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8	BEFORE THE BOARD OF PHARMACY
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 5706
	VERONICA ESTELA LOPEZ RUIZ
12	10394 N. Stelling Road # A Cupertino, CA 95014 A C C U S A T I O N
13	Pharmacy Technician License No. TCH 129065
15	Respondent.
16	Complainant alleges:
17	PARTIES
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	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
20	2. On or about March 4, 2013, the Board of Pharmacy issued Pharmacy Technician
21	License Number TCH 129065 to Veronica Estela Lopez Ruiz (Respondent). The Pharmacy
22	Technician License was in full force and effect at all times relevant to the charges brought herein
23	and will expire on April 30, 2018, unless renewed.
24	JURISDICTION
25	3. This Accusation is brought before the Board of Pharmacy (Board), Department of
26	Consumer Affairs, under the authority of the following laws. All section references are to the
27	Business and Professions Code (Code) unless otherwise indicated.
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- 4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].
- 5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.
- 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, 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 AND REGULATORY PROVISIONS

- 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following:
- (h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.
- (j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.
- (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.
- 8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous drug or dangerous device except upon the prescription of an authorized prescriber.

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16. **Cocaine** is a Schedule I (in base/rock/crack form) or Schedule II controlled substance as designated by Health and Safety Code sections 11054(f)(1) and 11055(b)(6), and a dangerous drug as designated by Business and Professions Code section 4022. It is a narcotic drug.

FACTUAL BACKGROUND

17. In or about May 2015, in a random drug screen performed in her workplace by her pharmacy employer (Walgreens), Respondent tested positive for **cocaine**, a controlled substance. Respondent's employment was terminated. Respondent denied any use of **cocaine** or any other illicit or prescription drugs, and suggested her sample might have been contaminated or switched. She also speculated that it might have been the result of some pain medication(s) and antibiotic(s) she had been taking. Respondent then remembered going to a party a few days before the sample was taken, where she was drinking alcohol and taking shots and, while she was intoxicated, an acquaintance gave her a powder or crystalline substance which she ingested, not knowing what it was. In a subsequent statement, Respondent said she had asked for salt.

FIRST CAUSE FOR DISCIPLINE

(Self-Administration of Controlled Substance)

18. Respondent is subject to discipline under section 4301(h), (j) and/or (o) of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described in paragraph 17 above, administered to herself, and/or conspired to self-administer, and/or assisted or abetted self-administration of, a controlled substance.

SECOND CAUSE FOR DISCIPLINE

(Furnishing of Controlled Substance)

19. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described in paragraph 17 above, furnished to herself or another without a valid prescription, and/or conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

THIRD CAUSE FOR DISCIPLINE 1 (Possession of Controlled Substance(s)) 2 20. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section 3 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described 4 in paragraph 17 above, possessed, conspired to possess, and/or assisted in or abetted possession 5 of, a controlled substance, without a prescription. 6 7 FOURTH CAUSE FOR DISCIPLINE 8 9 (Unprofessional Conduct) 21. Respondent is subject to discipline under section 4301 of the Code in that 10 Respondent, as described in paragraphs 17 to 20 above, engaged in unprofessional conduct. 11 12 **PRAYER** 13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged. 14 and that following the hearing, the Board of Pharmacy issue a decision: 15 1. Revoking or suspending Pharmacy Technician License Number TCH 129065, issued 16 to Veronica Estela Lopez Ruiz (Respondent); 17 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and 18 19 enforcement of this case, pursuant to Business and Professions Code section 125.3; 3. Taking such other and further action as is deemed necessary and proper. 20 21 DATED: 6/10/16 22 23 Executive Officer Board of Pharmacy 24 Department of Consumer Affairs State of California 25 Complainant 26 SF2016400108

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