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

In the Matter of the Petition to Revoke Probation
Against:

Case No. 5332

RAMIRO CHRISTOPHER NAVA
20 Canterbury Court
Brentwood, CA 94513

DEFAULT DECISION AND ORDER

Pharmacy Technician License No. TCH 37457

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about December 2, 2014, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Petition to Revoke Probation No. 5332 against Ramiro Christopher Nava (Respondent) before the Board of Pharmacy. (Copy of the Petition to Revoke Probation attached as exhibit A.)

2. On or about May 3, 2001, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 37457 to Respondent. The Pharmacy Technician Registration expired on February 28, 2015, and has not been renewed.

3. On or about December 23, 2014, Respondent was served by Certified and First Class Mail with copies of: Petition to Revoke Probation No. 5332; a Statement to Respondent; a Notice of Defense (2 copies); a Request for Discovery; and the text of the Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7), at Respondent's address of record which was and is: 20 Canterbury Court, Brentwood, CA 94513.

1 4. Pursuant to Business and Professions Code section 136 and/or 4100, and/or California
2 Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes
3 thereto, are required to be reported and maintained with the Board.

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

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

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

10 7. Respondent failed to file a Notice of Defense within 15 days after service of the
11 Accusation, and therefore waived his right to a hearing on the merits of Petition to Revoke
12 Probation No. 5332.

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

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

17 9. Pursuant to its authority under Government Code section 11520, the Board finds
18 Respondent is in default. The Board will take action without further hearing and, based on the
19 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
20 taking official notice of all the investigatory reports, exhibits and statements contained therein on
21 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.
22 5332, finds that the charges and allegations in Petition to Revoke Probation No. 5332, are
23 separately and severally, found to be true and correct by clear and convincing evidence.

24 10. Taking official notice of its own internal records, pursuant to Business and
25 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
26 and Enforcement are \$1,565.00 as of March 24, 2015.

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DETERMINATION OF ISSUES

1
2 1. Based on the foregoing findings of fact, Respondent Ramiro Christopher Nava has
3 subjected his Pharmacy Technician License No. TCH 37457 to discipline.

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

5 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
6 License based upon the following violations alleged in the Petition to Revoke Probation which
7 are supported by the evidence contained in the Default Decision Evidence Packet in this case. In
8 a disciplinary action titled "In the Matter of the Accusation Against Ramiro Christopher Nava,"
9 Case No. 4924, the Board of Pharmacy issued a decision, effective May 28, 2014, in which
10 Respondent's Pharmacy Technician License was revoked. However, the revocation was stayed
11 and Respondent's Pharmacy Technician License was placed on probation for a period of five (5)
12 years, with terms and conditions. Respondent violated those terms and conditions as follows:

13 a. Term and Condition 1 of that decision required that Respondent be suspended from
14 working as a pharmacy technician until he is certified by the Pharmacy Technician Certification
15 Board (PTCB) and provides satisfactory proof of certification to the Board. Respondent has
16 never submitted satisfactory proof of certification to the Board, and as a result his license has
17 remained in suspended status since the onset of probation. On or about May 29, 2014,
18 Respondent was sent notice that his license was in suspended status. Respondent continued to
19 work as a pharmacy technician until on or about June 26, 2014. This failure to abide by the
20 suspension of his license subjects Respondent's License to revocation.

21 b. Term and Condition 18 of that decision required Respondent to participate in random
22 testing, including but not limited to biological fluid testing, breathalyzer, hair follicle testing, or
23 other drug screening program as directed by the Board or its designee, at Respondent's expense,
24 for the entire probation period with the frequency of testing determined by the Board or its
25 designee, required Respondent to fully cooperate with the Board or its designee and submit to
26 testing as directed, and stated that any confirmed positive test for alcohol or any drug not lawfully
27 prescribed as part of a documented medical treatment would be considered a violation of
28 probation and would also result in Respondent's automatic suspension.

1 Respondent failed to fully participate in and/or cooperate with drug testing protocols
2 established by the Board or its designee in that: Respondent failed to check in to determine if he
3 was required to test on or about July 17, 29, and 31, and August 1-5, 2014; and Respondent failed
4 to test (submit a sample) as required on or about July 15 and 23, 2014. This failure to fully
5 participate in and/or cooperate with drug testing subjects Respondent's License to revocation.

6 c. Term and Condition 5 of that decision required that Respondent cooperate with the
7 Board's inspection program and with the Board's monitoring and investigation of Respondent's
8 compliance with terms and conditions of his probation. As detailed in paragraphs 8-13 above,
9 Respondent failed to timely cooperate on one or more occasions. These failure(s) to timely
10 cooperate as required subject Respondent's License to revocation.

11
12 ORDER

13 IT IS SO ORDERED that Pharmacy Technician License No. TCH 37457, heretofore issued
14 to Respondent Ramiro Christopher Nava, is revoked.

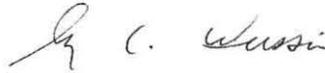
15 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
16 written motion requesting that the Decision be vacated and stating the grounds relied on within
17 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
18 vacate the Decision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

19 This decision shall become effective on May 22, 2015.

20 It is so ORDERED on April 22, 2015.

21 BOARD OF PHARMACY
22 DEPARTMENT OF CONSUMER AFFAIRS
23 STATE OF CALIFORNIA

24
25 By



26 STAN C. WEISSER
27 Board President
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Attachment:
Exhibit A: Petition to Revoke Probation

Exhibit A

Petition to Revoke Probation

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
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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 Petition to Revoke Probation Against:

Case No. 5332

11 **RAMIRO CHRISTOPHER NAVA**
12 **20 Canterbury Court**
13 **Brentwood, CA 94513**

**PETITION TO REVOKE
PROBATION**

14 **Pharmacy Technician License No. TCH 37457**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about May 3, 2001, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 37457 to Ramiro Christopher Nava (Respondent). The License was in
22 effect at all times relevant herein and will expire on February 28, 2015, unless renewed.

23 3. In a disciplinary action titled "In the Matter of the Accusation Against Ramiro
24 Christopher Nava," Case No. 4924, the Board of Pharmacy issued a decision, effective May 28,
25 2014, in which Respondent's Pharmacy Technician License was revoked. However, the
26 revocation was stayed and Respondent's Pharmacy Technician License was placed on probation
27 for a period of five (5) years with certain terms and conditions. A copy of that decision is
28 attached as Exhibit A and is incorporated by reference.

1 breathalyzer, hair follicle testing, or other drug screening program as directed by the Board or its
2 designee, at Respondent's expense, for the entire probation period with the frequency of testing
3 determined by the Board or its designee, required Respondent to fully cooperate with the Board or
4 its designee and submit to testing as directed, and stated that any confirmed positive test for
5 alcohol or any drug not lawfully prescribed as part of a documented medical treatment would be
6 considered a violation of probation and would also result in Respondent's automatic suspension.

7 13. Respondent failed to fully participate in and/or cooperate with drug testing protocols
8 established by the Board or its designee in that: Respondent failed to check in to determine if he
9 was required to test on or about July 17, 29, and 31, and August 1-5, 2014; and Respondent failed
10 to test (submit a sample) as required on or about July 15 and 23, 2014. This failure to fully
11 participate in and/or cooperate with drug testing subjects Respondent's License to revocation.

12
13 FIFTH CAUSE TO REVOKE PROBATION

14 (Failure to Cooperate with Board Staff)

15 14. At all times after the effective date (May 28, 2014) of the Decision and Order
16 imposing probation on Respondent's License, Term and Condition 5 of that Order required that
17 Respondent cooperate with the Board's inspection program and with the Board's monitoring and
18 investigation of Respondent's compliance with terms and conditions of his probation. As detailed
19 in paragraphs 8-13 above, Respondent failed to timely cooperate on one or more occasions.
20 These failure(s) to timely cooperate as required subject Respondent's License to revocation.

21
22
23 OTHER MATTERS – EXTENSION OF PROBATION

24 15. At all times after the effective date (May 28, 2014) of the Decision and Order
25 imposing probation on Respondent's License, Term and Condition 20 of that Order provided:

26 **20. Violation of Probation.**

27 If respondent has not complied with any term or condition of probation, the board
28 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

1 action as deemed appropriate to treat the failure to comply as a violation of probation, to
2 terminate probation, and to impose the penalty that was stayed. If respondent violates
3 probation in any respect, the board, after giving respondent notice and an opportunity to be
4 heard, may revoke probation and carry out the disciplinary order that was stayed.

5 If a petition to revoke probation or an accusation is filed against respondent during
6 probation, the Board shall have continuing jurisdiction, and the period of probation shall be
7 extended until the petition to revoke probation or accusation is heard and decided.

8 16. Pursuant to the operation of Term and Condition 20 of the probation order applicable
9 to Respondent's License, probation is automatically extended by the filing hereof, and/or by
10 Respondent's failure to comply with the terms and conditions of probation, until such time as this
11 Petition to Revoke Probation is heard and decided, or until the Board has taken other action as
12 deemed appropriate to treat the failure to comply as a violation of probation.

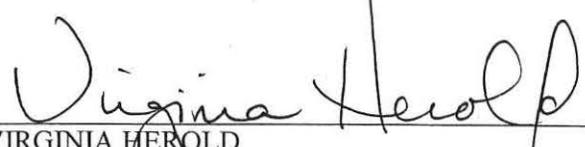
13 PRAYER

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

- 16 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 4924
17 and imposing the disciplinary order that was stayed, thereby revoking Pharmacy Technician
18 License No. TCH 37457, issued to Ramiro Christopher Nava;
- 19 2. Revoking or suspending Pharmacy Technician License No. TCH 37457, issued to
20 Ramiro Christopher Nava;
- 21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: _____

12/2/14


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

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Exhibit A

Decision and Order

Board of Pharmacy Case No. 4924

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

In the Matter of the Accusation Against:

Case No. 4924

RAMIRO CHRISTOPHER NAVA
20 Canterbury Court
Brentwood, CA 94513

Pharmacy Technician License No. TCH 37457

Respondent.

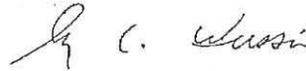
DECISION AND ORDER

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 May 28, 2014.

It is so ORDERED on May 21, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

California State Board of Pharmacy
1998
SUZAN CAVAROTTO

COPIES OF RECORDS FROM THE FILES OF THIS AGENCY
THAT THESE DOCUMENTS ARE TRUE AND CORRECT
PROVIDED BY THE BOARD AND DO NOT BE A CERTIFIED
AND HAVE AUTHORITY TO CERTIFY THE RECORDS
AND HAVE AUTHORITY TO CERTIFY THE RECORDS

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
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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:

Case No. 4924

11 **RAMIRO CHRISTOPHER NAVA**
12 **20 Canterbury Court**
13 **Brentwood, CA 94513**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 **Pharmacy Technician License No. TCH 37457**

15 Respondent.

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

20 PARTIES

21 1. Virginia Herold (Complainant), Executive Officer, Board of Pharmacy, brought this
22 action in her official capacity and is represented in this matter by Kamala D. Harris, Attorney
23 General of the State of California, by Joshua A. Room, Supervising Deputy Attorney General.

24 2. Respondent Ramiro Christopher Nava ("Respondent") is representing himself in this
25 proceeding and has chosen not to exercise his right to be represented by counsel.

26 3. On or about May 3, 2001, the Board of Pharmacy issued Pharmacy Technician
27 License No. TCH 37457 to Respondent. The License was in full force and effect at all times
28 relevant to the charges herein and will expire on February 28, 2015, unless renewed.

1 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the
2 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
3 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
4 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
5 not be disqualified from further action by having considered this matter.

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

9 11. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
10 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
11 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
12 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
13 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
14 writing executed by an authorized representative of each of the parties.

15 12. In consideration of the foregoing admissions and stipulations, the parties agree that
16 the Board may, without further notice or formal proceeding, issue and enter the following
17 Disciplinary Order:

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 37457, issued to
3 Ramiro Christopher Nava (Respondent) is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for five (5) years on the following terms and conditions.

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

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

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

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

20 **2. Obey All Laws**

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

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

- 24 an arrest or issuance of a criminal complaint for violation of any provision of the
25 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
26 substances laws
27 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
28 criminal complaint, information or indictment

- 1 a conviction of any crime
2 discipline, citation, or other administrative action filed by any state or federal agency
3 which involves respondent's pharmacy technician license or which is related to the
4 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
5 or charging for any drug, device or controlled substance.

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

7 **3. Report to the Board**

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

16 **4. Interview with the Board**

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

22 **5. Cooperate with Board Staff**

23 Respondent shall cooperate with the board's inspection program and with the board's
24 monitoring and investigation of respondent's compliance with the terms and conditions of his
25 probation. Failure to cooperate shall be considered a violation of probation.

26 **6. Notice to Employers**

27 During probation, respondent shall notify all present and prospective employers of the
28 decision in case number 4924 and the terms, conditions and restrictions imposed, as follows:

1 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
2 respondent undertaking any new employment, respondent shall cause his direct supervisor,
3 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
4 tenure of employment) and owner to report to the board in writing acknowledging that the listed
5 individual(s) has/have read the decision in case number 4924 and the terms and conditions
6 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or
7 supervisor(s) submit timely acknowledgement(s) to the board.

8 If respondent works for or is employed by or through a pharmacy employment service,
9 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
10 of the terms and conditions of the decision in case number 4924 in advance of commencing work
11 at each pharmacy. A record of this notification must be provided to the board upon request.

12 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
13 (15) days of respondent undertaking any new employment by or through a pharmacy employment
14 service, respondent shall cause his direct supervisor with the pharmacy employment service to
15 report to the board in writing acknowledging that he or she has read the decision in case number
16 4924 and the terms and conditions imposed thereby. It shall be respondent's responsibility to
17 ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

18 Failure to timely notify present or prospective employer(s) or to cause employer(s) to
19 submit timely acknowledgements to the board shall be considered a violation of probation.

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

25 7. **Status of License**

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

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

5 **8. Notification of a Change in Employment, Name, Address, or Phone**

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

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

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

20 **10. Reimbursement of Board Costs**

21 As a condition precedent to successful completion of probation, Respondent shall pay to the
22 board its costs of investigation and prosecution in the amount of \$2,105.00. Respondent shall be
23 permitted to pay these costs in a payment plan approved by the Board or its designee, so long as
24 full payment is made within fifty-four (54) months of the effective date of this decision. There is
25 to be no deviation from this schedule absent prior written approval by the Board or its designee.
26 Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

27 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to
28 reimburse the board its costs of investigation and prosecution.

1 **11. Probation Monitoring Costs**

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

6 **12. Work Site Monitor**

7 Within ten (10) days of the effective date of this decision, respondent shall identify a work
8 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
9 during working hours. Respondent shall be responsible for ensuring that the work site monitor
10 reports in writing to the board quarterly. Should the designated work site monitor determine at
11 any time during the probationary period that respondent has not maintained sobriety, he shall
12 notify the board immediately, either orally or in writing as directed. Should respondent change
13 employment, a new work site monitor must be designated, for prior approval by the board, within
14 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
15 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
16 considered a violation of probation.

17 **13. Notification of Departure**

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

22 **14. Employment Requirement: Tolling of Probation**

23 Except during periods of suspension, respondent shall, at all times while on probation, be
24 employed as a pharmacy technician in California for a minimum of ten (10) hours per calendar
25 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,
26 the period of probation shall be extended by one month for each month during which this
27 minimum is not met. During any such period of tolling of probation, respondent must
28 nonetheless comply with all terms and conditions of probation.

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

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

9 "Cessation of work" means a calendar month during which respondent is not
10 working for at least ten (10) hours as a pharmacy technician, as defined in Business
11 and Professions Code section 4115. "Resumption of work" means any calendar
12 month during which respondent is working for at least ten (10) hours as a pharmacy
13 technician as defined by Business and Professions Code section 4115.

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

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

22 **16. Prescription Coordination and Monitoring of Prescription Use**

23 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
24 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
25 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
26 history with the use of alcohol and who will coordinate and monitor any prescriptions for
27 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
28 practitioner shall be provided with a copy of the board's Accusation and decision.

1 A record of this notification must be provided to the board upon request. Respondent shall
2 sign a release authorizing the practitioner to communicate with the board about respondent's
3 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist
4 shall report to the board on a quarterly basis for the duration of probation regarding respondent's
5 compliance with this condition. If any substances considered addictive have been prescribed, the
6 report shall identify a program for the time limited use of any such substances.

7 The board may require that the single coordinating physician, nurse practitioner, physician
8 assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive
9 medicine. Should respondent, for any reason, cease supervision by the approved practitioner,
10 respondent shall notify the board immediately and, within thirty (30) days of ceasing, submit the
11 name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of
12 respondent's choice to the board or its designee for its prior approval. Failure to timely submit
13 the selected practitioner or replacement practitioner to the board for approval, or to ensure the
14 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

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

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

1 Failure to comply with any such suspension shall be considered a violation of probation.

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

3 Respondent shall completely abstain from the possession or use of alcohol, controlled
4 substances, dangerous drugs and their associated paraphernalia except when the drugs are
5 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
6 request of the board or its designee, respondent shall provide documentation from the licensed
7 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
8 treatment of the respondent. Failure to timely provide such documentation shall be considered a
9 violation of probation. Respondent shall ensure that he is not in the same physical location as
10 individuals who are using illicit substances even if respondent is not personally ingesting the
11 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
12 not supported by the documentation timely provided, and/or any physical proximity to persons
13 using illicit substances, shall be considered a violation of probation.

14 **18. Random Drug Screening**

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

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

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

11 Failure to comply with any such suspension shall be considered a violation of probation.

12 **19. License Surrender While on Probation/Suspension**

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

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

25 **20. Violation of Probation**

26 If respondent has not complied with any term or condition of probation, the board shall
27 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
28 all terms and conditions have been satisfied or the board has taken other action as deemed

1 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
2 to impose the penalty that was stayed. If respondent violates probation in any respect, the board,
3 after giving respondent notice and an opportunity to be heard, may revoke probation and carry out
4 the disciplinary order that was stayed.

5 If a petition to revoke probation or an accusation is filed against respondent during
6 probation, the board shall have continuing jurisdiction, and the period of probation shall be
7 automatically extended until the petition to revoke probation or accusation is heard and decided.

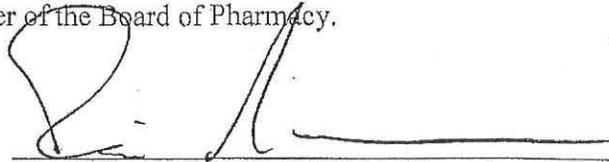
8 **21. Completion of Probation**

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

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12
13 ACCEPTANCE

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

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19 DATED: 4-20-14



20 RAMIRO CHRISTOPHER NAVA
21 Respondent

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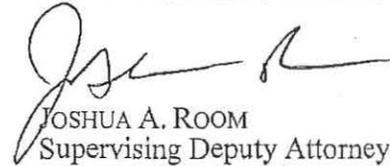
ENDORSEMENT

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

Dated: 4/29/2014

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. 4924

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Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 4924

13 **RAMIRO CHRISTOPHER NAVA**
14 **20 Canterbury Court**
15 **Brentwood, CA 94513**

A C C U S A T I O N

16 **Pharmacy Technician License No. TCH 37457**

Respondent.

17 Complainant alleges:

18 PARTIES

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

20 2. On or about May 3, 2001, the Board of Pharmacy issued Pharmacy Technician
21 License No. TCH 37457 to Ramiro Christopher Nava (Respondent). The License was in force
22 and effect at all times relevant to the charges brought herein and will expire on February 28,
23 2015, unless renewed.

24 JURISDICTION

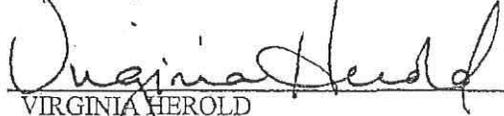
25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
26 Consumer Affairs, under the authority of the following laws. All section references are to the
27 Business and Professions Code (Code) unless otherwise indicated.
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PRAYER

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

1. Revoking or suspending Pharmacy Technician License No. TCH 37457, issued to Ramiro Christopher Nava (Respondent);
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as is deemed necessary and proper.

DATED: 2/19/14 

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

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