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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 5322

11 **RACHEL MICHELLE CONOVER**
12 **aka RACHEL GUZMAN**
13 **aka RACHEL SHEPARD**
14 **215 Union Ave. # 437**
Campbell, CA 95005

A C C U S A T I O N

15 **Pharmacy Technician License No. 105279**

16 Respondent.

17 Complainant alleges:

18 PARTIES

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

21 2. On or about October 1, 2010, the Board of Pharmacy issued Pharmacy Technician
22 License Number 105279 to Rachel Michelle Conover aka Rachel Guzman aka Rachel Shepard
23 (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant
24 to the charges brought herein and will expire on June 30, 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 4. Section 4300(a) of the Code provides that every license issued by the Board may be
2 suspended or revoked.

3 5. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
4 suspension of a Board-issued license, the placement of a license on a retired status, or the
5 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
6 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
7 licensee or to render a decision suspending or revoking the license.

8 STATUTORY AND REGULATORY PROVISIONS

9 6. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
10 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but
11 not be limited to, any of the following:

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

17 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
18 of a licensee under this chapter.

19 7. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
20 revoke a license when it finds that the licensee has been convicted of a crime substantially related
21 to the qualifications, functions or duties of the license.

22 8. California Code of Regulations, title 16, section 1770, states:

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

1 SECOND CAUSE FOR DISCIPLINE

2 (Dangerous or Injurious Use of Alcohol)

3 11. Respondent is subject to discipline under section 4301(h) of the Code, in that, as
4 described in paragraph 10 above, Respondent used alcohol in a dangerous or injurious manner.

5
6 THIRD CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct)

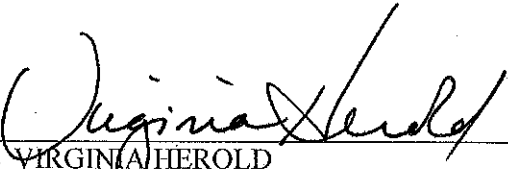
8 12. Respondent is subject to discipline under section 4301 of the Code in that, as
9 described in paragraphs 10-11 above, Respondent engaged in unprofessional conduct.

10
11 PRAYER

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

- 14 1. Revoking or suspending Pharmacy Technician License Number 105279, issued to
15 Rachel Michelle Conover aka Rachel Guzman aka Rachel Shepard (Respondent);
16 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
17 enforcement of this case, pursuant to Business and Professions Code section 125.3;
18 3. Taking such other and further action as is deemed necessary and proper.

19
20
21 DATED: 2/26/15


22 VIRGINIA HEROLD
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 Complainant

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