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

In the Matter of the Accusation Against:

Case No. 5658

KAREN CLEO VENITA MCMILLAN 793 14th Street San Pedro, CA 90731 Pharmacy Technician Registration No. TCH 84800

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 8, 2016.

It is so ORDERED on June 8, 2016.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Amy Gutierrez, Pharm.D. Board President

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1 2 3 4 5 6	KAMALA D. HARRIS Attorney General of California ARMANDO ZAMBRANO Supervising Deputy Attorney General CHRISTINE J. LEE Deputy Attorney General State Bar No. 282502 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2539 Facsimile: (213) 897-2804 Attorneys for Complainant		
7 8 9	BEFOR BOARD OF H DEPARTMENT OF C STATE OF C	PHARMACY ONSUMER AFFAIRS	
10	In the Matter of the Accuration Acciment	Core No. 5659	
11	In the Matter of the Accusation Against: KAREN CLEO VENITA MCMILLAN	Case No. 5658	
-12-	793–14th-Street San Pedro, CA 90731	STIPULATED SURRENDER OF	
13	Pharmacy Technician Registration No. TCH 84800	LICENSE AND ORDER	
14	Respondent.		
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16	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
17	entitled proceedings that the following matters ar	•	
18		<u>TIES</u>	
19 20	for a second for the second	Executive Officer of the Board of Pharmacy.	
20	She brought this action solely in her official capa		
21 22	D. Harris, Attorney General of the State of California, by Christine J. Lee, Deputy Attorney		
22	2. Karen Cleo Venita McMillan (Respo	ondent) is representing herself in this proceeding	
23 24	and has chosen not to exercise her right to be rep		
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26	3. On or about July 28, 2008, the Board of Pharmacy issued Pharmacy Technician		
20 27	Registration No. TCH 84800 to Karen Cleo Venita McMillan (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in		
28	Accusation No. 5658 and will expire on November 30, 2017, unless renewed.		
		1 Stipulated Surrender of License (Case No. 5658)	

Stipulated Surrender of License (Case No. 5658)

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	1	JURISDICTION
	2	4. Accusation No. 5658 was filed before the Board of Pharmacy (Board), Department of
	3	Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
	4	statutorily required documents were properly served on Respondent on April 7, 2016.
·	5	Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
	6	No. 5658 is attached as Exhibit A and incorporated by reference.
	7	ADVISEMENT AND WAIVERS
	8	5. Respondent has carefully read, and understands the charges and allegations in
	9	Accusation No. 5658. Respondent also has carefully read, and understands the effects of this
	10	Stipulated Surrender of License and Order.
	11	6. Respondent is fully aware of her legal rights in this matter, including the right to a
	12	hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
	13	her own expense; the right to confront and cross-examine the witnesses against her; the right to
	14	present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
	15	compel the attendance of witnesses and the production of documents; the right to reconsideration
•	16	and court review of an adverse decision; and all other rights accorded by the California
	17	Administrative Procedure Act and other applicable laws.
•	18	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
	19	every right set forth above.
	20	<u>CULPABILITY</u>
	21	8. Respondent admits the truth of each and every charge and allegation in Accusation
	22	No. 5658, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
	23	Registration No. TCH 84800 for the Board's formal acceptance.
	24	9. Respondent understands that by signing this stipulation she enables the Board to issue
	25	an order accepting the surrender of her Pharmacy Technician Registration without further
	26	process.
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	1	Stipulated Surrender of License (Case No. 5658)

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1	CONTINGENCY
2	10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3	understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4	communicate directly with the Board regarding this stipulation and surrender, without notice to or
5	participation by Respondent. By signing the stipulation, Respondent understands and agrees that
6	she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
7	considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
8	the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9	paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10	be disqualified from further action by having considered this matter.
11	11. The parties understand and agree that Portable Document Format (PDF) and facsimile
12	copies of this Stipulated Surrender of License and Order, including Portable Document Format
13	(PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
14	12. This Stipulated Surrender of License and Order is intended by the parties to be an
15	integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16	It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17	negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
18	may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
19	executed by an authorized representative of each of the parties.
20	13. In consideration of the foregoing admissions and stipulations, the parties agree that
21 ·	the Board may, without further notice or formal proceeding, issue and enter the following Order:
22	ORDER
23	IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 84800, issued
24	to Respondent Karen Cleo Venita McMillan, is surrendered and accepted by the Board of
25	Pharmacy.
26	1. • The surrender of Respondent's Pharmacy Technician Registration and the acceptance
27	of the surrendered license by the Board shall constitute the imposition of discipline against
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Stipulated Surrender of License (Case No. 5658)

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Respondent. This stipulation constitutes a record of the discipline and shall become a part of
 Respondent's license history with the Board of Pharmacy.

Respondent shall lose all rights and privileges as a pharmacy technician in California
 as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in
the State of California, the Board shall treat it as a new application for licensure. Respondent
must comply with all the laws, regulations and procedures for reinstatement of a revoked license
in effect at the time the petition is filed, and all of the charges and allegations contained in
Accusation No. 5658 shall be deemed to be true, correct and admitted by Respondent when the
Board determines whether to grant or deny the petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$1,892.50 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or
 petition for reinstatement of a license, by any other health care licensing agency in the State of
 California, all of the charges and allegations contained in Accusation, No. 5658 shall be deemed
 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
 other proceeding seeking to deny or restrict licensure.

7. Respondent may not apply for any license, permit, or registration from the board for
three (3) years from the effective date of this decision. Respondent stipulates that should she
apply for any license from the board on or after the effective date of this decision, all allegations
set forth in the accusation shall be deemed to be true, correct and admitted by respondent when
the board determines whether to grant or deny the application.

8. Respondent shall satisfy all requirements applicable to that license as of the date the
application is submitted to the board, including, but not limited to certification by a nationally
recognized body prior to the issuance of a new license. Respondent is required to report this
surrender as disciplinary action.

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1	ACCEPTANCE	
2	I have carefully read the Stipulated Surrender of License and Order. I understand the	
3	stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this	
4	Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to	
5	be bound by the Decision and Order of the Board of Pharmacy.	
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7	DATED: 5316 Kenen Manielon	
8	KAREN CLEO VENITA MCMILLAN Respondent	
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1	ENDORSEMENT			
2	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted			
3	for consideration by the Board of Pharmacy of the Department of Consumer Affairs.			
4	Dated: 5/4/16 Respectfully submitted,			
5	KAMALA D. HARRIS			
6	Attorney General of California ARMANDO ZAMBRANO			
7	Supervising Deputy Attorney General			
8	Mad			
9	CHRISTINE J. LEE			
10	Deputy Attorney General Attorneys for Complainant			
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	Stipulated Surrender of License (Case No. 565			

Exhibit A

Accusation No. 5658

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	1	KAMALA D. HARRIS Attorney General of California LINDA K. SCHNEIDER	
	3	Senior Assistant Attorney General THOMAS L. RINALDI	
	4	Supervising Deputy Attorney General State Bar No. 206911	
		300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2541 Facsimile: (213) 897-2804	
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	8	BEFORE	
	9	BOARD OF PH DEPARTMENT OF COP	SUMER AFFAIRS
	10	STATE OF CAI	JIFORNIA
	11	In the Matter of the Accusation Against:	Case No. 5658
	12	KAREN CLEO VENITA MCMILLIAN	ACCUSATION
	13	793 14th Street San Pedro, CA 90731	
	14	Pharmacy Technician Registration No. TCH 84800	
	15	Respondent.	
	16	·	
	17	Complainant alleges:	
18 PARTIES		<u>28</u>	
	19	1. Virginia Herold (Complainant) brings thi	s Accusation solely in her official capacity as
	20	the Executive Officer of the Board of Pharmacy (Bo	ard), Department of Consumer Affairs.
	21	2. On or about July 28, 2008, the Board issued Pharmacy Technician Registration No.	
	22		
 Registration was in full force and effect at all times relevant to the charges brought herein and expire on November 30, 2017, unless renewed. <u>JURISDICTION</u> 		elevant to the charges brought herein and will	
		JURISDICTION	
	26	3. This Accusation is brought before the Be	pard under the authority of the following laws
	27 All section references are to the Business and Professions Code unless otherwise indicated.		ssions Code unless otherwise indicated.
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Section 4300 provides in pertinent part, that every license issued by the Boards is 4. 1 subject to discipline, including suspension or revocation. 2

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Section 4300.1 states, in pertinent part:

"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."

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STATUTORY PROVISIONS

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6. Section 4301 states, in pertinent part:

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

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not. 17

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The conviction of a crime substantially related to the qualifications, functions, and "(1) 19 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 20 (commencing with Section 801) of Title 21 of the United States Code regulating controlled 21 substances or of a violation of the statutes of this state regulating controlled substances or 22 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 23 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. 24 The board may inquire into the circumstances surrounding the commission of the crime, in order to 25 fix the degree of discipline or, in the case of a conviction not involving controlled substances or 26 dangerous drugs, to determine if the conviction is of an offense substantially related to the 27 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or 28

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(KAREN CLEO VENITA MCMILLIAN) ACCUSATION

a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a 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."

REGULATORY PROVISIONS

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California Code of Regulations, title 16, section 1770, states: 7.

"For the purpose of denial, suspension, or revocation of a personal or facility license 10 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 11 crime or act shall be considered substantially related to the qualifications, functions or duties of a 12 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 13 licensee or registrant to perform the functions authorized by his license or registration in a manner 14 consistent with the public health, safety, or welfare." 15

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

Respondent is subject to disciplinary action under sections 4300, and 4301, 18 8. subdivision (l), in conjunction with, California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime substantially related to the qualifications, functions, and 20 duties of a pharmacy technician, as follows:

On or about May 6, 2015, after pleading nolo contendere, Respondent was convicted 22 a. of one felony count of violating Penal Code section 487, subdivision (a) [grand theft by 23 embezzlement] in the criminal proceeding entitled The People of the State of California v. Karen 24 McMillan (Super. Ct. L.A. County, 2015, No. NA100598). The Court ordered Respondent to 25 pay restitution to the victim in the amount of \$39,669.00. 26

The circumstances surrounding the conviction are that in or between 2003 and 2012, 27 Ъ. Respondent took \$39,669 in funds from her employer. 28

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1 SECOND CAUSE FOR DISCIPLINE			CAUSE FOR DISCIPLINE	
2 (Acts Involving Dishonesty, Fraud, or Deceit)			Dishonesty, Fraud, or Deceit)	
	3	3 9. Respondent is subject to disciplinary action under section 4301, subdivision		
	4 grounds of unprofessional conduct, in that Respondent committed acts involving dishone			
	5 or deceit with the intent to substantially benefit herself, or substantially injure another.			
6 Complainant refers to, and by this reference incorporates, the allegations s			ce incorporates, the allegations set forth above in	
	7	paragraph 8, as though set forth fully		
	8	PRAYER		
	9	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
	10	and that following the hearing, the Board	issue a decision:	
	11	1. Revoking or suspending Pharmacy Technician Registration No.TCH 84800, issued to		
12 Karen Cleo Venita McMillian;				
	13	2. Ordering Karen Cleo Venita McMillian to pay the Board the reasonable costs of the		
	14	investigation and enforcement of this case, pursuant to section 125.3; and		
	15	3. Taking such other and further action as deemed necessary and proper.		
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	17	alialu	γ · · · · · ·	
·	18	DATED: 3/19/16	Ugine Stere	
· · _	19		VIRGINIA HEROLD Executive Officer	
	20		Board of Pharmacy Department of Consumer Affairs	
	21		State of California Complainant	
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		·	4 (KAREN CLEO VENITA MCMILLIAN) ACCUSATION	