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

10
11 In the Matter of the Accusation Against:

Case No. 4920

12 **CHRISTINA C. OROZCO**
3919 West 113th St.
13 Inglewood, CA 90303

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
73277

15 Respondent.
16

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the California State Board of Pharmacy.

22 2. On or about November 28, 2006, the Board issued Pharmacy Technician Registration
23 Number TCH 73277 to Christina C. Orozco (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on July 31, 2014, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28

1 laws. All section references are to the Business and Professions Code ("Code") unless
2 otherwise indicated.

3 4. Section 4011 of the Code provides:

4 "The board shall administer and enforce this chapter [Pharmacy Law, (Business and
5 Professions Code, Sec 4000 et seq.)] and the Uniform Controlled Substances Act (Division 10
6 commencing with Section 11000) of the Health and Safety Code)."

7 5. Section 4300 of the Code permits the Board to take disciplinary action to suspend or
8 revoke a license issued by the Board.

9 6. Section 4300.1 of the Code states, "the expiration, cancellation, forfeiture, or
10 suspension of a board-issued license by operation of law or by order or decision of the board or a
11 court of law, the placement of a license on a retired status, or the voluntary surrender of a license
12 by a licensee shall not deprive the board of jurisdiction to commence or proceed with any
13 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision
14 suspending or revoking the license."

15 STATUTORY PROVISIONS

16 7. Section 4021 of the Code provides:

17 "Controlled substance" means any substance listed in Chapter 2 (commencing with Section
18 11053) of Division 10 of the Health and Safety Code.

19 8. Section 4022 of the Code states:

20 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self use in
21 humans or animals, and includes the following:

22 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
23 prescription," "Rx only," or words of similar import.

24 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale
25 by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled
26 in with the designation of the practitioner licensed to use or order use of the device.

27 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
28 prescription or furnished pursuant to Section 4006."

1 9. Section 4060 of the Code states:

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

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

16 10. Section 4301 of the Code states, in pertinent part:

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

20

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

24 ...

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

27 ...

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1 about April 25, 2013, Respondent contacted the Board of Pharmacy investigator expressing
2 remorse for her actions.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Violation of a Statute Involving Controlled Substances and Dangerous Drugs)**

5 15. Respondent is subject to disciplinary action under sections 4301, subdivision (j), in
6 conjunction with section 4060 of the Code, in that Respondent committed an act in violation of a
7 statute of this state, of any other state, or of the United States regulating controlled substances and
8 dangerous drugs when Respondent unlawfully possessed and stole alprazolam. Complainant
9 refers to and by this reference incorporates, the allegations set forth above in paragraph 14 as
10 though set forth fully.

11 **SECOND CAUSE FOR DISCIPLINE**

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

13 16. Respondent is subject to disciplinary action under sections 4300 and 4301,
14 subdivision (f) of the Code, on the grounds of unprofessional conduct as Respondent committed
15 an act involving moral turpitude, dishonesty, fraud, deceit and corruption, whether the act was
16 committed in the course of relations as a licensee or otherwise, and whether the act is a felony or
17 misdemeanor or not. Complainant refers to, and by this reference incorporates, the allegations set
18 forth above in paragraph 14, as though set forth fully.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Violation of the Pharmacy Act)**

21 17. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the
22 Code, on the grounds of unprofessional conduct, in that Respondent was committed an act
23 violating the Pharmacy Act. Complainant refers to, and by this reference incorporates, the
24 allegations set forth above in paragraphs 14 through 16, inclusive, as though set forth fully.

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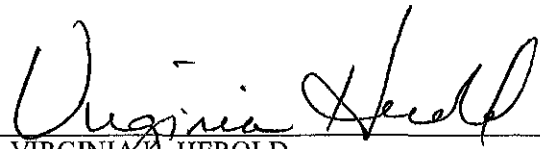
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 73277 issued to Christina C. Orozco;
2. Ordering Christina C. Orozco to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3 of the Code; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/17/14



VIRGINIA K. HEROLD
Executive Officer
California State Board of Pharmacy
State of California
Complainant

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5/7/14