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

In the Matter of the Accusation Against:

MONIQUE CHRISTINE FORD
525 Meadows Court, Apt. C
Vacaville, CA 95688
Pharmacy Technician Registration No. TCH
105028

Respondent.

Case No. 5797

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 8, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5797 against Monique Christine Ford¹ (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about July 9, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 105028 to Respondent. The Pharmacy Technician Registration

¹ The name on the accusation was mistakenly transposed as Christine Monique Ford.

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 5797.
2 However the license expired on May 31, 2016, and has not been renewed. This lapse in licensure,
3 pursuant to Business and Professions Code sections 118(b) and 4300.1 does not deprive the
4 Board of its authority to institute or continue this disciplinary proceeding.

5 3. On or about June 14, 2016, Respondent was served by Certified and First Class Mail
6 copies of the Accusation No. 5797, Statement to Respondent, Notice of Defense, and Request for
7 Discovery at Respondent's address of record which, pursuant to Business and Professions Code
8 section 4100, is required to be reported and maintained with the Board. Respondent's address of
9 record was and is:

10 525 Meadows Court, Apt. C
11 Vacaville, CA 95688.

12 4. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

15 5. On or about June 30, 2016, the aforementioned documents were returned by the U.S.
16 Postal Service marked "Return to Sender." The address on the documents was the same as the
17 address on file with the Board. Respondent failed to maintain an updated address with the Board
18 and the Board has made attempts to serve the Respondent at the address on file. Respondent has
19 not made herself available for service and therefore, has not availed herself of her right to file a
20 notice of defense and appear at hearing.

21 6. Government Code section 11506(c) states, in pertinent part:

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

27 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
28 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5797.

8. California Government Code section 11520(a) states, in pertinent part:

(a) If the respondent either fails to file a notice of defense . . . or to appear at

1 the hearing, the agency may take action based upon the respondent's express
2 admissions or upon other evidence and affidavits may be used as evidence without
3 any notice to respondent

4 9. Pursuant to its authority under Government Code section 11520, the Board finds
5 Respondent is in default. The Board will take action without further hearing and, based on the
6 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
7 taking official notice of all the investigatory reports, exhibits and statements contained therein on
8 file at the Board's offices regarding the allegations contained in Accusation No. 5797, finds that
9 the charges and allegations in Accusation No. 5797, are separately and severally, found to be true
10 and correct by clear and convincing evidence.

11 10. Taking official notice of its own internal records, pursuant to Business and
12 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
13 and Enforcement is \$2,935.00 as of July 8, 2016.

14 DETERMINATION OF ISSUES

15 1. Based on the foregoing findings of fact, Respondent Monique Christine Ford has
16 subjected her Pharmacy Technician Registration No. TCH 105028 to discipline.

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

18 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
19 Registration based upon the following violations alleged in the Accusation which are supported
20 by the evidence contained in the Default Decision Evidence Packet in this case.:

21 a. Respondent is subject to disciplinary action under section 4301, subsection (h), in that
22 Respondent consumed alcohol in a manner that was dangerous to herself, or to any other person,
23 or to the extent that it impaired Respondent's ability to conduct with safety to the public the
24 practice of a pharmacy technician. Respondent consumed alcohol while working as a pharmacy
25 technician.

26 b. Respondent is subject to disciplinary action under code section 4301, subsection(o),
27 in conjunction with 4327 in that Respondent sold, dispensed or compounds a drug while under
28 the influence of alcoholic beverages. On or about July 29, 2015 and on occasions prior to this
date Respondent consumed alcohol while employed as a Pharmacy technician.

1 c. Respondent is subject to disciplinary action under section 4301, subsection (f), in that
2 Respondent was dishonest. On or about July 29, 2015, Respondent was asked if she consumed
3 alcohol while at work. Respondent denied that she consumed alcohol. This was untrue and
4 Respondent knew it was untrue.

5 d. Respondent is subject to disciplinary action under section 4300 of the code in that
6 Respondent was involved in unprofessional conduct. Respondent consumed alcohol at work.

7 ORDER

8 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 105028, heretofore
9 issued to Respondent Monique Christine Ford, is revoked.

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

14 This Decision shall become effective at 5:00 p.m. on October 14, 2016.

15 It is so ORDERED on September 14, 2016.

16 BOARD OF PHARMACY
17 DEPARTMENT OF CONSUMER AFFAIRS
18 STATE OF CALIFORNIA

19 

20
21 By

22 _____
23 Amy Gutierrez, Pharm.D.
24 Board President

25 41559869.DOC
26 DOJ Matter ID:SF2016200549

27 Attachment:
28 Exhibit A: Accusation

Exhibit A

Accusation

(MONIQUE CHRISTINE FORD)

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6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 **MONIQUE CHRISTINE FORD**
12 **525 Meadows Court, Apt. C**
13 **Vacaville, CA 95688**
14 **Pharmacy Technician Registration No. TCH**
105028
15 Respondent.

Case No. 5797

ACCUSATION

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about July 9, 2010, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 105028 to Monique Christine Ford (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein. However, the registration expired on May 31, 2016, and has not been renewed.

25 **JURISDICTION**

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

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4. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

...

"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

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 4301 of the Code states:

"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:

1 ...
2 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
3 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
4 whether the act is a felony or misdemeanor or not.

5 ...
6 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
7 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
8 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
9 to the extent that the use impairs the ability of the person to conduct with safety to the public the
10 practice authorized by the license.

11 ...
12 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
13 violation of or conspiring to violate any provision or term of this chapter or of the applicable
14 federal and state laws and regulations governing pharmacy, including regulations established by
15 the board or by any other state or federal regulatory agency.

16 ..."
17 7. Section 4327 of the Code states:
18 "Any person who, while on duty, sells, dispenses or compounds any drug while under the
19 influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor"

20 COSTS

21 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

25 FIRST CAUSE FOR DISCIPLINE

26 (Dangerous Use of Alcohol)

27 9. Respondent is subject to disciplinary action under section 4301, subsection (h), in
28 that Respondent consumed alcohol in a manner that was dangerous to herself, or to any other

1 person, or to the extent that it impaired Respondent's ability to conduct with safety to the public
2 the practice of a pharmacy technician. Respondent consumed alcohol while working as a
3 pharmacy technician at Vacavalley Hospital pharmacy. On of about July 29, 2015, Respondent
4 was requested by her employer to take an alcohol test. The results of the test revealed
5 Respondent had a blood alcohol level of .33%. Respondent was on duty as a Pharmacy
6 technician when she submitted to the test.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Dispensing or Compounding While Under the Influence of Alcohol)

9 10. Respondent is subject to disciplinary action under code section 4301, subsection(o),
10 in conjunction with 4327 in that Respondent sold, dispensed or compounds a drug while under
11 the influence of alcoholic beverages. On or about July 29, 2015 and on occasions prior to this
12 date Respondent consumed alcohol while employed as a Pharmacy technician. Respondent's
13 duties included dispensing medication and sterile compounding.

14 **THIRD CAUSE FOR DISCIPLINE**

15 (Dishonesty)

16 11. Respondent is subject to disciplinary action under section 4301, subsection (f), in that
17 Respondent was dishonest. On or about July 29, 2015, Respondent was asked if she consumed
18 alcohol while at work. Respondent denied that she consumed alcohol. This was untrue and
19 Respondent knew it was untrue.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 (Unprofessional Conduct)

22 12. Respondent is subject to disciplinary action under section 4300 of the code in that
23 Respondent was involved in unprofessional conduct. Respondent consumed alcohol at work as
24 described in paragraphs 9 and 10.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Pharmacy issue a decision:
28

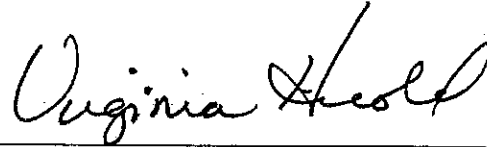
1 1. Revoking or suspending Pharmacy Technician Registration Number TCH 105028,
2 issued to Monique Christine Ford;

3 2. Ordering Monique Christine Ford to pay the Board of Pharmacy the reasonable costs
4 of the investigation and enforcement of this case, pursuant to Business and Professions Code
5 section 125.3;

6 3. Taking such other and further action as deemed necessary and proper.
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8

9
10 DATED:

6/8/16



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

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