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

10 In the Matter of the Accusation Against:

Case No. 5108

11 **LISA ANN LOPEZ**
12 **3435 Bathgate Lane**
13 **San Jose, CA 95121**

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
14257

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

21 2. On or about October 26, 1994, the Board issued Pharmacy Technician Registration
22 Number TCH 14257 to Lisa Ann Lopez (Respondent). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 February 29, 2016, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code (Code) unless otherwise indicated.

1 "..."

2 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
3 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
4 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
5 to the extent that the use impairs the ability of the person to conduct with safety to the public the
6 practice authorized by the license.

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 the
11 board or by any other state or federal regulatory agency.

12 "..."

13 7. Code section 4327 states:

14 "Any person who, while on duty, sells, dispenses or compounds any drug while under the
15 influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor."

16 DANGEROUS DRUGS/CONTROLLED SUBSTANCES

17 8. Code section 4022 states

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

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

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

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

27 9. Ativan is a brand of Lorazepam, a Schedule IV controlled substance as designated by
28 Health and Safety Code section 11057, subdivision (d)(16), and is a dangerous drug per Code

1 section 4022.

2 COST RECOVERY

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

7 FACTS

8 11. On or about June 11, 2013, Respondent was under the influence of a controlled
9 substance and dangerous drug while working as a pharmacy technician for Kaiser Permanente in
10 Gilroy, California. Respondent admitted taking her own prescription of lorazepam in excess of the
11 prescribed dosage.

12 FIRST CAUSE FOR DISCIPLINE

13 (Dangerous and/or Injurious Administration of Controlled Substance)

14 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)
15 in that she administered to herself a controlled substance in a dangerous or injurious manner, as set
16 forth in paragraph 11, above.

17 SECOND CAUSE FOR DISCIPLINE

18 (Dispensing While Under the Influence of Drug)

19 13. Respondent is subject to disciplinary action under Code sections 4301, subdivision (o)
20 and/or 4327 in that she dispensed drugs while under the influence of a dangerous drug, as set forth
21 in paragraph 11, above.

22 PRAYER

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

25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 14257,
26 issued to Lisa Ann Lopez;

27 2. Ordering Lisa Ann Lopez to pay the Board of Pharmacy the reasonable costs of the
28 investigation and enforcement of this case, pursuant to Business and Professions Code section

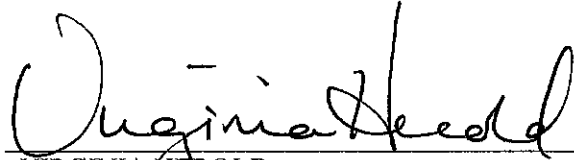
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125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

6/14/14



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

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