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1 2 3 4	KAMALA D. HARRIS Attorney General of California MARC D. GREENBAUM Supervising Deputy Attorney General GILLIAN E. FRIEDMAN Deputy Attorney General State Bar No. 169207		
·	300 So. Spring Street, Suite 1702		
5	Los Angeles, CA 90013 Telephone: (213) 897-2564		
6	Facsimile: (213) 897-2804		
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8	BEFORE THE BOARD OF PHARMACY		
9	STATE OF CALIFORNIA		
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11	In the Matter of the Accusation Against:	Case No. 4558	
12	LILIAN GRISSEL FLORES 28019 Roblin Avenue	·	
13	Santa Clarita, CA 91350	ACCUSATION	
14	Pharmacy Technician Registration No, TCH 87080		
15			
16	Respondent.		
17			
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19	Complainant alleges:		
20	<u>PARTIES</u>		
21	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity		
22	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).		
ŀ	2. On or about January 16, 2009, the Board issued Pharmacy Technician Registration		
23	No. TCH 87080 to Lilian Grissel Flores (Responder	nt). The Pharmacy Technician Registration	
24	expired on January 31, 2013, and has not been renewed.		
25	JURISDIC	<u>TION</u>	
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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4. 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**

- 5. Section 118, subdivision (b), provides 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.
  - 6. Section 4060 states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant 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."

7. Section 4300, subdivision (a), provides that "[e]very license issued may be suspended or revoked."

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1	8. Section 4301 states:		
2	"The board shall take action against any holder of a license who is guilty of unprofessional		
3	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.		
4	Unprofessional conduct shall include, but is not limited to, any of the following:		
5			
6	"(j) The violation of any of the statutes of this state, or any other state, or of the United		
7	States regulating controlled substances and dangerous drugs"		
8	<u>COST RECOVERY</u>		
9	9. Section 125.3 provides that the Board may request the administrative law judge to		
10	direct a licentiate found to have committed a violation or violations of the licensing act to pay a		
11	sum not to exceed the reasonable costs of the investigation and enforcement of the case.		
12	CONTROLLED SUBSTANCE / DANGEROUS DRUG		
13	10. Methamphetamine is a Schedule II controlled substance as designated by Health and		
14	Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant		
15	section 4022.		
16	CAUSE FOR DISCIPLINE		
17	(Possession of a Controlled Substance - Methamphetamine)		
18	11. Respondent is subject to disciplinary action under sections 4060, 4300, 4301,		
19	subdivision (j), on the grounds of unprofessional conduct, in that on or about July 22, 2012,		
20	Respondent was in possession of a tested 0.15 grams of methamphetamine, without a valid		
21	prescription.		
22	<u>PRAYER</u>		
23	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged		
24	and that following the hearing, the Board issue a decision:		
25	1. Revoking or suspending Pharmacy Technician Registration No. TCH 87080, issued		
26	to Lilian Grissel Flores;		
27	2. Ordering Lilian Grissel Flores to pay the Board the reasonable costs of the		
20	investigation and enforcement of this case, nursuant to section 125.3; and		

1	3. Taking such other and further action as deemed necessary and proper.
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4	a/a
5	DATED:
6	Executive Officer Board of Pharmacy Department of Consumer Affairs State of California
7	Department of Consumer Affairs State of California
8	Complainant
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