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8	BOARD OF PHARMACY	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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11	In the Matter of the Petition to Revoke Probation Case No. 3838 Against:	
12	DANNA MICHELLE SILVA	
13	1502 Mt. Diablo AvenuePETITION TO REVOKE PROBATIONMilpitas, CA 95035PETITION TO REVOKE PROBATION	N .
14	Pharmacy Technician License No. TCH 8898	
15	Respondent.	.
16	Complainant alleges:	
17	PARTIES	
18	1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in h	ner
19	official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs.	i i
20	2. On or about August 13, 1993, the Board of Pharmacy issued Pharmacy Technician	a .
21	License Number TCH 8898 to Danna Michelle Silva (Respondent). The Pharmacy Technician	n ·
22	License expired on or about January 31, 2005 without renewal, and remained delinquent until	on
23	or about January 12, 2010, when it was renewed. The License remains current and active and	.
.24	will expire on January 31, 2011, unless renewed.	
25	3. In a disciplinary action titled "In the Matter of Accusation Against Danna Michell	le
26	Silva," Case No. 2577, the Board of Pharmacy issued a decision effective May 2, 2003 in whi	ch
27	Respondent's License was revoked, with revocation stayed, probation with terms and condition	ons
28	for three (3) years. A copy of the decision is attached as Exhibit A and incorporated by refere	nce.
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PETITION TO REVOKE PROBATION (Case No. 3838)

JURISDICTION AND STATUTORY PROVISIONS

4. This Petition to Revoke Probation 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.

5. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

6. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.

7. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,
surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
disciplinary action during the period within which the license may be renewed, restored, reissued
or reinstated. Section 4402(e) of the Code provides that any non-pharmacist license issued by the
Board may be canceled if not renewed within 60 days after expiration, and any license canceled
in this fashion may not be reissued but will instead require a new application to seek reissuance.

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FIRST CAUSE TO REVOKE PROBATION

(Failure to Timely Submit Quarterly Report(s))

At all times after the effective date (May 2, 2003) of the Decision and Order imposing 8. 19 probation on Respondent's License, Term and Condition 4 of that Order required that Respondent 20 report to the Board quarterly, on a schedule as directed by the Board or its designee, either in 21 person or in writing, as directed. No quarterly report was submitted to the Board by Respondent 22 in 2003, 2004, 2005, 2006, 2007, 2008, or 2009, despite transmission by Board staff of one or 23 more non-compliance letter(s) documenting Respondent's failure to submit. The first and only 24 quarterly report submitted by Respondent was received on or about February 2, 2010. This 25 failure to timely submit quarterly report(s) subjects Respondent's License to revocation. 26

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SECOND CAUSE TO REVOKE PROBATION

1 (Failure to Timely Submit Payment for Probation Monitoring Cost(s)) 2 9. At all times after the effective date (May 2, 2003) of the Decision and Order imposing 3 probation on Respondent's License, Term and Condition 9 of that Order required that Respondent 4 pay the costs associated with probation monitoring as determined by the Board each and every 5 year of probation. No payment for probation monitoring costs was ever submitted to the Board 6 by Respondent, despite transmission by Board staff of one or more non-compliance letter(s) 7 documenting Respondent's failure to submit. This failure to timely submit payment of probation 8 monitoring costs subjects Respondent's License to revocation. 9 10 THIRD CAUSE TO REVOKE PROBATION 11 (Failure to Maintain Active Pharmacy Technician License) 12 At all times after the effective date (May 2, 2003) of the Decision and Order imposing 10. 13 probation on Respondent's License, Term and Condition 10 of that Order required that at all 14 times while on probation Respondent maintain an active, current Pharmacy Technician License 15 with the Board. On or about January 31, 2005, Respondent's license expired without renewal, 16 rendering it delinquent and inactive, and was not renewed or reactivated until January 12, 2010. 17 This failure to maintain active, current licensure subject(s) Respondent's License to revocation. 18 19 FOURTH CAUSE TO REVOKE PROBATION 20 (Failure to Submit to/Cooperate With Random Drug Screening) 21 11. At all times after the effective date (May 2, 2003) of the Decision and Order imposing 22 probation on Respondent's License, Term and Condition 16 of that Order required Respondent to 23 participate at her own expense in random drug screening/testing, as directed by the Board or its 24 designee, and required that she fully cooperate with the Board or its designee in doing so. At no 25 time after the effective date did Respondent enroll in the Board-approved drug testing program, 26 27 nor has she submitted to drug testing/screening as required. This failure to participate in drug testing/screening as directed, and/or to cooperate, subject Respondent's License to revocation. 28

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1	FIFTH CAUSE TO REVOKE PROBATION
2	(Failure to Cooperate with Board Staff)
3	12. At all times after the effective date (May 2, 2003) of the Decision and Order imposing
4	probation on Respondent's License, Term and Condition 6 of that Order required that Respondent
5	cooperate with the Board's inspection program and with the Board's monitoring and investigation
. 6	of Respondent's compliance with probation The failure(s) to cooperate with Board staff, as
7	described in paragraphs 8-11 above, subject Respondent's License to revocation.
8	
9	OTHER MATTERS – EXTENSION OF PROBATION
10	13. At all times after the effective date (May 2, 2003) of the Decision and Order imposing
11	probation on Respondent's License, Term and Condition 13 of that Order required:
12	13. Violation of Probation.
13	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
14	order that was stayed. If a petition to revoke probation or an accusation is filed against
15	Respondent during probation, the Board shall have continuing jurisdiction, and the period of probation shall be extended, until the petition to revoke probation or accusation is heard
16	and decided. If respondent has not complied with any term or condition of probation, the board
17	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
18	action as deemed appropriate to treat the failure to comply as a violation of probation, to
19	terminate probation, and to impose the penalty which was stayed.
20	14. Pursuant to the operation of Term and Condition 13 of the probation order applicable
21	to Respondent's License, probation is automatically extended by the filing hereof, and/or by
22	Respondent's failure to comply with the terms and conditions of probation, until such time as this
23	Petition to Revoke Probation is heard and decided, or until the Board has taken other action as
24	deemed appropriate to treat the failure to comply as a violation of probation.
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26	PRAYER
27	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
28	and that following the hearing, the Board of Pharmacy issue a decision:
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	PETITION TO REVOKE PROBATION (Case No. 3838)

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Revoking the probation that was granted by the Board of Pharmacy in Case No. 2577 1. 1 and imposing the disciplinary order that was stayed, thereby revoking Pharmacy Technician 2 License No. TCH 8898, issued to Danna Michelle Silva; 3 2. Revoking or suspending Pharmacy Technician License No. TCH 8898, issued to 4 Danna Michelle Silva; 5 Taking such other and further action as is deemed necessary and proper. 3. 6 7 8 10/10 DATED: 9 VIRGIN A HERO Executive Officer 10 Board of Pharmacy Department of Consumer Affairs 11 State of California Complainant 12 13 SF2010202641 20376375.doc 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 5

Exhibit A

Decision and Order

Board of Pharmacy Case No. 2577