



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
 Phone: (916) 574-7900
 Fax: (916) 574-8618
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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

2017 FEB 23 AM 7:08

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Selene Reyes</u>	Case No. <u>SI 5402</u>
Address of Record: <u>15741 Francisquito ave #D4</u> <u>La Puente, CA, 91744</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. SI 5402, I hereby request to surrender my pharmacy technician license, License No. TCH 141663. 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.

Selene Reyes
 Applicant's Signature

02/22/17
 Date

J. Heide
 Executive Officer's Approval

2/27/17
 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 Statement of Issues
Against:

SELENE REYES
15741 Francisquito Ave #D4
La Puente, CA 91744

Pharmacy Technician Registration
Respondent.

Case No. 5402

OAH No. 2016031072

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 January 19, 2017.

It is so ORDERED December 20, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 BORA S. McCUTCHEON
Deputy Attorney General
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300 So. Spring Street, Suite 1702
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Attorneys for Complainant
7

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

11 In the Matter of the Statement of Issues
Against:

12 **SELENE REYES**
13 15741 Francisquito Ave #D4
La Puente, CA 91744

14 **Pharmacy Technician Registration**

15 Respondent.
16

Case No. 5402

OAH No. 2016031072

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
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 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Kamala D. Harris, Attorney General of the State of California, by Bora S. McCutcheon, Deputy
24 Attorney General.

25 2. Respondent Selene Reyes (Respondent) is represented in this proceeding by attorney
26 Brian Hurwitz, whose address is: 1100 South Hope Street, Suite 103, Los Angeles, CA 90015.

27 3. On or about May 5, 2014, Respondent filed an application dated April 30, 2014, with
28 the Board to obtain a Pharmacy Technician Registration.

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JURISDICTION

4. Statement of Issues No. 5402 was filed before the Board, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on November 6, 2015.

5. A copy of Statement of Issues No. 5402 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. 5402. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 5402.

10. Respondent agrees that her Pharmacy Technician Registration is subject to denial and she agrees to be bound by the Board's probationary terms 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

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

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

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

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

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Respondent Selene Reyes that Pharmacy Technician
22 Registration will be issued and immediately revoked. The revocation will be stayed and the
23 Respondent placed on five (5) years probation on the following terms and conditions.

24 1. Certification Prior to Resuming Work

25 Respondent shall be automatically suspended from working as a pharmacy technician until
26 she is certified as defined by Business and Professions Code section 4202, subdivision (a)(4) and
27 provides satisfactory proof of certification to the board. Respondent shall not resume working as
28 a pharmacy technician until notified by the board. Failure to achieve certification within one (1)

1 year shall be considered a violation of probation. Respondent shall not resume working as a
2 pharmacy technician until notified by the board.

3 During suspension, Respondent shall not enter any pharmacy area or any portion of any
4 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
5 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
6 devices or controlled substances are maintained. Respondent shall not do any act involving drug
7 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent
8 manage, administer, or assist any licensee of the board. 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 Subject to the above restrictions, Respondent may continue to own or hold an interest in
12 any licensed premises by the board in which he holds an interest at the time this decision becomes
13 effective unless otherwise specified in this order.

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

15 **2. Obey All Laws**

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

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

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

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

2 **3. Report to the Board**

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

11 **4. Interview with the Board**

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

17 **5. Cooperate with Board Staff**

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

21 **6. Notice to Employers**

22 During the period of probation, Respondent shall notify all present and prospective
23 employers of the decision in case number 5402 and the terms, conditions and restrictions imposed
24 on Respondent by the decision, as follows:

25 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
26 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,
27 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
28 tenure of employment) and owner to report to the board in writing acknowledging that the listed

1 individual(s) has/have read the decision in case number 5402 and the terms and conditions
2 imposed thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or
3 supervisor(s) submit timely acknowledgement(s) to the board.

4 If Respondent works for or is employed by or through a pharmacy employment service,
5 Respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
6 of the terms and conditions of the decision in case number 5402 in advance of the Respondent
7 commencing work at each pharmacy. A record of this notification must be provided to the board
8 upon request.

9 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
10 (15) days of Respondent undertaking any new employment by or through a pharmacy
11 employment service, Respondent shall cause his direct supervisor with the pharmacy employment
12 service to report to the board in writing acknowledging that he has read the decision in case
13 number 5402 and the terms and conditions imposed thereby. It shall be Respondent's
14 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely
15 acknowledgment(s) to the board.

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

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

24 **7. Probation Monitoring Costs**

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

1 **8. 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 suspension or probation is
4 tolled. Failure 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 **9. License Surrender While on Probation/Suspension**

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

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

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

26 Respondent shall notify the board in writing within ten (10) days of any change of
27 employment. Said notification shall include the reasons for leaving, the address of the new
28 employer, the name of the supervisor and owner, and the work schedule if known. Respondent

1 shall further notify the board in writing within ten (10) days of a change in name, residence
2 address and mailing address, or phone number.

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

5 **11. Tolling of Probation**

6 Except during periods of suspension, Respondent shall, at all times while on probation, be
7 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.
8 Any month during which this minimum is not met shall toll the period of probation, i.e., the
9 period of probation shall be extended by one month for each month during which this minimum is
10 not met. During any such period of tolling of probation, Respondent must nonetheless comply
11 with all terms and conditions of probation.

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

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

20 "Cessation of work" means calendar month during which Respondent is not working
21 for at least 40 hours as a pharmacy technician, as defined in Business and Professions Code
22 section 4115. "Resumption of work" means any calendar month during which Respondent
23 is working as a pharmacy technician for at least 40 hours as a pharmacy technician as
24 defined by Business and Professions Code section 4115.

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12. Violation of Probation

If a 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.

13. Completion of Probation

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

14. Attend Substance Abuse Recovery Relapse Prevention and Support Groups

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

15. Random Drug Screening

Respondent, at his own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug

1 screening program as directed by the board or its designee. Respondent may be required to
2 participate in testing for the entire probation period and the frequency of testing will be
3 determined by the board or its designee. At all times Respondent shall fully cooperate with the
4 board or its designee, and shall, when directed, submit to such tests and samples for the detection
5 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
6 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
7 of probation. Upon request of the board or its designee, Respondent shall provide documentation
8 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
9 a necessary part of the treatment of the Respondent. Failure to timely provide such
10 documentation shall be considered a violation of probation. Any confirmed positive test for
11 alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented
12 medical treatment shall be considered a violation of probation and shall result in the automatic
13 suspension of work by Respondent. Respondent may not resume work as a pharmacy technician
14 until notified by the board in writing.

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

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

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

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1 **16. Work Site Monitor**

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

12 **17. Notification of Departure**

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

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

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

1 **19. Prescription Coordination and Monitoring of Prescription Use**

2 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
3 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
4 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
5 Respondent's history with the use of alcohol, controlled substances, and/or dangerous drugs, and
6 who will coordinate and monitor any prescriptions for Respondent for dangerous drugs,
7 controlled substances or mood-altering drugs. The approved practitioner shall be provided with a
8 copy of the Board's Statement of Issues and decision. A record of this notification must be
9 provided to the Board upon request. Respondent shall sign a release authorizing the practitioner
10 to communicate with the Board about Respondent's treatment(s). The coordinating physician,
11 nurse practitioner, physician assistant, or psychiatrist shall report to the Board on a quarterly basis
12 for the duration of probation regarding Respondent's compliance with this condition. If any
13 substances considered addictive have been prescribed, the report shall identify a program for the
14 time limited use of any such substances. The Board may require that the single coordinating
15 physician, nurse practitioner, physician assistant or psychiatrist be a specialist in addictive
16 medicine, or consult a specialist in addictive medicine. Should Respondent, for any reason, cease
17 supervision by the approved practitioner, Respondent shall notify the Board immediately and,
18 within thirty (30) days of ceasing treatment, submit the name of a replacement physician, nurse
19 practitioner, physician assistant, or psychiatrist of Respondent's choice to the Board or its
20 designee for its prior approval. Failure to timely submit the selected practitioner or replacement
21 practitioner to the Board for approval, or to ensure the required reporting thereby on the quarterly
22 reports, shall be considered a violation of probation.

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

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

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

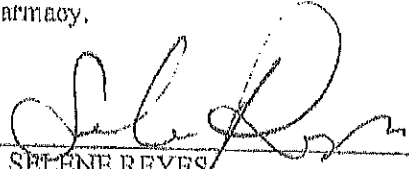
13 Failure to comply with this suspension shall be considered a violation of probation. During
14 suspension, Respondent shall not engage in any activity that requires the professional judgment of
15 a pharmacy technician. Respondent shall not direct or control any aspect of the practice of
16 pharmacy. Respondent shall not perform the duties of a pharmacy technician or a designated
17 representative for any entity licensed by the Board.

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

19 **ACCEPTANCE**

20 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
21 discussed it with my attorney, Brian Hurwitz. I understand the stipulation and the effect it will
22 have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and
23 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
24 Decision and Order of the Board of Pharmacy.

25
26 DATED: 9/15/14



SELENE REYES
Respondent

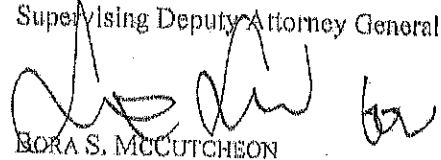
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I have read and fully discussed with Respondent Selene Reyes the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 9/15/16 
BRIAN HURWITZ
Attorney for Respondent

ENDORSEMENT

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

Dated: Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General

BORA S. MCCUTCHEON
Deputy Attorney General
Attorneys for Complainant

LA2015500466
52221856.doc

Exhibit A

Statement of Issues No. 5402

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2542
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
Against:

Case No. 5402

12 **SELENE REYES**

STATEMENT OF ISSUES

13 Pharmacy Technician Registration Applicant

14 Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about May 5, 2014, the Board received an application for a Pharmacy
23 Technician Registration from Selene Reyes (Respondent). On or about April 30, 2014,
24 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
25 representations in the application. The Board denied the application on October 13, 2014.

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1 JURISDICTION

2 3. This Statement of Issues is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code unless otherwise
4 indicated.

5 4. Section 4300, subdivision (c), states, in pertinent part:

6 "The board may refuse a license to any applicant guilty of unprofessional conduct. The
7 board may, in its sole discretion, issue a probationary license to any applicant for a license who is
8 guilty of unprofessional conduct and who has met all other requirements for licensure. . . ."

9 STATUTORY AND REGULATORY PROVISIONS

10 5. Section 480 states, in pertinent part:

11 "(a) A board may deny a license regulated by this code on the grounds that the applicant
12 has one of the following:

13

14 "(3) (A) Done any act that if done by a licentiate of the business or profession in
15 question, would be grounds for suspension or revocation of license.

16 "(B) The board may deny a license pursuant to this subdivision only if the crime or
17 act is substantially related to the qualifications, functions, or duties of the business or
18 profession for which application is made.

19 "(c) Notwithstanding any other provisions of this code, a person shall not be denied a
20 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,
21 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been
22 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof
23 of the dismissal."

24 6. Section 492 states:

25 "Notwithstanding any other provision of law, successful completion of any diversion
26 program under the Penal Code, or successful completion of an alcohol and drug problem
27 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of
28 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2

1 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
2 division, from taking disciplinary action against a licensee or from denying a license for
3 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
4 record pertaining to an arrest.

5 "This section shall not be construed to apply to any drug diversion program operated by any
6 agency established under Division 2 (commencing with Section 500) of this code, or any initiative
7 act referred to in that division."

8 7. Section 4301 states, in pertinent part:

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

12

13 "(j) The violation of any of the statutes of this state, or any other state, or of the United
14 States regulating controlled substances and dangerous drugs."

15 8. **CONTROLLED SUBSTANCE**

16 "Methamphetamine," is a Schedule II controlled substance as defined in Health and Safety
17 Code section 11055(d)(2) and is categorized as a dangerous drug pursuant to section 4022.

18 **CAUSE FOR DENIAL OF APPLICATION**

19 **(Acts Warranting Denial of Licensure)**

20 9. Respondent's application is subject to denial under sections 4301, subdivision (j) and
21 480, subdivisions (a)(3)(A) and (a)(3)(B), in that Respondent committed acts which if done by a
22 registered pharmacy technician would be grounds for suspension or revocation of the license as
23 follows:

24 a. On or about April 15, 2013, a Los Angeles Police officer conducted a traffic
25 enforcement stop after Respondent failed to stop at a clearly posted stop sign. When asked for her
26 identification, Respondent indicated it was in her purse. Respondent consented to a search of her
27 purse so the officer could retrieve her ID. When the officer opened the purse, he found 3

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1 individual clear plastic bindles that contained a crystalline substance that he recognized as
2 Methamphetamine.

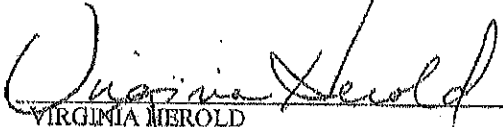
3 b. On or about June 5, 2013, after pleading guilty, the Court placed Respondent on 18
4 months Deferred Entry of Judgment for violating Health and Safety code section 11377,
5 subdivision (a) [possession of a controlled substance] in the criminal proceeding entitled *The*
6 *People of the State of California v. Selene Reyes* (Super. Ct. Los Angeles County, 2013, No.
7 BA410187). On or about December 5, 2014, the Court dismissed the case after Respondent
8 successfully completed the deferred entry of judgment program.

9 **PRAYER**

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

- 12 1. Denying the application of Selene Reyes for a Pharmacy Technician Registration; and
13 2. Taking such other and further action as deemed necessary and proper.

14
15 DATED: 10/6/15


16 VIRGINIA HEROLD
17 Executive Officer
18 Board of Pharmacy
19 Department of Consumer Affairs
20 State of California
21 Complainant

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