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8	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
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10	STATE OF	CALIFORNIA —
11	In the Matter of the Accusation Against:	Case No. 5292
12	YESENIA IVETTE GARCIA	ACCUSATION
13	Los Angeles, CA 90018	
14	Pharmacy Technician Registration	
15	No. TCH 69715	
16	Respondent.	
17		
18	Complainant alleges:	
19	<u>PARTIES</u>	
20	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as	
21	the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.	
22	2. On or about July 15, 2006, the Board issued Pharmacy Technician Registration No.	
23	TCH 69715 to Yesenia Ivette Garcia (Respondent). The Pharmacy Technician Registration was in	
24	full force and effect at all times relevant to the charges brought herein and will expire on December	
25	31, 2015, unless renewed.	
26	<u>JURISDICTION</u>	
27	3. This Accusation is brought before the Board under the authority of the following laws.	
28	All section references are to the Business and Professions Code unless otherwise indicated.	
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8. Section 4301 states, in pertinent part:

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

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and

whether the act is a felony or misdemeanor or not.

- "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency."
 - 9. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

COST RECOVERY

10. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

11. CONTROLLED SUBSTANCES / DANGEROUS DRUGS

"Viagra," a brand name for sildenafil citrate, which is a treatment for erectile dysfunction, is categorized as a dangerous drug pursuant to section 4022.

FIRST CAUSE FOR DISCIPLINE

(Acts Involving Dishonesty, Fraud, or Deceit)

12. Respondent is subject to disciplinary action under section 4301, subdivision (f), on the grounds of unprofessional conduct, in that, between November and December 2013, while working as a pharmacy technician at Rite Aid #5458, Respondent committed acts involving dishonesty, fraud, or deceit when she took eight Viagra pills from the pharmacy drug stock.

SECOND CAUSE FOR DISCIPLINE

(Furnishing of Controlled Substances and / or Dangerous Drugs)

13. Respondent is subject to disciplinary action under section 4301, subdivision (o), in conjunction with section 4059, subdivision (a), on the grounds of unprofessional conduct in that Respondent unlawfully furnished Viagra, a dangerous drug, to her brother who did not have a prescription for the medication. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 12, as though set forth fully.

III

III

PRAYER 1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 2 and that following the hearing, the Board issue a decision: 3 Revoking or suspending Pharmacy Technician Registration No. TCH 69715, issued to 1. 4 Yesenia Ivette Garcia; 5 2. Ordering Yesenia Ivette Garcia to pay the Board the reasonable costs of the 6 7 investigation and enforcement of this case, pursuant to section 125.3; 3. Taking such other and further action as deemed necessary and proper. 8 9 10 10/5/15 11 12 Executive Officer Board of Pharmacy 13 Department of Consumer Affairs State of California 14 Complainant 15 16 LA2015500003 17 51889210.doc mc (8/25/15) 18 19 20 21 22 23 24 25 26 27

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