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

12 In the Matter of the Accusation Against:

Case No. 4208

13 **NORA L. TANG**
309 S. Chapel Ave, #B
Alhambra, CA 91801

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 90152

16 Respondent.

17
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 27, 2009, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration No. TCH 90152 to Nora L. Tang (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 November 30, 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

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2 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license
3 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
4 within which the license may be renewed, restored, reissued or reinstated.

5 5. Section 490 states, in pertinent part:

6 "(a) In addition to any other action that a board is permitted to take against a licensee, a
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
9 or profession for which the license was issued.

10 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
11 discipline a licensee for conviction of a crime that is independent of the authority granted under
12 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
13 of the business or profession for which the licensee's license was issued.

14 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
15 conviction following a plea of nolo contendere. Any action that a board is permitted to take
16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
17 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
18 made suspending the imposition of sentence, irrespective of a subsequent order under the
19 provisions of Section 1203.4 of the Penal Code."

20 6. Section 4300 provides, in pertinent part, that every license issued by the Board is
21 subject to discipline, including suspension or revocation.

22 7. Section 4301 states, in pertinent part:

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

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

4

5 (l) The conviction of a crime substantially related to the qualifications, functions, and
6 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
7 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
8 substances or of a violation of the statutes of this state regulating controlled substances or
9 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
10 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
11 The board may inquire into the circumstances surrounding the commission of the crime, in order
12 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
13 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
14 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
15 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
16 of this provision. The board may take action when the time for appeal has elapsed, or the
17 judgment of conviction has been affirmed on appeal or when an order granting probation is made
18 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
19 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
20 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
21 indictment."

22 **REGULATORY PROVISIONS**

23 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

24 "For the purpose of denial, suspension, or revocation of a personal or facility license
25 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
26 crime or act shall be considered substantially related to the qualifications, functions or duties of a
27 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a

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1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare."

3 COST RECOVERY

4 9. Section 125.3 states, in pertinent part, that the Board may request the administrative
5 law judge to direct a licentiate found to have committed a violation or violations of the licensing
6 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
7 case.

8 FIRST CAUSE FOR DISCIPLINE

9 **(Conviction of a Substantially Related Crime)**

10 10. Respondent is subject to disciplinary action under section 4301, subdivision (l) and
11 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
12 Respondent was convicted of a crime substantially related to the qualifications, functions, and
13 duties of a pharmacy technician. On or about August 9, 2011, Respondent was convicted by a
14 jury of one felony count of violating Penal Code section 273A, subdivision (a) [child cruelty:
15 possible death] and one felony count of Penal Code section 273D, subdivision (a) [inflict corporal
16 injury on a child] in the criminal proceeding entitled *The State of California v. Nora L. Tang*
17 (Super. Ct. Riverside County, 2011, No. RIF152165). The Court sentenced Respondent to serve
18 360 days in Riverside County Jail and placed her on 48 months formal probation, with terms and
19 conditions.

20 The circumstances surrounding the convictions are that on or about October 26, 2008
21 during an investigation by the Riverside Police Department of possible child abuse, Respondent
22 was contacted. Respondent was untruthful during the initial investigation. Eventually,
23 Respondent admitted that on October 23, 2008 she became frustrated with her nine-month infant
24 while changing her diaper. She demonstrated to the officer, with a doll, how she shook her infant
25 by the hips. Respondent stated that the infant's physical condition did not deteriorate until noon
26 of October 25, 2008 when the infant became lethargic and would not wake. She also stated that
27 she did not seek medical attention until another 14 hours because she thought the infant was
28 "tired".

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2 Respondent's baby suffered traumatic injuries that resulted in severe closed head trauma, bilateral
3 retinal hemorrhages, spinal trauma, and medical neglect.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

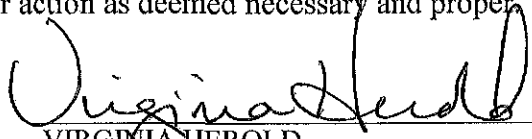
6 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
7 that Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit.
8 Complainant refers to, and by this reference incorporates, the allegations set forth above in
9 paragraph 10, as though set forth fully.

10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacy Technician Registration No. TCH 90152, issued
- 14 to Respondent;
- 15 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
- 16 enforcement of this case, pursuant to section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: 11/2/12



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

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