



California State Board of Pharmacy
1625 N. Market Blvd, N219, Sacramento, CA 95834
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www.pharmacy.ca.gov

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BOARD OF PHARMACY

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

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name:	RACHEL CONOVER	Case No.	5322
Address of Record:	215 E. Railroad St Apt. 1 WINNEMUCCA, NV 89445		

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 5322, I hereby request to surrender my pharmacy technician license, License No. TCH 105279. 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.

[Signature]
Applicant's Signature

[Signature]
Executive Officer's Approval

12-28-15
Date

1/5/16
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. 5322

RACHEL MICHELLE CONOVER
aka **RACHEL GUZMAN**
aka **RACHEL SHEPARD**
215 Union Ave. #437
Campbell, CA 95005

Pharmacy Technician License No. TCH 105279

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 July 8, 2015.

It is so ORDERED on July 1, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

AMARYLIS GUTIERREZ
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
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455 Golden Gate Avenue, Suite 11000
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Telephone: (415) 703-1299
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:
11 **RACHEL MICHELLE CONOVER**
12 **aka RACHEL GUZMAN**
13 **aka RACHEL SHEPARD**
14 **215 Union Ave. # 437**
Campbell, CA 95005
15 **Pharmacy Technician License No. TCH 105279**
16 **Respondent.**

Case No. 5322

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 In the interest of a prompt and speedy settlement of this matter, consistent with the public
18 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
19 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
20 be submitted to the Board for approval and adoption as the final disposition of Accusation Case
21 No. 5322 now pending against Respondent before the Board.

22 **PARTIES**

- 23 1. Virginia Herold (Complainant), Executive Officer, Board of Pharmacy, brought this
24 action solely in her official capacity and is represented by Kamala D. Harris, Attorney General of
25 the State of California, by Joshua A. Room, Supervising Deputy Attorney General.
- 26 2. Respondent Rachel Michelle Conover aka Rachel Guzman aka Rachel Shepard
27 ("Respondent") is representing herself in these proceedings and has chosen not to exercise her
28 right to be represented by counsel.

CONTINGENCIES

1
2 10. 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 11. 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 12. 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 13. In consideration of the foregoing, the parties agree that the Board may, without
21 further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

22
23
24
25 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 105279, issued to
26 Respondent Rachel Michelle Conover aka Rachel Guzman aka Rachel Shepard, is revoked.
27 However, revocation is stayed and the License is placed on probation for five (5) years on the
28 following terms and conditions.

1 **1. Certification Prior to Resuming Work as a Pharmacy Technician**

2 Respondent shall be suspended from working as a pharmacy technician until she is certified
3 as defined by Business and Professions Code section 4202(a)(4), provides satisfactory proof of
4 certification to the board, and is notified by the board she may resume. Failure to submit proof of
5 certification to the board within one (1) year shall be considered a violation of probation.

6 During any such suspension, respondent shall not enter any pharmacy area or any portion of
7 the licensed premises of a wholesaler, veterinary food-animal drug retailer, or other distributor of
8 drugs licensed by the board, or any manufacturer, where dangerous drugs or devices or controlled
9 substances are stored. Respondent shall not do any act involving drug selection, selection of
10 stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent
11 manage, administer, or be a consultant to any licensee of the board, or have access to or control
12 ordering, manufacturing or dispensing of dangerous drugs or controlled substances. Respondent
13 shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform
14 the duties of a pharmacy technician or a designated representative for any entity licensed by the
15 board. Failure to comply with any such suspension shall be considered a violation of probation.

16 **2. Cooperate with Board Staff**

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

20 **3. Work Site Monitor**

21 Within ten (10) days of the effective date of this decision, respondent shall identify a work
22 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
23 during working hours. Respondent shall be responsible for ensuring that the work site monitor
24 reports in writing to the board quarterly. Should the designated work site monitor determine at
25 any time during the probationary period that respondent has not maintained sobriety, he or she
26 shall notify the board immediately, either orally or in writing as directed. Should respondent
27 change employment, a new work site monitor must be designated, for prior approval by the
28 board, within ten (10) days of commencing new employment.

1 Failure to identify an acceptable initial or replacement work site monitor, or to ensure
2 quarterly reports are submitted to the board, shall be considered a violation of probation.

3 **4. Prescription Coordination and Monitoring of Prescription Use**

4 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
5 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
6 physician assistant, or psychiatrist of respondent's choice, who shall be aware of respondent's
7 history with the use of alcohol and who will coordinate and monitor any prescriptions for
8 respondent for dangerous drugs, controlled substances or mood-altering drugs.

9 The approved practitioner shall be provided with a copy of the board's Accusation,
10 Statement of Issues, and decision. A record of this notification must be provided to the board
11 upon request. Respondent shall sign a release authorizing the practitioner to communicate with
12 the board about respondent's treatment(s). The coordinating physician, nurse practitioner,
13 physician assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of
14 probation regarding respondent's compliance with this condition. If any substances considered
15 addictive have been prescribed, the report shall identify a program for the time limited use of any
16 such substances. The board may require that the single coordinating physician, nurse practitioner,
17 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in
18 addictive medicine. Should respondent, for any reason, cease supervision by the approved
19 practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing,
20 submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist
21 of respondent's choice to the board or its designee for its prior approval. Failure to timely submit
22 the selected practitioner or replacement practitioner to the board for approval, or to ensure the
23 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

24 If at any time an approved practitioner determines that respondent is unable to practice
25 safely or independently as a pharmacy technician or a pharmacist, the practitioner shall notify the
26 board immediately by telephone and follow up by written letter within three (3) working days.
27 Upon notification from the board or its designee of this determination, respondent shall be
28 automatically suspended and shall not resume practice until notified by the board in writing.

1 During any such suspension, respondent shall not enter any pharmacy area or any portion of
2 the licensed premises of a wholesaler, veterinary food-animal drug retailer, or other distributor of
3 drugs licensed by the board, or any manufacturer, where dangerous drugs or devices or controlled
4 substances are stored. Respondent shall not do any act involving drug selection, selection of
5 stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent
6 manage, administer, or be a consultant to any licensee of the board, or have access to or control
7 ordering, manufacturing or dispensing of dangerous drugs or controlled substances. Respondent
8 shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform
9 the duties of a pharmacy technician or a designated representative for any entity licensed by the
10 board. Failure to comply with any such suspension shall be considered a violation of probation.

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

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

19 **6. Notice to Employers**

20 During the period of probation, respondent shall notify all present and prospective
21 employers of the decision in case number 5322 and the terms, conditions and restrictions imposed
22 on respondent by the decision, as follows: Within thirty (30) days of the effective date of this
23 decision, and within fifteen (15) days of respondent undertaking any new employment,
24 respondent shall cause her direct supervisor, pharmacist-in-charge (including each new
25 pharmacist-in-charge employed during respondent's tenure of employment) and owner to report
26 to the board in writing acknowledging that the listed individual(s) has/have read the decision in
27 case number 5322, and terms and conditions imposed thereby. It is respondent's responsibility to
28 ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

1 If respondent works for or is employed by or through a pharmacy employment service,
2 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
3 licensed by the board of the terms and conditions of the decision in case number 5322 in advance
4 of the respondent commencing work at each licensed entity. A record of this notification must be
5 provided to the board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of respondent undertaking any new employment by or through a pharmacy employment
8 service, respondent shall cause her direct supervisor with the pharmacy employment service to
9 report to the board in writing acknowledging that she has read the decision in case number 5322
10 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
11 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

12 Failure to timely notify present or prospective employer(s) or to cause such employer(s) to
13 submit timely acknowledgments to the board shall be considered a violation of probation.

14 "Employment" within the meaning of this provision shall include any full-time,
15 part-time, temporary, relief or pharmacy management service as a pharmacist or
16 pharmacy technician, or any position for which licensure in any of these categories is
a requirement or criterion for employment, whether the respondent is an employee,
independent contractor or volunteer.

17 **7. Minimum Employment / Tolling of Probation**

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

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

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 practice" means any calendar month during which respondent is
5 not practicing for at least forty (40) hours as a pharmacy technician per Business and
6 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
7 month during which respondent is practicing for at least forty (40) hours as a
8 pharmacy technician per Business and Professions Code section 4000 et seq.

9 **8. Notification of Change in Employment, Name, Address(es), or Phone(s)**

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

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

17 **9. Obey All Laws**

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

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

- 21 an arrest or issuance of a criminal complaint for violation of any provision of the
22 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
23 substances laws
- 24 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
25 criminal complaint, information or indictment
- 26 a conviction of any crime
- 27 discipline, citation, or other administrative action filed by any state or federal agency
28 which involves respondent's license(s) or which is related to the practice of pharmacy
or the manufacturing, obtaining, handling, distributing, billing, or charging for any
drug, device or controlled substance.

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

10. Criminal Probation/Parole Reports

Respondent shall provide a copy of the conditions of any criminal probation/parole to the
board, in writing, within ten (10) days of the issuance or modification of those conditions.

1 Respondent shall provide the name of her probation/parole officer to the board, in writing,
2 within ten (10) days after that officer is designated or a replacement for that officer is designated.
3 Respondent shall provide a copy of all criminal probation/parole reports to the board within ten
4 (10) days after respondent receives a copy of such a report. Failure to timely make any of the
5 submissions required hereby shall be considered a violation of probation.

6 **11. Notification of Departure**

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

11 **12. Report to the Board**

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

20 **13. Continuing Education**

21 Respondent shall provide evidence of efforts to maintain skill and knowledge as a licensee
22 as directed by the board or its designee.

23 **14. 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 for 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 **15. Status of License**

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

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

9 **16. No Ownership of Licensed Premises**

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

17 **17. Abstain from Drugs and Alcohol Use**

18 Respondent shall completely abstain from the possession or use of alcohol, controlled
19 substances, dangerous drugs or their paraphernalia except when the drugs are lawfully prescribed
20 by a licensed practitioner as part of a documented medical treatment. Upon request of the board
21 or its designee, respondent shall provide documentation from the licensed practitioner that the
22 prescription for the drug was legitimately issued as a necessary part of treatment of respondent.
23 Failure to timely provide such documentation shall be considered a violation of probation.

24 Respondent shall ensure she is not in the same physical location as individuals using illicit
25 substances even if respondent is not using the drugs. Any possession or use of alcohol, controlled
26 substances, or their associated paraphernalia not supported by documentation timely provided, or
27 any proximity to persons using illicit substances, shall be considered a violation of probation.

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1 **18. Random Drug Screening**

2 Respondent, at her own expense, shall submit to random testing, including but not limited
3 to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug screening
4 program as directed by the board or its designee. Respondent may be required to participate in
5 testing for the entire probation period and frequency of testing will be determined by the board or
6 its designee. At all times, respondent shall fully cooperate with the board or its designee, and
7 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
8 hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct.
9 Failure to timely submit to testing as directed shall be considered a violation of probation.

10 Upon request of the board or its designee, respondent shall provide documentation from a
11 licensed practitioner that the prescription for a detected drug was legitimately issued and is a
12 necessary part of the treatment of the respondent. Failure to timely provide such documentation
13 shall be considered a violation of probation.

14 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
15 licensed practitioner as part of a documented medical treatment shall be considered a violation of
16 probation and shall result in the automatic suspension of practice of pharmacy by respondent.
17 Respondent may not resume the practice of pharmacy until notified by the board in writing.

18 During any such suspension, respondent shall not enter any pharmacy area or any portion of
19 the licensed premises of a wholesaler, veterinary food-animal drug retailer, or other distributor of
20 drugs licensed by the board, or any manufacturer, where dangerous drugs or devices or controlled
21 substances are stored. Respondent shall not do any act involving drug selection, selection of
22 stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent
23 manage, administer, or be a consultant to any licensee of the board, or have access to or control
24 ordering, manufacturing or dispensing of dangerous drugs or controlled substances. Respondent
25 shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform
26 the duties of a pharmacy technician or a designated representative for any entity licensed by the
27 board. Failure to comply with any such suspension shall be considered a violation of probation.

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1 **19. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, respondent shall pay to the
3 board its costs of investigation and prosecution in the amount of \$1,952.50. Respondent shall be
4 permitted to pay these costs in a payment plan approved by the board or its designee, so long as
5 payment is completed no later than four (4) years after the effective date of this decision. There
6 shall be no deviation from this schedule absent prior written approval by the board or its designee.
7 Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

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

10 **20. Probation Monitoring Costs**

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

15 **21. License Surrender While on Probation/Suspension**

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

23 Upon acceptance of the surrender, respondent shall relinquish her pocket and wall license to
24 the board within ten (10) days of notification by the board surrender is accepted. Respondent
25 may not reapply for any license from the board for three (3) years from the effective date of the
26 surrender. Respondent shall meet all requirements applicable to the license sought as of the date
27 the application for that license is submitted to the board, including any outstanding costs.

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22. Violation of Probation

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

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


23. Completion of Probation

Upon written notice by the board or its designee indicating successful completion of probation, respondent's license will be fully restored.

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: 5/13/2015



RACHEL MICHELLE CONOVER
Respondent

ENDORSEMENT

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

Dated: 6/2/2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General


JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5322

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
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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. 5322

11 **RACHEL MICHELLE CONOVER**
12 **aka RACHEL GUZMAN**
13 **aka RACHEL SHEPARD**
215 Union Ave. # 437
14 Campbell, CA 95005

ACCUSATION

15 **Pharmacy Technician License No. 105279**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about October 1, 2010, the Board of Pharmacy issued Pharmacy Technician
22 License Number 105279 to Rachel Michelle Conover aka Rachel Guzman aka Rachel Shepard
23 (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant
24 to the charges brought herein and will expire on June 30, 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.

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

3 5. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
4 suspension of a Board-issued license, the placement of a license on a retired status, or the
5 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
6 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
7 licensee or to render a decision suspending or revoking the license.

8 STATUTORY AND REGULATORY PROVISIONS

9 6. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
10 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
11 not be limited to, any of the following:

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

17 (i) The conviction of a crime substantially related to the qualifications, functions, and duties
18 of a licensee under this chapter.

19 7. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
20 revoke a license when it finds that the licensee has been convicted of a crime substantially related
21 to the qualifications, functions or duties of the license.

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

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

1 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
2 administrative law judge to direct a licentiate found to have committed a violation of the licensing
3 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.
4

5 FIRST CAUSE FOR DISCIPLINE

6 (Conviction of Substantially Related Crime(s))

7 10. Respondent is subject to discipline under section 4301(I) and/or section 490 of the
8 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
9 substantially related crime(s), in that on or about April 15, 2014, in the criminal case *People v.*
10 *Rachel Michelle Conover*, Case No. C1478097 in Santa Clara County Superior Court, Respondent
11 was convicted of violating Vehicle Code section 23152, subdivision (b) (Driving With Blood
12 Alcohol of 0.08% or More), a misdemeanor. The conviction was entered as follows:

13 a. On or about October 1, 2013, a car driven by Respondent was involved in a
14 multi-vehicle accident in San Jose, California. Responding officer(s) from the San Jose Police
15 Department detected the odor of alcohol on Respondent, and she admitted to consuming alcohol.
16 A blood sample taken from Respondent subsequently reported a blood alcohol value of 0.15%.
17 Respondent was placed under arrest for driving under the influence, and causing injury.

18 b. On or about March 6, 2014, in *People v. Rachel Michelle Conover*, Case No.
19 C1478097 in Santa Clara County Superior Court, Respondent was charged with violating (1)
20 Vehicle Code section 23152, subdivision (a) (Driving Under the Influence of Alcohol), a
21 misdemeanor, and (2) Vehicle Code section 23152, subdivision (b) (Driving With Blood Alcohol
22 Level of 0.08% or Higher), a misdemeanor, with special allegations under each count of having a
23 blood alcohol level of 0.15% or more within the meaning of Vehicle Code section 23578.

24 c. On or about April 15, 2014, Respondent pleaded nolo contendere to count 2.
25 Count 1 was dismissed pursuant to the plea. Imposition of sentence was suspended and
26 Respondent was placed on court probation for three (3) years, on terms and conditions including
27 30 days in jail (1 day CTS), a 3-month First Offender Program, and payment of fines and fees.

28 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (Dangerous or Injurious Use of Alcohol)

3 11. Respondent is subject to discipline under section 4301(h) of the Code, in that, as
4 described in paragraph 10 above, Respondent used alcohol in a dangerous or injurious manner.

5
6 THIRD CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct)

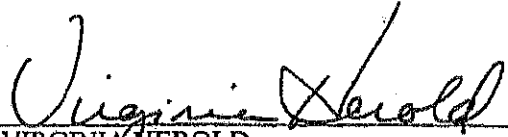
8 12. Respondent is subject to discipline under section 4301 of the Code in that, as
9 described in paragraphs 10-11 above, Respondent engaged in unprofessional conduct.

10
11 PRAYER

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

- 14 1. Revoking or suspending Pharmacy Technician License Number 105279, issued to
15 Rachel Michelle Conover aka Rachel Guzman aka Rachel Shepard (Respondent);
16 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
17 enforcement of this case, pursuant to Business and Professions Code section 125.3;
18 3. Taking such other and further action as is deemed necessary and proper.

19
20
21 DATED: 2/26/15


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

28 SF2014410097
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