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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:  
**KARINA SERRANO**  
307 Rodriguez Avenue  
Shafter, CA 93263  
Pharmacy Technician Registration No. TCH  
107961  
Respondent.

Case No. 5013

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about February 3, 2014, 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. 5013 against Karina Serrano (Respondent) before the Board of Pharmacy. (Petition to Revoke Probation attached as Exhibit A.)
2. On or about February 7, 2013, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 107961 to Respondent. The Pharmacy Technician Registration expired on February 8, 2013, and has not been renewed.
3. On or about February 11, 2014, Respondent was served by Certified and First Class Mail copies of the Petition to Revoke Probation No. 5013, Statement to Respondent, Notice of

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

4 Respondent's address of record was and is: 307 Rodriguez Avenue, Shafter, CA 93263.

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

8 5. On or about February 18, 2014, the signed certified mail receipt was returned for the  
9 documents mentioned in paragraph 3.

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. 5013.

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 Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.  
5013, finds that the charges and allegations in Petition to Revoke Probation No. 5013, are  
separately and severally, found to be true and correct by clear and convincing evidence.

///

**DETERMINATION OF ISSUES**

1  
2       1.    Based on the foregoing findings of fact, Respondent Karina Serrano has subjected her  
3 Pharmacy Technician Registration No. TCH 107961 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 Registration based upon the following violations alleged in the Petition to Revoke Probation  
7 which are supported by the evidence contained in the Default Decision Evidence Packet in this  
8 case:

9       a.    In a disciplinary action entitled *In the Matter of Statement of Issues Against Karina*  
10 *Serrano*, Case No. 4157, the Board of Pharmacy, issued a decision, effective February 7, 2013, in  
11 which Respondent's Pharmacy Technician Registration was revoked. However, the revocation  
12 was stayed and Respondent's Pharmacy Technician Registration was placed on probation for a  
13 period of five (5) years with certain terms and conditions. Respondent's probation is subject to  
14 revocation because she failed to comply with Conditions 3, 15 and 16.

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**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 107961, heretofore issued to Respondent Karina Serrano, is revoked.

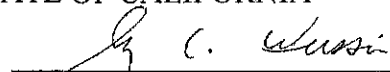
Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant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

This Decision shall become effective on May 5, 2014.

It is so ORDERED ON April 4, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
STAN C. WEISSER  
Board President

51473524.DOC  
DOJ Matter ID:LA2013510830

Attachment: Exhibit A (Petition to Revoke Probation)

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
4 State Bar No. 272953  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2554  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

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

13 **KARINA SERRANO**

14 307 Rodriguez Avenue  
Shafter, CA 93263

15 Pharmacy Technician Registration No. TCH  
16 107961

17 Respondent.

Case No. 5013

PETITION TO REVOKE PROBATION

18  
19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about February 7, 2013, the Board of Pharmacy issued Pharmacy Technician  
25 Registration Number TCH 107961 to Karina Serrano ("Respondent"). The Pharmacy Technician  
26 Registration will expire on June 30, 2014, unless renewed. Said Pharmacy Technician Registration  
27 was suspended on February 8, 2013.

28 ///

1 3. In a disciplinary action entitled *In the Matter of Statement of Issues Against Karina*  
2 *Serrano*, Case No. 4157, the Board of Pharmacy, issued a decision, effective February 7, 2013, in  
3 which Respondent's Pharmacy Technician Registration was revoked. However, the revocation  
4 was stayed and Respondent's Pharmacy Technician Registration was placed on probation for a  
5 period of five (5) years with certain terms and conditions. A copy of that decision is attached as  
6 **Exhibit A** and is incorporated by reference.

### 7 JURISDICTION

8 4. This Petition to Revoke Probation is brought before the Board of Pharmacy,  
9 Department of Consumer Affairs, under the authority of the following laws. All section references  
10 are to the Business and Professions Code unless otherwise indicated.

11 5. Section 4300 of the Code states, in pertinent part:

12 "(d) The board may initiate disciplinary proceedings to revoke or suspend  
13 any probationary certificate of licensure for any violation of the terms and conditions  
14 of probation. Upon satisfactory completion of probation, the board shall convert the  
probationary certificate to a regular certificate, free of conditions."

### 15 FIRST CAUSE TO REVOKE PROBATION

#### 16 (Report to the Board)

17 6. At all times after the effective date of Respondent's probation, Condition 3 stated:

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

23 7. Respondent's probation is subject to revocation because she failed to comply with  
24 Probation Condition 3, referenced above. The facts and circumstances regarding this violation are  
25 that Respondent failed to file any quarterly reports with the Board.

### 26 SECOND CAUSE TO REVOKE PROBATION

#### 27 (Attend Substance Abuse Recovery Relapse Prevention and Support Groups)

28 8. At all times after the effective date of Respondent's probation, Condition 15 stated:

1                   **Attend Substance Abuse Recovery Relapse Prevention and Support**  
2 **Groups:** Within thirty (30) days of the effective date of this decision, respondent shall  
3 begin regular attendance at a recognized and established substance abuse recovery  
4 support group in California, (e.g., Alcoholics Anonymous, Narcotics Anonymous,  
5 etc.) which has been approved by the board or its designee. Respondent must attend  
6 at least one group meeting per week unless otherwise directed by the board or its  
7 designee. Respondent shall continue regular attendance and submit signed and dated  
8 documentation confirming attendance with each quarterly report for the duration of  
9 probation. Failure to attend or submit documentation thereof shall be considered a  
10 violation of probation.

11           9. Respondent's probation is subject to revocation because she failed to comply with  
12 Probation Condition 15, referenced above. The facts and circumstances regarding this violation  
13 are that Respondent failed to submit a recognized and established substance abuse recovery relapse  
14 and prevention support group for Board approval and subsequent weekly meetings.

### 15                   **THIRD CAUSE TO REVOKE PROBATION**

#### 16                   **(Random Drug Screening)**

17           10. At all times after the effective date of Respondent's probation, Condition 16 stated:

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

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

                  Respondent shall not direct, control or perform any aspect of the practice  
of pharmacy. Subject to the above restrictions, respondent may continue to own or

1 hold an interest in any licensed premises in which she holds an interest at the time this  
2 decision becomes effective unless otherwise specified in this order.

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

5 11. Respondent's probation is subject to revocation because she failed to comply with  
6 Probation Condition 16, referenced above. The facts and circumstances regarding this violation  
7 are that Respondent was required to enroll in the Board's random drug screening program no later  
8 than February 25, 2013. Respondent failed to enroll in the Board's random drug screening  
9 program as required.

10 **PRAYER**

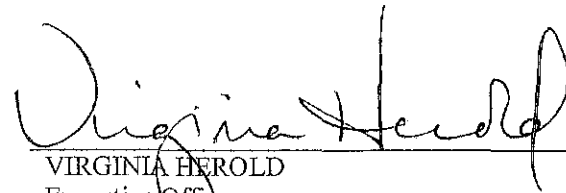
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, the Board of Pharmacy issue a decision:

13 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 4157  
14 and imposing the disciplinary order that was stayed thereby revoking Pharmacy Technician  
15 Registration No. TCH 107961 issued to Karina Serrano;

16 2. Revoking or suspending Pharmacy Technician Registration No. TCH 107961, issued  
17 to Karina Serrano;

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 2/13/14

20 

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

27 LA2013510830  
28 51428840.doc



**Exhibit A**

**Decision and Order**

**Board of Pharmacy Case No. 4157**

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

In the Matter of the Statement of Issues  
Against:

**KARINA SERRANO**

Pharmacy Technician Registration Applicant

Respondent.

Case No. 4157

OAH No. 2012060904

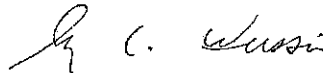
**DECISION AND ORDER**

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 February 7, 2013.

It is so ORDERED on January 8, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
4 State Bar No. 272953  
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5 Los Angeles, CA 90013  
Telephones: (213) 897-2554  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Statement of Issues  
11 Against:

12 **KARINA SERRANO**

13 307 Rodriguez Avenue  
14 Shaffer, CA 93263

15 Pharmacy Technician License

16 Respondent.

Case No. 4157

OAH No. 2012060904

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
20 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
21 be submitted to the Board for approval and adoption as the final disposition of the Statement of  
22 Issues.

23 **PARTIES**

24 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
25 She brought this action solely in her official capacity and is represented in this matter by Kamala  
26 D. Harris, Attorney General of the State of California, by Katherine Messana, Deputy Attorney  
27 General.  
28

1 2. Respondent Karina Serrano (Respondent) is representing herself in this proceeding  
2 and has chosen not to exercise her right to be represented by counsel.

3 3. On or about September 14, 2010, Respondent filed an application dated September 7,  
4 2010, with the Board of Pharmacy to obtain a Pharmacy Technician License.

5 **JURISDICTION**

6 4. Statement of Issues No. 4157 was filed before the Board of Pharmacy (Board),  
7 Department of Consumer Affairs, and is currently pending against Respondent. The Statement of  
8 Issues and all other statutorily required documents were properly served on Respondent on June  
9 6, 2012.

10 5. A copy of Statement of Issues No. 4157 is attached as exhibit A and incorporated  
11 herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, and understands the charges and allegations in  
14 Statement of Issues No. 4157. Respondent has also carefully read, and understands the effects of  
15 this Stipulated Settlement and Disciplinary Order.

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

23 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24 every right set forth above.

25 **CULPABILITY**

26 9. Respondent admits the truth of each and every charge and allegation in Statement of  
27 Issues No. 4157.



1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that upon satisfaction of all statutory and regulatory  
3 requirements for issuance of a license, a license shall be issued to Karina Serrano (Respondent)  
4 and immediately revoked; the order of revocation is stayed and respondent is placed on probation  
5 for 5 (five) years upon the following terms and conditions:

6 1. **Certification Prior to Resuming Work**

7 Respondent shall be automatically suspended from working as a pharmacy technician until  
8 she is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
9 satisfactory proof of certification to the board. Respondent shall not resume working as a  
10 pharmacy technician until notified by the board. Failure to achieve certification within one (1)  
11 year shall be considered a violation of probation. Respondent shall not resume working as a  
12 pharmacy technician until notified by the board.

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

21 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
22 licensed premises by the board in which she holds an interest at the time this decision becomes  
23 effective unless otherwise specified in this order.

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

25 2. **Obey All Laws**

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

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

- 1        an arrest or issuance of a criminal complaint for violation of any provision of the
- 2       Pharmacy Law, state and federal food and drug laws, or state and federal controlled
- 3       substances laws
- 4        a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 5       criminal complaint, information or indictment
- 6        a conviction of any crime
- 7        discipline, citation, or other administrative action filed by any state or federal agency
- 8       which involves respondent's pharmacy technician license or which is related to the
- 9       practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
- 10      or charging for any drug, device or controlled substance;

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

12      **3. Report to the Board**

13      Respondent shall report to the board quarterly, on a schedule as directed by the board or its

14      designee. The report shall be made either in person or in writing, as directed. Among other

15      requirements, respondent shall state in each report under penalty of perjury whether there has

16      been compliance with all the terms and conditions of probation. Failure to submit timely reports

17      in a form as directed shall be considered a violation of probation. Any period(s) of delinquency

18      in submission of reports as directed may be added to the total period of probation. Moreover, if

19      the final probation report is not made as directed, probation shall be automatically extended until

20      such time as the final report is made and accepted by the board.

21      **4. Interview with the Board**

22      Upon receipt of reasonable prior notice, respondent shall appear in person for interviews

23      with the board or its designee, at such intervals and locations as are determined by the board or its

24      designee. Failure to appear for any scheduled interview without prior notification to board staff,

25      or failure to appear at two (2) or more scheduled interviews with the board or its designee during

26      the period of probation, shall be considered a violation of probation.

27      **5. Cooperate with Board Staff**

28      Respondent shall cooperate with the board's inspection program and with the board's

1 monitoring and investigation of respondent's compliance with the terms and conditions of her  
2 probation. Failure to cooperate shall be considered a violation of probation.

3 **6. Notice to Employers**

4 During the period of probation, respondent shall notify all present and prospective  
5 employers of the decision in case number 4157 and the terms, conditions and restrictions imposed  
6 on respondent by the decision, as follows:

7 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
8 respondent undertaking any new employment, respondent shall cause her direct supervisor,  
9 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
10 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
11 individual(s) has/have read the decision in case number 4157 and the terms and conditions  
12 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or  
13 supervisor(s) submit timely acknowledgement(s) to the board.

14 If respondent works for or is employed by or through a pharmacy employment service,  
15 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy  
16 of the terms and conditions of the decision in case number 4157 in advance of the respondent  
17 commencing work at each pharmacy. A record of this notification must be provided to the board  
18 upon request.

19 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
20 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
21 service, respondent shall cause her direct supervisor with the pharmacy employment service to  
22 report to the board in writing acknowledging that she has read the decision in case number 4157  
23 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
24 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

28 "Employment" within the meaning of this provision shall include any full-time,



1 part-time, temporary or relief service or pharmacy management service as a pharmacy  
2 technician or in any position for which a pharmacy technician license is a requirement  
3 or criterion for employment, whether the respondent is considered an employee,  
4 independent contractor or volunteer.

5 **7. Probation Monitoring Costs**

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

10 **8. Status of License**

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

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

18 **9. License Surrender While on Probation/Suspension**

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

27 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician  
28 license to the board within ten (10) days of notification by the board that the surrender is

1 accepted. Respondent may not reapply for any license, permit, or registration from the board for  
2 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
3 applicable to the license sought as of the date the application for that license is submitted to the  
4 board.

5 **10. Notification of a Change in Name, Residence Address, Mailing Address or**  
6 **Employment**

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

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

14 **11. Tolling of Probation**

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

21 Should respondent, regardless of residency, for any reason (including vacation) cease  
22 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,  
23 respondent must notify the board in writing within ten (10) days of cessation of work and must  
24 further notify the board in writing within ten (10) days of the resumption of the work. Any failure  
25 to provide such notification(s) shall be considered a violation of probation.  
26  
27  
28

1 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
2 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
3 exceeding thirty-six (36) months.

4 "Cessation of work" means calendar month during which respondent is not working for at  
5 least 40 hours as a pharmacy technician, as defined in Business and Professions Code section  
6 4115. "Resumption of work" means any calendar month during which respondent is working as a  
7 pharmacy technician for at least 40 hours as a pharmacy technician as defined by Business and  
8 Professions Code section 4115.

9 **12. Violation of Probation**

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

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

22 **13. Completion of Probation**

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

25 **14. No Ownership of Licensed Premises**

26 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
27 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
28 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell

1 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
2 days following the effective date of this decision and shall immediately thereafter provide written  
3 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
4 documentation thereof shall be considered a violation of probation.

5 **15. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

6 Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
7 attendance at a recognized and established substance abuse recovery support group in California,  
8 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
9 or its designee. Respondent must attend at least one group meeting per week unless otherwise  
10 directed by the board or its designee. Respondent shall continue regular attendance and submit  
11 signed and dated documentation confirming attendance with each quarterly report for the duration  
12 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
13 probation.

14 **16. Random Drug Screening**

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

1 by respondent. Respondent may not resume work as a pharmacy technician until notified by the  
2 board in writing.

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

11 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
12 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
13 licensed premises in which she holds an interest at the time this decision becomes effective unless  
14 otherwise specified in this order.

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

16 **17. Notification of Departure**

17 Prior to leaving the probationary geographic area designated by the board or its designee for  
18 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
19 writing of the dates of departure and return. Failure to comply with this provision shall be  
20 considered a violation of probation.

21 **18. Abstain from Drugs and Alcohol Use**

22 Respondent shall completely abstain from the possession or use of alcohol, controlled  
23 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
24 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
25 request of the board or its designee, respondent shall provide documentation from the licensed  
26 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
27 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
28 violation of probation. Respondent shall ensure that she is not in the same physical location as

1 individuals who are using illicit substances even if respondent is not personally ingesting the  
2 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
3 not supported by the documentation timely provided, and/or any physical proximity to persons  
4 using illicit substances, shall be considered a violation of probation.

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ACCEPTANCE

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

DATED: 12-13-12



KARINA SERRANO  
Respondent

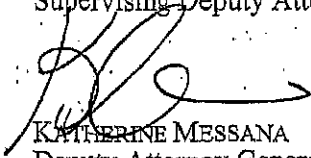
ENDORSEMENT

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: 12/13/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GLORIA A. BARRIÓS  
Supervising Deputy Attorney General



KATHERINE MESSANA  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 4157**



1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
4 State Bar No. 272953  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Statement of Issues  
11 Against:

Case No. 4157

12 **KARINA SERRANO**  
13 307 Rodriguez Avenue  
Shaffer, CA 93263

**STATEMENT OF ISSUES**

14 Pharmacy Technician Applicant

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold ("Complainant") brings this Statement of Issues solely in her official  
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs  
20 ("Board").

21 2. On or about September 14, 2010, the Board received an application for a Pharmacy  
22 Technician License from Karina Serrano ("Respondent"). On or about September 7, 2010,  
23 Karina Serrano certified under penalty of perjury to the truthfulness of all statements, answers,  
24 and representations in the application. The Board denied the application on June 21, 2011.

25 **JURISDICTION AND STATUTORY PROVISIONS**

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

1 4. Section 480 of the Code states, in pertinent part:

2 “(a) A board may deny a license regulated by this code on the  
3 grounds that the applicant has one of the following:

4 (1) Been convicted of a crime. A conviction within the meaning of this  
5 section means a plea or verdict of guilty or a conviction following a plea of nolo  
6 contendere. Any action that a board is permitted to take following the establishment  
7 of a conviction may be taken when the time for appeal has elapsed, or the judgment  
8 of conviction has been affirmed on appeal, or when an order granting probation is  
9 made suspending the imposition of sentence, irrespective of a subsequent order under  
10 the provisions of Section 1203.4 of the Penal Code.

11 (2) Done any act involving dishonesty, fraud, or deceit with the intent to  
12 substantially benefit himself or herself or another, or substantially injure another.

13 (3)

14 (A) Done any act that if done by a licentiate of the business or profession  
15 in question, would be grounds for suspension or revocation of license.

16 (B) The board may deny a license pursuant to this subdivision only if the  
17 crime or act is substantially related to the qualifications, functions, or duties of the  
18 business or profession for which application is made.”

19 5. Section 4300, subdivision (c) of the Code states, in pertinent part”

20 “The board may refuse a license to any applicant guilty of unprofessional  
21 conduct. The board may, in its sole discretion, issue a probationary license to any  
22 applicant for a license who is guilty of unprofessional conduct and who has met all  
23 other requirements for licensure.”

24 6. Section 4301 states, in pertinent part:

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

...

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

...

(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.

...

1 (l) The conviction of a crime substantially related to the qualifications,  
2 functions, and duties of a licensee...The board may inquire into the circumstances  
3 surrounding the commission of the crime, in order to fix the degree of discipline or, in  
4 the case of a conviction not involving controlled substances or dangerous drugs, to  
5 determine if the conviction is of an offense substantially related to the qualifications,  
6 functions, and duties of a licensee under this chapter.”

7  
8 7. Section 490 of the Code states:

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

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

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

26 (d) The Legislature hereby finds and declares that the application of this  
27 section has been made unclear by the holding in *Petropoulos v. Department of Real*  
28 *Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a  
significant number of statutes and regulations in question, resulting in potential harm  
to the consumers of California from licensees who have been convicted of crimes.  
Therefore, the Legislature finds and declares that this section establishes an  
independent basis for a board to impose discipline upon a licensee, and that the  
amendments to this section made by Chapter 33 of the Statutes of 2008 do not  
constitute a change to, but rather are declaratory of, existing law.”

### REGULATORY PROVISIONS

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

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

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of Substantially Related Crimes)**

3 9. Respondent's application is subject to denial under section 480, subdivision (a)(1) of  
4 the Code and section 4300, subdivision (c) of the Code as defined in section 4301, subdivision (1)  
5 of the Code, in conjunction with California Code of Regulations, title 16, section 1770 in that  
6 Respondent was convicted of crimes substantially related to the qualifications, functions or duties  
7 of a registered pharmacy technician, as follows:

8 10. On or about April 25, 2011, after pleading nolo contendere, Respondent was  
9 convicted of one misdemeanor count of violating Vehicle Code section 25152(a) [drive while  
10 under the influence of alcohol/drugs] in the criminal proceeding entitled *The People of the State*  
11 *of California v. Karina Serrano* (Super. Ct. Kern County, 2011, No. BM785903A). The Court  
12 sentenced Respondent to two (2) days in jail, placed her on three (3) years probation with terms  
13 and conditions, and ordered her to complete TAASK 3-month DUI School and Victim Impact  
14 Panel. The circumstances underlying the conviction are that on or about April 1, 2011,  
15 Respondent drove a vehicle while under the influence of a tested 0.173% blood alcohol level and  
16 with an expired driver's license.

17 11. On or about February 8, 2011, after pleading guilty, Respondent was convicted of two  
18 (2) misdemeanor counts, Count 1, of violating Penal Code section 148(a)(1) [resisting arrest],  
19 and Count 2, violating Vehicle Code section 14601.1(a) [drive with a suspended/revoked license]  
20 in the criminal proceeding entitled *The People of the State of California v. Karina Serrano*  
21 (Super. Ct. Kern County, 2008, No. BM731039A). The Court sentenced Respondent to one (1)  
22 day in jail, and placed her on three (3) years probation with terms and conditions. The  
23 circumstances underlying the conviction are that on or about April 27, 2008, Respondent drove a  
24 vehicle while having a suspended license, and during the enforcement stop, she was  
25 argumentative and resisted the officers.

26 12. On or about February 8, 2011, after pleading guilty, Respondent was convicted of one  
27 count of violating Penal Code section 476A(a) [nonsufficient funds/checks over \$200] in the  
28 criminal proceeding entitled *The People of the State of California v. Karina Serrano* (Super. Ct.

1 Kern County, 2006, No. BM696654A). The Court sentenced Respondent to one (1) day in jail,  
2 placed her on three (3) years probation with terms and conditions, and ordered her to pay \$640.71  
3 restitution. The circumstances underlying the conviction are that in exchange for services and / or  
4 merchandise, Respondent wrote checks that were returned as insufficient funds by her banking  
5 institution on June 25, 2004, Check No. 1164 to Price Less Clothing for \$5.71, and on October  
6 29, 2004, Check No. 1053 to Stockdale Vet Hospital for \$600.00.

7 **SECOND CAUSE FOR DENIAL OF APPLICATION**

8 **(Acts Involving Dishonesty, Fraud, or Deceit)**

9 13. Respondent's application is subject to denial under section 480, subdivision (a)(2) of  
10 the Code and section 4300, subdivision (c) of the Code as defined in section 4301, subdivision (f)  
11 of the Code in that Respondent committed acts involving dishonesty, fraud, or deceit with the  
12 intent to substantially benefit herself and / or substantially injure another when she wrote checks  
13 that were returned as insufficient funds and drove without a valid license. The conduct is  
14 described in more particularity in paragraphs 10 through 12 above, inclusive and herein  
15 incorporated by reference.

16 **THIRD CAUSE FOR DENIAL OF APPLICATION**

17 **(Unprofessional Conduct: Dangerous Use of Alcohol)**

18 14. Respondent's application is subject to denial under section 480, subdivision (a)(2) of  
19 the Code and section 4300, subdivision (c) of the Code as defined in section 4301, subdivision (h)  
20 of the Code in that Respondent committed unprofessional conduct when she used alcoholic  
21 beverages to the extent or in a manner as to be dangerous or injurious to herself and the public.  
22 The conduct is described in more particularity in paragraph 10 above, inclusive and herein  
23 incorporated by reference.

24 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

25 **(Act Which if Done by Licentiate Would be Cause for Discipline)**

26 15. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A)  
27 of the Code as defined in section 4301, subdivision (f) of the Code in that Respondent committed  
28 acts involving dishonesty, fraud or deceit, acts that if done by a licentiate of the business or

1 profession in question, would be grounds for suspension or revocation of license. The conduct is  
2 described in more particularity in paragraphs 10 through 12 above, inclusive and herein  
3 incorporated by reference.

4 16. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A)  
5 of the Code as defined in section 4301, subdivision (h) of the Code in that Respondent used  
6 alcohol in a manner or to an extent as to be dangerous to herself and the public, an act that if done  
7 by a licentiate of the business or profession in question, would be grounds for suspension or  
8 revocation of license. The conduct is described in more particularity in paragraph 10 above,  
9 inclusive and herein incorporated by reference.

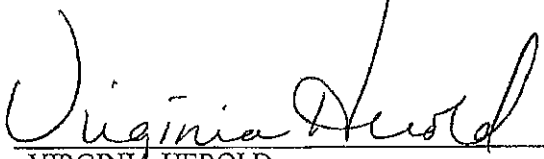
10 17. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A)  
11 of the Code as defined in section 490, subdivision (a) of the Code and section 4301, subdivision  
12 (l) of the Code in conjunction with California Code of Regulations, title 16, section 1770 in that  
13 Respondent was convicted of substantially related crimes, acts that if done by a licentiate of the  
14 business or profession in question, would be grounds for suspension or revocation of license. The  
15 conduct is described in more particularity in paragraphs 10 through 12 above, inclusive and  
16 herein incorporated by reference.

17 **PRAYER**

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

- 20 1. Denying Karina Serrano's Pharmacy Technician License Application; and  
21 2. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: 5/29/12

  
24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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