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8	BEFORE THE	
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CALIF(DRNIA
11	In the Matter of the Accusation Against:	Case No. 5608
12	LISA ANN HASENBERG	DEFAULT DECISION
13	3110 Jefferson Street C Carlsbad, CA 92008	AND ORDER
14	Pharmacy Technician Registration No. TCH 77620	[Gov. Code, §11520]
15	Respondent.	
16	an a	
17	FINDINGS OF FACT	
18	1. On December 21, 2015, Complainant Vir	ginia K. Herold, in her official capacity
19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed	
20	Accusation No. 5608 against Lisa Ann Hasenberg (Resp	ondent) before the Board of
21	Pharmacy(Board). (Accusation attached as Exhibit A.)	
22	2. On August 10, 2007, the Board issued Pharmacy Technician Registration No.	
23	TCH 77620 to Respondent. The Pharmacy Technician Registration was in full force and effect at	
24	all times relevant to the charges brought in Accusation N	lo. 5608 and will expire on November
25	30, 2016, unless renewed.	
26	3. On December 31, 2015, Respondent was	-
27	copies of Accusation No. 5608, Statement to Responden	· · · · · · · · · · · · · · · · · · ·
28	Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)	
YMANNAL A LIVE	(LISA ANN HASENBERG) I	DEFAULT DECISION & ORDER Case No. 5608

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1	at Respondent's address of record which, pursuant to Business and Professions Code (Code)		
2	section 4100, is required to be reported and maintained with the Board. Respondent's address of		
3	record was and is 3110 Jefferson Street C, Carlsbad, CA 92008.		
4	4. Service of the Accusation was effective as a matter of law under the provisions of		
5	Government Code section 11505, subdivision (c) and Code section 124.		
6	5. On January 12, 2016, the aforementioned documents were returned by the U.S.		
7	Postal Service marked "Addressee Unknown." The address on the documents was the same as		
8	the address on file with the Board. Respondent failed to maintain an updated address with the		
9	Board and the Board has made attempts to serve the Respondent at the address on file.		
10	Respondent has not made herself available for service and therefore, has not availed herself of		
11	her right to file a notice of defense and appear at hearing.		
12	6. Government Code section 11506 states, in pertinent part:		
13	(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific		
14 15	respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts 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.		
16	7. Respondent failed to file a Notice of Defense within 15 days after service upon		
17	her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation		
18	No. 5608.		
19	8. California Government Code section 11520 states, in pertinent part:		
20	(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express		
21	admissions or upon other evidence and affidavits may be used as evidence		
22	without any notice to respondent.		
23	9. Pursuant to its authority under Government Code section 11520, the Board finds		
24	Respondent is in default. The Board will take action without further hearing and, based on the		
25	relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as		
26	taking official notice of all the investigatory reports, exhibits and statements contained therein on		
27	file at the Board's offices regarding the allegations contained in Accusation No. 5608, finds that		
28	///		
	2 (LISA ANN HASENBERG) DEFAULT DECISION & ORDER Case No. 5608		
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1	the charges and allegations in Accusation No. 5608, are separately and severally, found to be true	
2	and correct by clear and convincing evidence.	
3	10. Taking official notice of its own internal records, pursuant to Business and	
4	Professions Code section 125.3, it is hereby determined that the reasonable costs for	
5	Investigation and Enforcement is \$2,090.00 as of February 8, 2016.	
6	DETERMINATION OF ISSUES	
7	1. Based on the foregoing findings of fact, Respondent Lisa Ann Hasenberg has	
8	subjected her Pharmacy Technician Registration No. TCH 77620 to discipline.	
9	2. The agency has jurisdiction to adjudicate this case by default.	
10	3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy	
11	Technician Registration based upon the following violations alleged in the Accusation which are	
12	supported by the evidence contained in the Default Decision Evidence Packet in this case:	
13	a. Respondent has subjected her Pharmacy Technician Registration to	
14	discipline under Code section 4301, subdivision (h) in that Respondent used alcohol to the extent	
15	and in a manner that impaired her ability to conduct with safety to the public the practice	
16	authorized by her pharmacy technician registration. The circumstances are that on March 26,	
17	2015, while under the influence of alcohol, Respondent reported for work as a registered	
18	pharmacy technician at a Costeo pharmacy in Carlsbad, California.	
19	b. Respondent has subjected her Pharmacy Technician Registration to	
20	discipline under Code section 4301, subdivision (o), in that Respondent was under the influence	
21	of alcoholic beverages while on duty and selling or dispensing drugs on March 26, 2015, at a	
22	retail pharmacy, in violation of Code section 4327, a state law of California governing pharmacy.	
23	c. Respondent has subjected her Pharmacy Technician Registration to	
24	discipline under Code section 4301, subdivision (p), in that on March 26, 2015, Respondent used	
25	alcohol to the extent and in a manner that impaired her ability to conduct with safety to the	
26	public, a violation of pharmacy law and conduct that would have warranted the denial of a	
·27	pharmacy technician registration under Code section 480, subdivision (a)(1).	
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	3 (LISA ANN HASENBERG) DEFAULT DECISION & ORDER Case No. 5608	

1	ORDER		
2	IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 77620, heretofore		
3	issued to Respondent Lisa Ann Hasenberg, is revoked.		
4	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a		
5	written motion requesting that the Decision be vacated and stating the grounds relied on within		
6	seven (7) days after service of the Decision on Respondent. The agency in its discretion may		
7	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.		
8	This Decision shall become effective at 5:00 p.m. on April 1, 2016.		
9	It is so ORDERED March 2, 2016.		
10	BOARD OF PHARMACY		
11	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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13	Aghcfortig		
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15	By Amy Gutierrez, Pharm.D.		
16	Board President		
17	81264069,DOC		
18	DOJ Matter ID:SD2015802304		
19	Attachment: Exhibit A: Accusation		
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]	(LISA ANN HASENBERG) DEFAULT DECISION & ORDER Case No. 5608		

Exhibit A

Accusation

(LISA ANN HASENBERG)

1	KAMALA D. HARRIS Attorney General of California					
2						
3	JAMES M. LEDAKIS Supervising Deputy Attorney General					
4	State Bar No. 132645 600 West Broadway, Suite 1800					
5	San Diego, CA 92101 P.O. Box 85266					
6	San Diego, CA 92186-5266					
7	Telephone: (619) 645-2105 Facsimile: (619) 645-2061					
8	Attorneys for Complainant					
9	BEFORE THE BOARD OF PHARMACY					
10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA					
11]				
12	In the Matter of the Accusation Against:	Case No. 5608				
13	LISA ANN HASENBERG 3110 Jefferson Street C	ACCUSATION				
14	Carlsbad, CA 92008					
15	Pharmacy Technician Registration No. TCH 77620					
16	Respondent.					
17	Complainant alleges:					
18	PARTIES					
19	1. Virginia Herold (Complainant) brings this Accusation solely in her official					
20	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.					
21	2. On August 10, 2007, the Board of Pharmacy issued Pharmacy Technician					
22	Registration Number TCH 77620 to Lisa Ann Hasenberg	g (Respondent). The Pharmacy				
23	Technician Registration was in full force and effect at all times relevant to the charges brought					
24	herein and will expire on November 30, 2016, unless ren	ewed.				
25	JURISDICTION	N .				
26	3. This Accusation is brought before the Boa	ard of Pharmacy (Board), Department of				
27	Consumer Affairs, under the authority of the following la	aws. All section references are to the				
28	Business and Professions Code unless otherwise indicate	d.				
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		(LISA ANN HASENBERG) ACCUSATION				

1	4.	Section 4300, subdivision (a), of the Code provides that every license issued by				
2	the Board may be suspended or revoked.					
3	5.	Section 4300.1 of the Code states:				
4		The expiration, cancellation, forfeiture, or suspension of a board-issued				
5	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.					
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8	STATUTORY PROVISIONS					
9	6.	Section 482 of the Code states:				
10	evalua	Each board under the provisions of this code shall develop criteria to te the rehabilitation of a person when:				
1]		(a) Considering the denial of a license by the board under Section 480; or				
12		(b) Considering suspension or revocation of a license under Section 490.				
13	Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.					
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5	- 7.	Section 492 of the Code states:				
6	مىلىمىيە ئالە	Notwithstanding any other provision of law, successful completion of any				
7	diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with Section					
8	23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 (commencing with Section 500) of this					
9	code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct,					
1	notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest. This section shall not be construed to apply to any drug					
2	diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in					
3	that div	vision.				
4	8.	Section 4301 of the Code states:				
5		The board shall take action against any holder of a license who is guilty of				
6	misrepi	essional conduct or whose license has been procured by fraud or resentation or issued by mistake. Unprofessional conduct shall include, but				
7	is not li	mited to, any of the following:				
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(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

(p) Actions or conduct that would have warranted denial of a license.

9. Section 4327 of the Code states:

. . . .

. . . .

Any person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor.

REGULATORY PROVISIONS

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

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

COST RECOVERY

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

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(LISA ANN HASENBERG) ACCUSATION

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Dangerous Use of Alcohol)

Respondent has subjected her Pharmacy Technician Registration to discipline 12. 3 under Code section 4301, subdivision (h) in that Respondent used alcohol to the extent and in a 4 manner that impaired her ability to conduct with safety to the public the practice authorized by 5 her pharmacy technician registration. The circumstances are that on March 26, 2015, while under 6 the influence of alcohol, Respondent reported for work as a registered pharmacy technician at a 7 Costco pharmacy in Carlsbad, California. After observing Respondent to be under the influence 8 of alcohol, her employer sent a laboratory technician to conduct a chemical test. Respondent's Q, two breath samples, taken 17 minutes apart, both indicated a blood alcohol concentration (BAC) 10 of .234 percent. 11 SECOND CAUSE FOR DISCIPLINE 12

(Unprofessional Conduct - Violation of Pharmacy Laws)

Respondent has subjected her Pharmacy Technician Registration to discipline 13. 14 under Code section 4301, subdivision (o), in that Respondent was under the influence of 15 alcoholic beverages while on duty and selling or dispensing drugs on March 26, 2015, at a retail 16 pharmacy, in violation of Code section 4327, a state law of California governing pharmacy. 17

THIRD CAUSE FOR DISCIPLINE

(Conduct That Would Have Warranted Denial of a License)

Respondent has subjected her Pharmacy Technician Registration to discipline 14. 20 under Code section 4301, subdivision (p), in that on March 26, 2015, Respondent used alcohol to 21 the extent and in a manner that impaired her ability to conduct with safety to the public, a 22 violation of pharmacy law and conduct that would have warranted the denial of a pharmacy 23 technician registration under Code section 480, subdivision (a)(1). $\mathbf{24}$

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein 26 alleged, and that following the hearing, the Board of Pharmacy issue a decision: 27

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(LISA ANN HASENBERG) ACCUSATION

1. Revoking or suspending Pharmacy Technician Registration Number TCH 77620, 1 issued to Lisa Ann Hasenberg; 2 Ordering Lisa Ann Hasenberg to pay the Board of Pharmacy the reasonable costs 2. 3 of the investigation and enforcement of this case, pursuant to Business and Professions Code 4 section 125.3; and 5 3. Taking such other and further action as deemed necessary and proper. 6 7 8 9 12/21/15 DATED: 10 VIRGINIA HERO 11 Executive Dfficer Board of Pharmacy 12 Department of Consumer Affairs State of California 13 Complainant SD2015802304 14 81182841.doc 15 16 17 18 19 20 21 22 23 24 25 26 27 28 5 (LISA ANN HASENBERG) ACCUSATION