

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

In the Matter of the Accusation Against:

Case No. 5447

**ALICIA MARIA MADRID,
AKA ALICIA MARIA ALATORRE
1460 Sweetwater Lane
Spring Valley, CA 91977**

**Pharmacy Technician Registration No. TCH
51670**

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 at 5:00 p.m. on July 29, 2016.

It is so ORDERED on June 29, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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

11 In the Matter of the Accusation Against:

Case No. 5447

12 **ALICIA MARIA MADRID,**
13 **AKA ALICIA MARIA ALATORRE**
14 **1460 Sweetwater Lane**
Spring Valley, CA 91977

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Pharmacy Technician Registration No. TCH**
16 **51670**

17 Respondent.

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

20 **PARTIES**

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Sherry L. Ledakis, Deputy Attorney
24 General.

25 2. Respondent Alicia Maria Madrid, aka Alicia Maria Alatorre ("Respondent") is
26 represented in this proceeding by attorney Michael T. Malowney, Esq., whose address is:
27 Heritage Plaza, 2247 San Diego Avenue, Suite 234, San Diego, CA 92110.

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1 3. On or about September 26, 2003, the Board of Pharmacy issued Pharmacy Technician
2 Registration No. TCH 51670 to Alicia Maria Madrid, aka Alicia Maria Alatorre (Respondent).
3 The Pharmacy Technician Registration was in full force and effect at all times relevant to the
4 charges brought in Accusation No. 5447, and will expire on January 31, 2017, unless renewed.

5 JURISDICTION

6 4. Accusation No. 5447 was filed before the Board of Pharmacy (Board), Department of
7 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
8 statutorily required documents were properly served on Respondent on August 4, 2015.
9 Respondent timely filed her Notice of Defense contesting the Accusation.

10 5. A copy of Accusation No. 5447 is attached as exhibit A and incorporated herein by
11 reference.

12 ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 5447. Respondent has also carefully read, fully
15 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
16 Order.

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

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

25 CULPABILITY

26 9. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 5447.

28 ///

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

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 51670 issued to Respondent Alicia Maria Madrid, aka Alicia Maria Alatorre is revoked. However, the

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1 revocation is stayed and the Pharmacy Technician registration is placed on probation for five (5)
2 years on the following terms and conditions:

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

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

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

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

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

22 **2. Obey All Laws**

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

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

- 26 ☐ an arrest or issuance of a criminal complaint for violation of any provision of the
27 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
28 substances laws

- ☐ a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- ☐ a conviction of any crime
- ☐ discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's pharmacy technician registration 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.

3. Report to the Board

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

4. Interview with the Board

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

5. Cooperate with Board Staff

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

6. Notice to Employers

1 During the period of probation, respondent shall notify all present and prospective
2 employers of the decision in case number 5447 and the terms, conditions and restrictions imposed
3 on respondent by the decision, as follows:

4 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
5 respondent undertaking any new employment, respondent shall cause her direct supervisor,
6 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
7 tenure of employment) and owner to report to the board in writing acknowledging that the listed
8 individual(s) has/have read the decision in case number 5447 and the terms and conditions
9 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
10 supervisor(s) submit timely acknowledgement(s) to the board.

11 If respondent works for or is employed by or through a pharmacy employment service,
12 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
13 of the terms and conditions of the decision in case number 5447 in advance of the respondent
14 commencing work at each pharmacy. A record of this notification must be provided to the board
15 upon request.

16 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
17 (15) days of respondent undertaking any new employment by or through a pharmacy employment
18 service, respondent shall cause her direct supervisor with the pharmacy employment service to
19 report to the board in writing acknowledging that she has read the decision in case number 5447
20 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
21 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

25 "Employment" within the meaning of this provision shall include any full-time,
26 part-time, temporary or relief service or pharmacy management service as a pharmacy
27 technician or in any position for which a pharmacy technician license is a requirement
28 or criterion for employment, whether the respondent is considered an employee,

1 independent contractor or volunteer.

2 **7. Reimbursement of Board Costs**

3 As a condition precedent to successful completion of probation, respondent shall pay to the
4 board its costs of investigation and prosecution in the amount of \$1,070.00. Respondent shall
5 make said payments in a payment plan approved by the Board. There shall be no deviation from
6 this schedule absent prior written approval by the board or its designee. Failure to pay costs by
7 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 **8. 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 **9. Status of License**

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

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

23 **10. License Surrender While on Probation/Suspension**

24 Following the effective date of this decision, should respondent cease work due to
25 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
26 respondent may tender her pharmacy technician license to the board for surrender. The board or
27 its designee shall have the discretion whether to grant the request for surrender or take any other
28 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the

1 license, respondent will no longer be subject to the terms and conditions of probation. This
2 surrender constitutes a record of discipline and shall become a part of the respondent's license
3 history with the board.

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

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

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

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

19 **12. Tolling of Probation**

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

26 Should respondent, regardless of residency, for any reason (including vacation) cease
27 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
28 respondent must notify the board in writing within ten (10) days of cessation of work and must

1 further notify the board in writing within ten (10) days of the resumption of the work. Any failure
2 to provide such notification(s) shall be considered a violation of probation.

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

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

11 13. Violation of Probation

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

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

24 14. Completion of Probation

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

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28 15. No Ownership of Licensed Premises

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

16. Psychotherapy

Within thirty (30) days of the effective date of this decision, respondent shall submit to the board or its designee, for prior approval, the name and qualifications of a licensed mental health practitioner of respondent's choice. Within thirty (30) days of approval thereof, respondent shall submit documentation to the board demonstrating the commencement of psychotherapy with the approved licensed mental health practitioner. Should respondent, for any reason, cease treatment with the approved licensed mental health practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement psychotherapist or licensed mental health practitioner of respondent's choice to the board for its prior approval. Within thirty (30) days of approval thereof, respondent shall submit documentation to the board demonstrating the commencement of psychotherapy with the approved replacement. Failure to comply with any requirement or deadline stated by this paragraph shall be considered a violation of probation.

Upon approval of the initial or any subsequent licensed mental health practitioner, respondent shall undergo and continue treatment with that therapist, at respondent's own expense, until the therapist recommends in writing to the board, and the board or its designee agrees by way of a written notification to respondent, that no further psychotherapy is necessary. Upon receipt of such recommendation from the treating therapist, and before determining whether to accept or reject said recommendation, the board or its designee may require respondent to undergo, at respondent's own expense, a mental health evaluation by a board-appointed or board-approved psychiatrist or psychologist. If the approved evaluator recommends that respondent

1 continue psychotherapy, the board or its designee may require respondent to continue
2 psychotherapy.

3 Psychotherapy shall be at least once a week unless otherwise approved by the board.
4 Respondent shall provide the therapist with a copy of the board's accusation and decision no later
5 than the first therapy session. Respondent shall take all necessary steps to ensure that the treating
6 therapist submits written quarterly reports to the board concerning respondent's fitness to
7 practice, progress in treatment, and such other information as may be required by the board or its
8 designee.

9 If at any time the treating therapist determines that respondent cannot practice safely or
10 independently, the therapist shall notify the board immediately by telephone and follow up by
11 written letter within three (3) working days. Upon notification from the board or its designee of
12 this determination, respondent shall be automatically suspended and shall not resume practice
13 until notified by the board that practice may be resumed.

14 ACCEPTANCE

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorney, Michael T. Malowney, Esq. I understand the stipulation and the
17 effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement
18 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
19 Decision and Order of the Board of Pharmacy.


20
21 DATED: 5-18-16



22 ALICIA MARIA MADRID, AKA ALICIA MARIA
23 ALATORRE
24 Respondent
25
26
27
28

1 I have read and fully discussed with Respondent Alicia Maria Madrid, aka Alicia Maria
2 Alatorre the terms and conditions and other matters contained in the above Stipulated Settlement
3 and Disciplinary Order. I approve its form and content.

4 DATED: 5/18/16


MICHAEL J. MALOWNEY, ESQ.
Attorney for Respondent

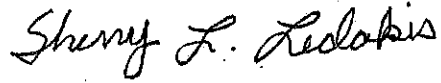
7 ENDORSEMENT

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

10 Dated: 5/20/2016

Respectfully submitted.

12 KAMALA D. HARRIS
Attorney General of California
13 GREGORY J. SALUTE
Supervising Deputy Attorney General

14 
15 SHERRY L. LEDAKIS
16 Deputy Attorney General
17 *Attorneys for Complainant*

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Exhibit A

Accusation No. 5447

1 KAMALA D. HARRIS
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Supervising Deputy Attorney General
3 State Bar No. 132645
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Attorneys for Complainant

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10 **BEFORE THE**
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12 In the Matter of the Accusation Against:

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13 **ALICIA MARIA MADRID,**
14 **AKA ALICIA MARIA ALATORRE**
1460 Sweetwater Lane
15 Spring Valley, CA 91977

ACCUSATION

16 **Pharmacy Technician Registration**
No. TCH 51670

17 Respondent.

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 September 26, 2003, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 51670 to Alicia Maria Madrid, who is also known as Alicia Maria
25 Alatorre (Respondent). The Pharmacy Technician Registration was in full force and effect at all
26 times relevant to the charges brought herein and will expire on January 31, 2017, unless renewed.

27 ///

28 ///

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 (Code) unless otherwise indicated.

4. Section 4300, subdivision (a) of the Code states: "Every license issued may be suspended or revoked."

5. 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 PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of

1 discipline or to determine if the conviction is substantially related to the qualifications,
2 functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority," and
4 "registration."

5 9. Section 4301 of the Code states:

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

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

13 (i) The conviction of a crime substantially related to the qualifications, functions,
14 and duties of a licensee under this chapter. The record of conviction of a violation of
15 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
16 regulating controlled substances or of a violation of the statutes of this state regulating
17 controlled substances or dangerous drugs shall be conclusive evidence of unprofessional
18 conduct. In all other cases, the record of conviction shall be conclusive evidence only of
19 the fact that the conviction occurred. The board may inquire into the circumstances
20 surrounding the commission of the crime, in order to fix the degree of discipline or, in
21 the case of a conviction not involving controlled substances or dangerous drugs, to
22 determine if the conviction is of an offense substantially related to the qualifications,
23 functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a
24 conviction following a plea of nolo contendere is deemed to be a conviction within the
25 meaning of this provision. The board may take action when the time for appeal has
26 elapsed, or the judgment of conviction has been affirmed on appeal or when an order
27 granting probation is made suspending the imposition of sentence, irrespective of a
28 subsequent order under Section 1203.4 of the Penal Code allowing the person to
withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the
verdict of guilty, or dismissing the accusation, information, or indictment.

22 REGULATORY PROVISIONS

23 10. California Code of Regulations, title 16, section 1769, states:

24 (b) When considering the suspension or revocation of a facility or a personal
25 License on the ground that the licensee or the registrant has been convicted of a crime,
26 the board, in evaluating the rehabilitation of such person and his present eligibility for a
27 license will consider the following criteria:

28 (1) Nature and severity of the act(s) or offense(s).

1 (2) Total criminal record.

2 (3) The time that has elapsed since commission of the act(s) or offense(s).

3 (4) Whether the licensee has complied with all terms of parole, probation,
4 restitution or any other sanctions lawfully imposed against the licensee.

5 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

11 COSTS

12 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
13 administrative law judge to direct a licensee found to have committed a violation or violations of
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15 enforcement of the case, with failure of the licensee to comply subjecting the license to not
16 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
17 may be included in a stipulated settlement.

18 FIRST CAUSE FOR DISCIPLINE

19 (February 6, 2015 Criminal Conviction for Felony Child Abuse)

20 13. Respondent has subjected her registration to discipline under sections 490 and 4301,
21 subdivision (I) of the Code in that she was convicted of a crime that is substantially related to the
22 qualifications, duties, and functions of a registered pharmacy technician. The circumstances are
23 as follows:

24 a. On February 6, 2015, in a criminal proceeding entitled *People of the State of*
25 *California v. Alicia Maria Madrid*, in San Diego County Superior Court, case number
26 CN324647, Respondent was convicted on her plea of guilty to violating Penal Code section
27 273a(a), willfully placing a child in a situation where his or her person or health is endangered, a
28 felony.

1 b. As a result of the conviction, Respondent was sentenced to the low term of two
2 years in state prison, suspended pending successful completion of formal probation for four years.
3 Respondent was ordered to complete 20 days of community service, and submit to a Fourth
4 Amendment waiver. If ordered by her probation officer, Respondent would be required to
5 complete treatment, therapy and/or counseling, and a parenting program. Respondent was
6 ordered to stay away from her codefendant, pay fees, fines, and restitution, and comply with
7 felony probation terms.

8 c. The facts that led to the conviction are that on the afternoon of October 11,
9 2013, a deputy with the San Diego County Sheriff's Department observed a vehicle driven by
10 Respondent with no front license plate. After conducting a traffic stop, the deputy observed
11 Respondent's husband sitting in the back seat of the vehicle with their two-year-old daughter.
12 Respondent's husband exhibited the signs and symptoms of recent heroin use. After having the
13 occupants exit the vehicle, deputies found pieces of plastic consistent with packaging narcotics in
14 the area adjacent to where the child had been sitting. After interviewing Respondent, deputies
15 learned that Respondent permitted her husband to babysit their child while she was at work all
16 day. She admitted she knew that he was a heroin addict, and that he was under the influence of
17 heroin while babysitting their child, but she had no other choice for childcare. Respondent gave
18 the Sheriff's Department permission to search her residence, and a search warrant was obtained.
19 Sheriff's detectives located multiple baggies of heroin and methamphetamine, along with drug
20 paraphernalia in the bathroom within easy reach of their two-year-old daughter. The residence
21 was described as filthy and cluttered, with food on the floor and bugs crawling everywhere.
22 Detectives found packaging materials, an electronic scale, and evidence of drug use through out
23 the residence. In an interview with Respondent's husband, he admitted to being a heroin addict
24 since he was 16 years old, and that he sells heroin out of the residence. Detectives confiscated all
25 the evidence, Respondent and her husband were arrested, and child protective services took their
26 daughter into protective custody.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Acts Involving Moral Turpitude or Corruption)

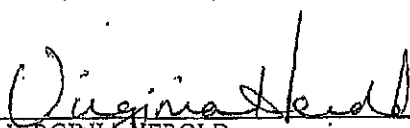
3 14. Respondent has subjected her registration to discipline under section 4301,
4 subdivision (f) of the Code in that her conduct, as described in paragraph 13, above, is evidence
5 of moral turpitude and corruption. Respondent willfully and knowingly exposed her daughter to
6 extremely hazardous and dangerous conditions by leaving her in the care and custody of a known
7 heroin addict, in an environment where she was within easy reach of narcotics that could have
8 caused serious injury or death.

9 PRAYER

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

- 12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 51670,
13 issued to Alicia Maria Madrid, also known as Alicia Maria Alatorre;
- 14 2. Ordering Alicia Maria Madrid to pay the Board of Pharmacy the reasonable costs of
15 the investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

18
19
20 DATED: 7/21/15


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

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