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

In the Matter of the Accusation Against:

Case No. 5313

**RAYMOND LEON MATTHEWSON
4700 Spring Street #180
La Mesa, CA 91941**

DEFAULT DECISION AND ORDER

**Pharmacy Technician Registration No. TCH
63276**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about February 23, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5313 against Raymond Leon Matthewson (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 14, 2005, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 63276 to Respondent. The Pharmacy Technician Registration

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 5313
2 and will expire on June 30, 2015, unless renewed.

3 3. On or about March 3, 2015, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. 5313, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
7 is required to be reported and maintained with the Board. Respondent's address of record was
8 and is:

9 4700 Spring Street #180
10 La Mesa, CA 91941.

11 4. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
13 124.

14 5. The aforementioned documents were not returned by the U.S. Postal Service.

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

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

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
22 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
23 5313.

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

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

9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on
2 file at the Board's offices regarding the allegations contained in Accusation No. 5313, finds that
3 the charges and allegations in Accusation No. 5313, are separately and severally, found to be true
4 and correct by clear and convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
7 and Enforcement is \$2,159.50.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Raymond Leon Matthewson has
10 subjected his Pharmacy Technician Registration No. TCH 63276 to discipline.

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

12 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
13 Registration based upon the following violations alleged in the Accusation which are supported
14 by the evidence contained in the Default Decision Evidence Packet in this case:

15 Respondent is subject to disciplinary action under Code section 4301 for
16 unprofessional conduct in that from April 1, 2013 through August 31, 2013, Respondent accessed
17 and inappropriately viewed the medical records of patient L.B. approximately sixty-one times and
18 minor patient L.C. approximately eleven times through the Grossmont Hospital's electronic
19 medical record system. Respondent accessed the records of those patients without an
20 authorization or other legitimate medical purpose.

21 ORDER

22 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 63276, heretofore
23 issued to Respondent Raymond Leon Matthewson, is revoked.

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

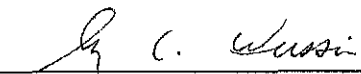
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This Decision shall become effective on June 12, 2015.

It is so ORDERED May 13, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
STAN C. WEISSNER
Board President

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DOJ Matter ID:SD2014708010

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 **RAYMOND LEON MATTHEWSON**
13 4700 Spring Street #180
14 La Mesa, CA 91941
15 Pharmacy Technician Registration No. TCH
63276
16 Respondent.

Case No. 5313
ACCUSATION

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18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
23 2. On or about June 14, 2005, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 63276 to Raymond Leon Matthewson (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on June 30, 2015, unless renewed.

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JURISDICTION

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

4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.

6. Section 4300.1 of the Code 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 AND REGULATORY PROVISIONS

7. Section 4301 of the Code states in pertinent part:

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.

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.

COST RECOVERY

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

1 **FACTUAL ALLEGATIONS**

2 10. At all times relevant herein, Respondent was employed as a pharmacy technician in
3 the Emergency Department at Grossmont Hospital located in La Mesa, California.

4 11. From April 1, 2013 through August 31, 2013, Respondent accessed and
5 inappropriately viewed the medical records of patient L.B. approximately sixty one times and
6 minor patient L.C. approximately eleven times through the Grossmont Hospital's electronic
7 medical record system. Respondent accessed the records of those patients without an
8 authorization or other legitimate medical purpose.

9 **CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 12. Respondent is subject to disciplinary action under Code section 4301 for
12 unprofessional conduct in that he engaged in the activities described in paragraphs 10 through 11
13 above, which are incorporated herein by reference.

14 **PRAAYER**

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

17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 63276,
18 issued to Raymond Leon Matthewson;

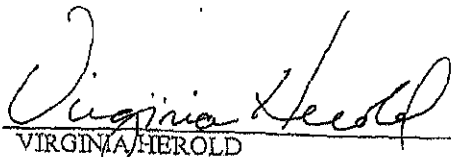
19 2. Ordering Raymond Leon Matthewson to pay the Board of Pharmacy the reasonable
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions Code
21 section 125.3;

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

DATED: 2/23/15



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

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