD OF PHARMACY
8 DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

10 By 
11 STAN C. WEISSER
12 Board President
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26 51552095.DOC
27 DOJ Matter ID:LA2013510357
28 Attachment:
Exhibit A: Accusation

Exhibit A

Accusation No. 4920

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Supervising Deputy Attorney General
3 CHRISTINE J. LEE
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 4920

13 **CHRISTINA C. OROZCO**
3919 West 113th St.
Inglewood, CA 90303

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **73277**

Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the California State Board of Pharmacy.

22 2. On or about November 28, 2006, the Board issued Pharmacy Technician Registration
23 Number TCH 73277 to Christina C. Orozco (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on July 31, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28

1 laws. All section references are to the Business and Professions Code ("Code") unless
2 otherwise indicated.

3 4. Section 4011 of the Code provides:

4 "The board shall administer and enforce this chapter [Pharmacy Law, (Business and
5 Professions Code, Sec 4000 et seq.)] and the Uniform Controlled Substances Act (Division 10
6 commencing with Section 11000) of the Health and Safety Code)."

7 5. Section 4300 of the Code permits the Board to take disciplinary action to suspend or
8 revoke a license issued by the Board.

9 6. Section 4300.1 of the Code states, "the expiration, cancellation, forfeiture, or
10 suspension of a board-issued license by operation of law or by order or decision of the board or a
11 court of law, the placement of a license on a retired status, or the voluntary surrender of a license
12 by a licensee shall not deprive the board of jurisdiction to commence or proceed with any
13 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision
14 suspending or revoking the license."

15 STATUTORY PROVISIONS

16 7. Section 4021 of the Code provides:

17 "Controlled substance" means any substance listed in Chapter 2 (commencing with Section
18 11053) of Division 10 of the Health and Safety Code.

19 8. Section 4022 of the Code states:

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

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

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

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

1 9. Section 4060 of the Code states:

2 "No person shall possess any controlled substance, except that furnished to a person upon
3 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
4 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse
5 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
6 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
7 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
8 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
9 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
10 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
11 nurse midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
12 labeled with the name and address of the supplier or producer.

13 "Nothing in this section authorizes a certified nurse midwife, a nurse practitioner, a
14 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
15 devices."

16 10. Section 4301 of the Code states, in pertinent part:

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

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

24 ...

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

27 ...

28

1 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violation of or conspiring to violate any provision or term of this chapter or of the applicable
3 federal and state laws and regulations governing pharmacy, including regulations established by
4 the board or by any other state or federal regulatory agency."

5 **CONTROLLED SUBSTANCES**

6 11. Alprazolam is the generic name for Xanax. It is a Schedule IV controlled substance
7 as defined by Health and Safety Code section 11057, subdivision (d), and a dangerous drug
8 within the meaning of section 4022 of the Code. It is used to treat anxiety.

9 **REGULATORY PROVISIONS**

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

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

17 **COST RECOVERY**

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

22 **FACTUAL ALLEGATIONS**

23 14. On or about May 18, 2007, Respondent began working as a full-time Pharmacy
24 Technician for Freeman Medical Pharmacy. On or about March 30, 2012, two containers of 500
25 tablets 2 mg each of alprazolam went missing from inventory at the Freeman Medical Pharmacy.
26 The purchase price for each container is \$29.96 which totals a loss of \$59.92. On or about April
27 4, 2012, Respondent admitted she diverted drugs in an email to the Pharmacist-In-Charge. On or
28

1 about April 25, 2013, Respondent contacted the Board of Pharmacy investigator expressing
2 remorse for her actions.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Violation of a Statute Involving Controlled Substances and Dangerous Drugs)**

5 15. Respondent is subject to disciplinary action under sections 4301, subdivision (j), in
6 conjunction with section 4060 of the Code, in that Respondent committed an act in violation of a
7 statute of this state, of any other state, or of the United States regulating controlled substances and
8 dangerous drugs when Respondent unlawfully possessed and stole alprazolam. Complainant
9 refers to and by this reference incorporates, the allegations set forth above in paragraph 14 as
10 though set forth fully.

11 **SECOND CAUSE FOR DISCIPLINE**

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

13 16. Respondent is subject to disciplinary action under sections 4300 and 4301,
14 subdivision (f) of the Code, on the grounds of unprofessional conduct as Respondent committed
15 an act involving moral turpitude, dishonesty, fraud, deceit and corruption, whether the act was
16 committed in the course of relations as a licensee or otherwise, and whether the act is a felony or
17 misdemeanor or not. Complainant refers to, and by this reference incorporates, the allegations set
18 forth above in paragraph 14, as though set forth fully.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Violation of the Pharmacy Act)**

21 17. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the
22 Code, on the grounds of unprofessional conduct, in that Respondent was committed an act
23 violating the Pharmacy Act. Complainant refers to, and by this reference incorporates, the
24 allegations set forth above in paragraphs 14 through 16, inclusive, as though set forth fully.

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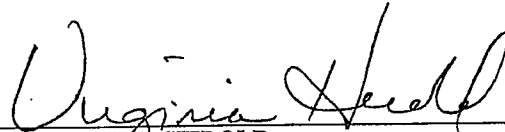
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 73277 issued to Christina C. Orozco;
2. Ordering Christina C. Orozco to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3 of the Code; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/17/14



VIRGINIA K. HEROLD
Executive Officer
California State Board of Pharmacy
State of California
Complainant

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5/7/14