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8	BEFOR	E THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11		Case No. 4504
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12	JOSE LUIS CORNELIO 5501 Lavinia Ave.	
13	Lynwood, CA 90262	ACCUSATION
14	Pharmacy Technician Registration No. TCH 115350	
15 16	Respondent.	
17	Complainant alleges:	
18	PARTIES	
19	1. Virginia K. Herold (Complainant) bri	ngs this Accusation solely in her official
20	capacity as the Executive Officer of the California State Board of Pharmacy.	
21	2. On or about October 17, 2011, the Board of Pharmacy issued Pharmacy Technician	
22	Registration No. TCH 115350 to Jose Luis Cornelio (Respondent). The Pharmacy Technician	
23	Registration was in full force and effect at all times relevant to the charges brought herein and	
24	will expire on September 30, 2013, unless renewed.	
25	JURISDICTION	
26	3. This Accusation is brought before the Board under the authority of the following	
27	laws. All section references are to the Business and Professions Code unless otherwise indicated.	
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1	STATUTORY PROVISIONS
2	4. Section 118, subdivision (b) provides that the expiration of a license shall not deprive
3	the Board of jurisdiction to proceed with a disciplinary action during the period within which the
4	license may be renewed, restored, reissued or reinstated.
5	5. Section 492 states;
6	"Notwithstanding any other provision of law, successful completion of any diversion
7	program under the Penal Code, or successful completion of an alcohol and drug problem
8	assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of
9	Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
10	([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
11	division, from taking disciplinary action against a licensee or from denying a license for
12	professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
13	record pertaining to an arrest.
14	"This section shall not be construed to apply to any drug diversion program operated by any
15	agency established under Division 2 (commencing with Section 500) of this code, or any
16	initiative act referred to in that division."
17	6. Section 4060 states:
18	"No person shall possess any controlled substance, except that furnished to a person upon
19	the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
20	pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
21	midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
22	assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
23	pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not apply to the
24	possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
25	physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
26	midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled
27	with the name and address of the supplier or producer."
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1	7. Section 4300 provides that every license issued by the Board is subject to discipline,	
2	including suspension or revocation.	
3	8. Section 4301 states:	
4	"The board shall take action against any holder of a license who is guilty of unprofessional	
5	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.	
6	Unprofessional conduct shall include, but is not limited to, any of the following:	
7		
8	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the	
9	violation of or conspiring to violate any provision or term of this chapter or of the applicable	
10	federal and state laws and regulations governing pharmacy, including regulations established by	
11	the board or by any other state or federal regulatory agency.	
12		
13	"(j) The violation of any of the statutes of this state, or any other state, or of the United	
14	States regulating controlled substances and dangerous drugs"	
15	COST RECOVERY	
16	8. Section 125.3 states, in pertinent part, that the Board may request the administrative	
17	law judge to direct a licentiate found to have committed a violation or violations of the licensing	
18	act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the	
19	case.	
20	<b>CONTROLLED SUBSTANCE/DANGEROUS DRUG</b>	
21	9. "Cocaine," is a schedule I controlled substance as defined in Health and Safety Code	
22	section 11054, subdivision (f)(1), and is categorized a dangerous drug pursuant to section 4022.	
23	FIRST CAUSE FOR DISCIPLINE	
24	(Possession of Controlled Substance)	
25	10. Respondent is subject to disciplinary action under section 4301, subdivision (o), in	
26	conjunction with section 4060, on the ground of unprofessional conduct, in that Respondent	
27	possessed a controlled substance and dangerous drug.	
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	Accusation	

1	a. On or about April 1, 2012, Respondent admittedly was in possession of Cocaine, a	
2	controlled substance and dangerous drug.	
3	b. Subsequently, on or about April 23, 2012, after pleading guilty, Respondent was	
4	placed on Deferred Entry of Judgment for 18 months for violating Health and Safety Code	
5	section 11350, subdivision (a) [possession of a controlled substance] in the criminal proceedings	
6	entitled The People of the State of California vs. Jose Luis Corenelio (Super. Ct. Los Angeles	
7	County, 2012, No. TA122788).	
8	SECOND CAUSE FOR DISCIPLINE	
9	(Violation of a Health and Safety Statute)	
10	11. Respondent is subject to disciplinary action under section 4301, subdivision (j), on	
11	the grounds of unprofessional conduct, in that on or about April 1, 2012, Respondent violated	
12	Health and Safety Code 11350, subdivision (a). Complainant refers to, and by this reference	
13	incorporates, the allegations set forth above in paragraph 10, subparagraphs (a) and (b), inclusive,	
14	as though set forth fully.	
15	PRAYER	
16	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
17	and that following the hearing, the Board title issue a decision:	
18	1. Revoking or suspending Pharmacy Technician Registration No. TCH 115350, issued	
19	to Jose Luis Cornelio;	
20	2. Ordering Jose Luis Cornelio to pay the Board the reasonable costs of the investigation	
21	and enforcement of this case, pursuant to section 125.3; and	
22	3. Taking such other and further action as deemed necessary and proper.	
23		
24	DATED: 7/12/13 Vigine Acold	
25	VIRGINIA K. HEROLD Executive Officer	
26	California State Board of Pharmacy State of California	
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