



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
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 Fax: (916) 574-8618
 www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

BOARD OF PHARMACY
 2015 MAY 15 PM 12:08

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Lisa Ann Lopez</u>	Case No. <u>AC 5108</u>
Address of Record: <u>3435 Bathgate Lane</u> <u>SJ. Ca 95121</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC 5108, I hereby request to surrender my pharmacy technician license, License No. TC4 14257. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Lisa A Lopez
 Applicant's Signature

5-15-15
 Date

V. Harold
 Executive Officer's Approval

5/21/15
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

Case No. 5108

**LISA ANN LOPEZ
3435 Bathgate Lane
San Jose, CA 95121
Pharmacy Technician Registration No. TCH
14257**

Respondent.

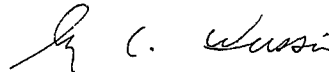
DECISION AND ORDER

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

This decision shall become effective on April 15, 2015.

It is so ORDERED on April 8, 2015.

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 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 ROSAILDA PEREZ
Deputy Attorney General
4 State Bar No. 284646
455 Golden Gate Avenue, Suite 11000
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 5108

11 **LISA ANN LOPEZ**
12 **3435 Bathgate Lane**
San Jose, CA 95121
13 **Pharmacy Technician Registration No. TCH**
14257

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 Respondent.

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true:

18 PARTIES

19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
20 (Board), Department of Consumer Affairs. She brought this action solely in her official capacity
21 and is represented in this matter by Kamala D. Harris, Attorney General of the State of California,
22 by Rosailda Perez, Deputy Attorney General.

23 2. Respondent Lisa Ann Lopez (Respondent) is representing herself in this proceeding
24 and has chosen not to exercise her right to be represented by counsel.

25 3. On or about October 26, 1994, the Board issued Pharmacy Technician Registration
26 No. TCH 14257 Respondent. The Pharmacy Technician Registration was in full force and effect
27 at all times relevant to the charges brought in Accusation No. 5108 and will expire on February
28 29, 2016, unless renewed.

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JURISDICTION

4. Accusation No. 5108 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 1, 2014. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 5108 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read and understands the charges and allegations in Accusation No. 5108. Respondent has also carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 5108.

10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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1 CONTINGENCY

2 11. 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 settlement, without notice to
5 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
6 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
7 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
8 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
9 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
10 not be disqualified from further action by having considered this matter.

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

14 13. This Stipulated Settlement and Disciplinary 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 Settlement and Disciplinary
18 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
19 writing executed by an authorized representative of each of the parties.

20 14. 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
22 Disciplinary Order:

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 14257 issued
25 to Respondent Lisa Ann Lopez (Respondent) is revoked. However, the revocation is stayed and
26 Respondent is placed on probation for three (3) years on the following terms and conditions.

27 1. **Obey All Laws**

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

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

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

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

14 2. Report to the Board

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

23 3. Interview with the Board

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

1 4. **Cooperate with Board Staff**

2 Respondent shall cooperate with the board's inspection program and with the board's
3 monitoring and investigation of respondent's compliance with the terms and conditions of her
4 probation. Failure to cooperate shall be considered a violation of probation.

5 5. **Notice to Employers**

6 During the period of probation, respondent shall notify all present and prospective
7 employers of the decision in case number 5108 and the terms, conditions and restrictions imposed
8 on respondent by the decision, as follows:

9 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
10 respondent undertaking any new employment, respondent shall cause her direct supervisor,
11 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
12 tenure of employment) and owner to report to the board in writing acknowledging that the listed
13 individual(s) has/have read the decision in case number 5108 and the terms and conditions
14 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
15 supervisor(s) submit timely acknowledgement(s) to the board.

16 If respondent works for or is employed by or through a pharmacy employment service,
17 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
18 of the terms and conditions of the decision in case number 5108 in advance of the respondent
19 commencing work at each pharmacy. A record of this notification must be provided to the board
20 upon request.

21 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
22 (15) days of respondent undertaking any new employment by or through a pharmacy employment
23 service, respondent shall cause her direct supervisor with the pharmacy employment service to
24 report to the board in writing acknowledging that she has read the decision in case number 5108
25 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
26 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

1 probation.

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

7 **6. Reimbursement of Board Costs**

8 As a condition precedent to successful completion of probation, respondent shall pay to the
9 board its costs of investigation and prosecution in the amount of \$4,039.00. Respondent may be
10 allowed to make payments pursuant to a payment plan approved by the Board or its designee.
11 There shall be no deviation from this schedule absent prior written approval by the board or its
12 designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
13 probation.

14 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
15 reimburse the board its costs of investigation and prosecution.

16 **7. Probation Monitoring Costs**

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

21 **8. Status of License**

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

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

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9. License Surrender While on Probation/Suspension

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

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

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

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

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

11. Tolling of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 40 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the

1 period of probation shall be extended by one month for each month during which this minimum is
2 not met. During any such period of tolling of probation, respondent must nonetheless comply
3 with all terms and conditions of probation.

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

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

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

17 **12. Violation of Probation**

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

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

1 extended until the petition to revoke probation or accusation is heard and decided.

2 **13. Completion of Probation**

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

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

6 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
7 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
8 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
9 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
10 days following the effective date of this decision and shall immediately thereafter provide written
11 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
12 documentation thereof shall be considered a violation of probation.

13 **15. Random Drug Screening**

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

1 board in writing.

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

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

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

15 **16. Abstain from Drugs and Alcohol Use**

16 Respondent shall completely abstain from the possession or use of alcohol, controlled
17 substances, dangerous drugs and their associated paraphernalia except when the drugs are
18 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
19 request of the board or its designee, respondent shall provide documentation from the licensed
20 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
21 treatment of the respondent. Failure to timely provide such documentation shall be considered a
22 violation of probation. Respondent shall ensure that she is not in the same physical location as
23 individuals who are using illicit substances even if respondent is not personally ingesting the
24 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
25 not supported by the documentation timely provided, and/or any physical proximity to persons
26 using illicit substances, shall be considered a violation of probation.

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17. Notification of Departure

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

18. Prescription Coordination and Monitoring of Prescription Use

Within thirty (30) days of the effective date of this decision, respondent shall submit to the board, for its prior approval, the name and qualifications of a single physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's history [with the use of alcohol, controlled substances, and/or dangerous drugs, and/or of mental illness, and/or of gambling addiction] and who will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved practitioner shall be provided with a copy of the board's [accusation or petition to revoke probation] and decision. A record of this notification must be provided to the board upon request. Respondent shall sign a release authorizing the practitioner to communicate with the board about respondent's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of probation regarding respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances. The board may require that the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine. Should respondent, for any reason, cease supervision by the approved practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to timely submit the selected practitioner or replacement practitioner to the board for approval, or to ensure the required reporting thereby on the quarterly reports, shall be considered a violation of probation.

1 If at any time an approved practitioner determines that respondent is unable to practice
2 safely or independently as a pharmacy technician, the practitioner shall notify the board
3 immediately by telephone and follow up by written letter within three (3) working days. Upon
4 notification from the board or its designee of this determination, respondent shall be
5 automatically suspended and shall not resume practice until notified by the board that practice
6 may be resumed.

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

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

19 **19. Attend Counseling for Stress Management**

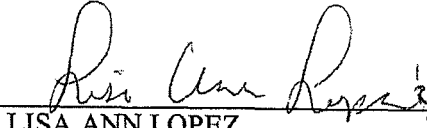
20 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
21 board or its designee, for prior approval, the name and qualifications of a licensed mental health
22 practitioner/counselor of respondent's choice. Upon approval of the initial or any subsequent
23 licensed practitioner/counselor, respondent shall undergo and continue stress management
24 counseling with that licensed practitioner/counselor, at her own expense, until the licensed
25 practitioner/counselor recommends in writing to the board, and the board or its designee agrees
26 by way of written notification to respondent, that no further counseling is necessary. Respondent
27 shall submit documentation to the board demonstrating the commencement of counseling with the
28 approved practitioner within thirty (30) days of the approval of the licensed mental health

1 practitioner/counselor.

2 ACCEPTANCE

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

7
8 DATED: 11/25/14


9 LISA ANN LOPEZ
Respondent

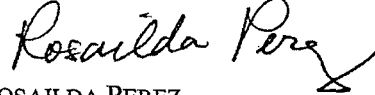
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11 ENDORSEMENT

12 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
13 submitted for consideration by the Board of Pharmacy.

14 Dated: 3/13/15

15 Respectfully submitted,

16 KAMALA D. HARRIS
Attorney General of California
17 JOSHUA A. ROOM
Supervising Deputy Attorney General

18 
19 ROSAILDA PEREZ
20 Deputy Attorney General
21 *Attorneys for Complainant*

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23 SF2014407802
24 41054437.doc

Exhibit A

Accusation No. 5108

1 KAMALA D. HARRIS
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 ROSALDA PEREZ
Deputy Attorney General
4 State Bar No. 284646
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 5108

11 **LISA ANN LOPEZ**
12 **3435 Bathgate Lane**
13 **San Jose, CA 95121**

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
14257

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about October 26, 1994, the Board issued Pharmacy Technician Registration
22 Number TCH 14257 to Lisa Ann Lopez (Respondent). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 February 29, 2016, unless renewed.

25 JURISDICTION

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

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4. Code section 4300 states:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

"..."

"(c) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

5. Code section 4300.1 states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."

STATUTORY PROVISION

6. Code section 4301 states:

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

1 "..."

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

7 "..."

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

12 "..."

13 7. Code section 4327 states:

14 "Any person who, while on duty, sells, dispenses or compounds any drug while under the
15 influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor."

16 DANGEROUS DRUGS/CONTROLLED SUBSTANCES

17 8. Code section 4022 states

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

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

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

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

27 9. Ativan is a brand of Lorazepam, a Schedule IV controlled substance as designated by
28 Health and Safety Code section 11057, subdivision (d)(16), and is a dangerous drug per Code

1 section 4022.

2 COST RECOVERY

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

7 FACTS

8 11. On or about June 11, 2013, Respondent was under the influence of a controlled
9 substance and dangerous drug while working as a pharmacy technician for Kaiser Permanente in
10 Gilroy, California. Respondent admitted taking her own prescription of lorazepam in excess of the
11 prescribed dosage.

12 FIRST CAUSE FOR DISCIPLINE

13 (Dangerous and/or Injurious Administration of Controlled Substance)

14 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)
15 in that she administered to herself a controlled substance in a dangerous or injurious manner, as set
16 forth in paragraph 11, above.

17 SECOND CAUSE FOR DISCIPLINE

18 (Dispensing While Under the Influence of Drug)

19 13. Respondent is subject to disciplinary action under Code sections 4301, subdivision (o)
20 and/or 4327 in that she dispensed drugs while under the influence of a dangerous drug, as set forth
21 in paragraph 11, above.

22 PRAYER

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

- 25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 14257,
26 issued to Lisa Ann Lopez;
- 27 2. Ordering Lisa Ann Lopez to pay the Board of Pharmacy the reasonable costs of the
28 investigation and enforcement of this case, pursuant to Business and Professions Code section

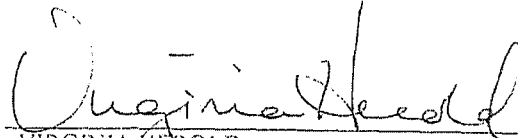
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125.3;

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

DATED:

6/14/14



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

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