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

In the Matter of the Accusation Against:

Case No. 6116

**SHANNON NICHOLE RUIZ
215 E. Emerson Street
Chula Vista, CA 91911**

**DEFAULT DECISION
AND ORDER**

Pharmacy Technician Registration No. TCH 94884

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On July 1, 2017, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6116 against Shannon Nichole Ruiz (Respondent) before the Board of Pharmacy (Board). (Accusation attached as Exhibit A.)

2. On March 22, 2010, the Board issued Pharmacy Technician Registration No. TCH 94884 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6116, and will expire on August 31, 2017, unless renewed.

3. On July 14, 2017, Respondent was served by Certified and First Class Mail copies of Accusation No. 6116, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)

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 215 E. Emerson Street, Chula Vista, CA 91911.

4 4. Service of the Accusation was effective as a matter of law under the provisions
5 of Government Code section 11505, subdivision (c) and Code section 124.

6 5. On July 31, 2017, the domestic return receipt for the aforementioned documents
7 was returned by the U.S. Postal Service indicating Respondent's signature acknowledging
8 delivery.

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

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

14 7. The Board takes official notice of its records and the fact that Respondent failed
15 to file a Notice of Defense within 15 days after service upon her of the Accusation, and
16 therefore waived her right to a hearing on the merits of Accusation No. 6116.

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

18 (a) If the respondent either fails to file a notice of defense . . . or to
19 appear at the hearing, the agency may take action based upon the
20 respondent's express admissions or upon other evidence and affidavits
21 may be used as evidence without any notice to respondent

21 9. Pursuant to its authority under Government Code section 11520, the Board finds
22 Respondent is in default. The Board will take action without further hearing and, based on the
23 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
24 taking official notice of all the investigatory reports, exhibits and statements contained therein
25 on file at the Board's offices regarding the allegations contained in Accusation No. 6116, finds
26 that the charges and allegations in Accusation No. 6116, are separately and severally, found to
27 be true and correct by clear and convincing evidence.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 94884, heretofore issued to Respondent Shannon Nichole Ruiz, is revoked.

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

This Decision shall become effective at 5:00 p.m. on November 3, 2017.

It is so ORDERED on October 4, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
Amy Gutierrez, Pharm.D.
Board President

DIK:JRL
81787021.DOC
DOJ Matter ID:SD2017705078

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(SHANNON NICHOLE RUIZ)

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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:	Case No. 6116
12 SHANNON NICHOLE RUIZ	ACCUSATION
13 215 E. Emerson Street	
14 Chula Vista, CA 91911	
15 Pharmacy Technician Registration No.	
16 TCH 94884	
17 Respondent.	

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 22 2. On or about March 22, 2010, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 94884 to Shannon Nichole Ruiz (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on August 31, 2017, unless renewed.

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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 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 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 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.

.....

(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.

.....

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

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

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12 7. Section 4059 of the Code states:

13 (a) A person may not furnish any dangerous drug, except upon the
14 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
15 naturopathic doctor pursuant to Section 3640.7. A person may not furnish any
16 dangerous device, except upon the prescription of a physician, dentist, podiatrist,
17 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

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22 8. Section 4060 of the Code states:

23 No person shall possess any controlled substance, except that furnished to a
24 person upon the prescription of a physician, dentist, podiatrist, optometrist,
25 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
26 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
27 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant
28 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a
pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)
of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This
section shall not apply to the possession of any controlled substance by a
manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
practitioner, or physician assistant, when in stock in containers correctly labeled
with the name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse
practitioner, a physician assistant, or a naturopathic doctor, to order his or her
own stock of dangerous drugs and devices.

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 beverage shall be guilty of a
misdemeanor.

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PRAYER

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

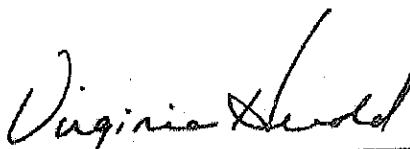
1. Revoking or suspending Pharmacy Technician Registration Number TCH 94884, issued to Shannon Nichole Ruiz;

2. Ordering Shannon Nichole Ruiz to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: _____

7/1/17



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

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