

1 BILL LOCKYER, Attorney General
of the State of California
2 KENT D. HARRIS, State Bar No. 144804
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-7859
Facsimile: (916) 327-8643
6 Attorneys for Complainant
7

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

10 In the Matter of the First Supplemental
Accusation Against:

Case No. 2985

11 MEGAN ELIZABETH ROSA
12 2673 Lakewest Dr.
Chico, CA 95928

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

13 Pharmacy Technician Registration No. TCH
14 2554

15 Respondent.
16

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Interim Executive Officer of the
21 Board of Pharmacy. Patricia F. Harris is the former Executive Officer of the Board of Pharmacy.
22 They brought this action solely in their official capacities and are represented in this matter by
23 Bill Lockyer, Attorney General of the State of California, by Kent D. Harris, Deputy Attorney
24 General.

25 2. Megan Elizabeth Rosa (Respondent) is represented in this proceeding by
26 attorney Tracy Tully-Davis, whose address is 242 Broadway, 2nd Floor, Chico, California 95927.

27 3. On or about December 14, 1992, the Board of Pharmacy issued Pharmacy
28 Technician Registration No. TCH 2554 to Megan Elizabeth Rosa. The Registration was in full

1 force and effect at all times relevant to the charges brought in First Supplemental Accusation No.
2 2985 and will expire on November 30, 2006, unless renewed.

3 JURISDICTION

4 4. Original Accusation No. 2895 was filed before the Board of Pharmacy
5 (Board), Department of Consumer Affairs on June 21, 2006. First Supplemental Accusation No.
6 2985 was subsequently filed before the Board, and both accusations are currently pending against
7 Respondent. The Accusations and all other statutorily required documents were properly served
8 on Respondent. A copy of Original Accusation and First Supplemental Accusation No. 2985 are
9 attached as exhibit A and incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and
12 understands the charges and allegations in Original and First Supplemental Accusations No.
13 2985. Respondent also has carefully read, fully discussed with counsel, and understands the
14 effects of this Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the
16 right to a hearing on the charges and allegations in the Original and First Supplemental
17 Accusation; the right to be represented by counsel, at her own expense; the right to confront and
18 cross-examine the witnesses against her; the right to present evidence and to testify on her own
19 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
20 production of documents; the right to reconsideration and court review of an adverse decision;
21 and all other rights accorded by the California Administrative Procedure Act and other applicable
22 laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in the
3 Original and First Supplemental Accusation No. 2985, except as set forth below. She further
4 agrees that cause exists for discipline, and hereby surrenders her Pharmacy Technician
5 Registration No. TCH 2554 for the Board's formal acceptance. Respondent specifically disputes
6 the number of dosage units diverted. Respondent asserts that the number diverted was
7 significantly less than alleged.

8 9. Respondent understands that by signing this stipulation she enables the
9 Board to issue an order accepting the surrender of her Pharmacy Technician Registration without
10 further process.

11 CONTINGENCY

12 10. This stipulation shall be subject to approval by the Board of Pharmacy.
13 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
14 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
15 without notice to or participation by Respondent or her counsel. By signing the stipulation,
16 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind
17 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
18 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
19 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
20 between the parties, and the Board shall not be disqualified from further action by having
21 considered this matter.

22 11. The parties understand and agree that facsimile copies of this Stipulated
23 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
24 and effect as the originals.

25 12. In consideration of the foregoing admissions and stipulations, the parties
26 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
27 following Order:

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 2554, issued to Respondent Megan Elizabeth Rosa is surrendered and accepted by the Board of Pharmacy.

13. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

14. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

15. Respondent shall cause to be delivered to the Board both her Registration wall and pocket license certificate on or before the effective date of the Decision and Order.

16. Respondent shall not reapply for licensure or petition for reinstatement for a period of three (3) years from the effective date of this decision.

17. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in First Supplemental Accusation No. 2985 shall be deemed to be true, correct, and admitted by Respondent when the Board determines whether to grant or deny the application or petition. Further, Respondent will be required to take and pass the Pharmacy Technician Certification Examination.

18. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$2,800.00 prior to issuance of a new or reinstated license.

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ACCEPTANCE


I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Tracy Tully-Davis. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10/12/06


MEGAN ELIZABETH ROSA
Respondent

I have read and fully discussed with Respondent Megan Elizabeth Rosa the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

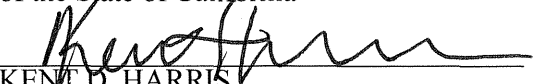
DATED: 10/12/06


TRACY TULLY-DAVIS
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 10/24/06

BILL LOCKYER, Attorney General
of the State of California

KENT D. HARRIS
Deputy Attorney General
Attorneys for Complainant

DOJ Docket Number/Matter ID: 03583110-SA2006101291
Rosa surrender.wpd

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Supplemental
Accusation Against:

MEGAN ELIZABETH ROSA
2673 Lakewest Dr.
Chico, CA 95928

Pharmacy Technician Registration No. TCH
2554

Respondent.

Case No. 2985

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 28, 2006.

It is so ORDERED November 28, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

Exhibit A
First Supplemental Accusation No. 2985

1 BILL LOCKYER, Attorney General
of the State of California
2 KENT D. HARRIS, State Bar No. 144804
Deputy Attorney General
3 California Department of Justice
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Supplemental
Accusation Against:

12 MEGAN ELIZABETH ROSA
13 2673 Lakewest Dr.
Chico, CA 95928

14 Pharmacy Technician Registration No. TCH
15 2554

16 Respondent.

Case No. 2985

**FIRST SUPPLEMENTAL
ACCUSATION**

17
18 Complainant alleges:

19 PARTIES

20 1. Virginia Harold (Complainant) brings this First Supplemental Accusation
21 solely in her official capacity as the Interim Executive Officer of the Board of Pharmacy,
22 Department of Consumer Affairs.

23 2. The allegations contained in paragraphs 2 through 12 of the Accusation
24 heretofore filed are realleged and incorporated by reference as if fully set forth.

25 **JURISDICTION**

26 3. Section 4301 of the Code states in pertinent part:

27 "The board shall take action against any holder of a license who is guilty of
28 unprofessional conduct or whose license has been procured by fraud or misrepresentation or

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PRAYER

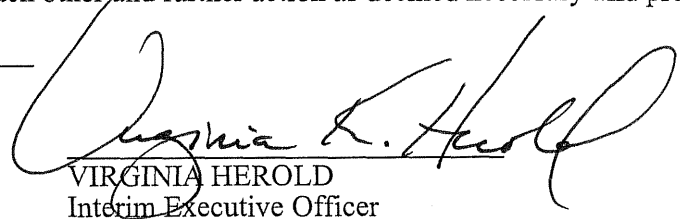
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

A. Revoking or suspending Pharmacy Technician Registration Number TCH 2554, issued to Megan Elizabeth Rosa;

B. Ordering Megan Elizabeth Rosa to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 9/15/06



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

03583110-SA2006101291
Rosa First Supplemental Accusation.wpd
kdh/8/30/06

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

11 In the Matter of the First Supplemental
Accusation Against:
12 MEGAN ELIZABETH ROSA
13 Respondent.

Case No. 2985
OAH No.
**FIRST SUPPLEMENTAL
STATEMENT TO RESPONDENT**
[Gov. Code §§ 11505, 11506, 11507]

16 TO RESPONDENT AND HER ATTORNEY:

17 Enclosed is a copy of the First Supplemental Accusation that has been filed with
18 the Board of Pharmacy of the Department of Consumer Affairs (Board), pursuant to section
19 11507 of the Government Code, and which is hereby served on you.

20 You previously filed a Notice of Defense with the Board of Pharmacy, pursuant to
21 sections 11505 and 11506 of the Business and Professions Code, thereby requesting an
22 administrative hearing to present your defense to the charges and allegations in the Accusation.

23 Section 11507 of the Government Code states that you are not entitled to file a
24 further pleading in response to the First Supplemental Accusation unless the agency in its
25 discretion so orders. All new charges contained in the First Supplemental Accusation are
26 deemed controverted, and any objections to the First Supplemental Accusation may be made
27 orally and shall be noted in the record.

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: MEGAN ELIZABETH ROSA**

Case No.: 2985

I declare:

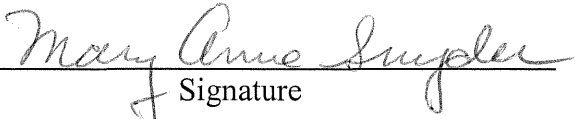
I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On September 21, 2006, I served the attached **First Supplemental Accusation and First Supplemental Statement to Respondent** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **First Supplemental Accusation and First Supplemental Statement to Respondent** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at Sacramento addressed as follows:

Tracy Tully-Davis
Law Office
242 Broadway, 2nd Floor/P.O. Box 5681
Chico, California 95927
Attorney for Respondent
Mail Cert. No. 7160 3901 9848 9138 1381

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 21, 2006, at Sacramento, California.

Mary Anne Snyder
Declarant



Signature

cc: Virginia Herold, Interim Executive Officer, Board of Pharmacy

7160 3901 9848 9138 1381

TO: Tracy Tully-Davis, Esq.
242 Broadway, 2nd Floor
P.O. Box 5681
Chico, CA 95927

SENDER: Kent D. Harris, DAG

REFERENCE: Rosa/1st Supp Acc

PS Form 3800, June 2000

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

US Postal Service
**Receipt for
Certified Mail**
No Insurance Coverage Provided
Do Not Use for international Mail

POSTMARK OR DATE

09/21/06

2. Article Number



7160 3901 9848 9138 1381

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)	B. Date of Delivery
<i>Tom Cooper</i>	9/25/06
C. Signature	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
<i>[Signature]</i>	<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Tracy Tully-Davis, Esq.
242 Broadway, 2nd Floor
P.O. Box 5681
Chico, CA 95927

Rosa/1st Supp Acc
Kent D. Harris, DAG

1 BILL LOCKYER, Attorney General
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2985

12 MEGAN ELIZABETH ROSA
2673 Lakewest Dr.
13 Chico, CA 95928

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH
2554

15 Respondent.
16

17
18 Complainant alleges:

19 PARTIES

20 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
22 Affairs.

23 2. On or about December 14, 1992, the Board of Pharmacy issued Pharmacy
24 Technician Registration Number TCH 2554 to Megan Elizabeth Rosa (Respondent). The
25 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
26 brought herein and will expire on November 30, 2006, unless renewed.

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1 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
2 and address of the supplier or producer.

3 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
4 or a physician assistant to order his or her own stock of dangerous drugs and devices."

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

9 7. Section 118, subdivision (b), of the Code provides that the suspension or
10 expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
11 action during the period within which the license may be renewed, restored, reissued or
12 reinstated.

13 8. Health and Safety Code section 11173 states in pertinent part:

14 "(a) No person shall obtain or attempt to obtain controlled substances...(1)
15 by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of material fact."

16 9. Health and Safety Code section 11350 states in pertinent part:

17 "(a) Except as otherwise provided in this division, every person who
18 possesses... (2) any controlled substance classified in Schedule III...unless upon the written
19 prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state,
20 shall be punished by imprisonment in the state prison."

21 CONTROLLED SUBSTANCES

22 10. "Vicodin" is the brand name of the generic drug
23 Hydrocodone/Acetaminophen, used for the control pf pain. Vicodin is a dangerous drug under
24 Business and Professions Code section 4022, and a Schedule III Controlled Substance under
25 Health and Safety Code section 11056(e)(4).

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1 FIRST CAUSE FOR DISCIPLINE

2 (Theft of Controlled Substances)

3 11. Respondent is subject to disciplinary action under Business and
4 Professions Code sections 4301(j), (f), and (o), and Health and Safety Code section 11173, in that
5 she stole hydrocodone/acetaminophen, a schedule III controlled substance, from Sav-on Chico.
6 The circumstances are as follows:

7 12 . On or about the period between May of 2003 and July 7, 2005, while
8 respondent was employed as a pharmacy technician at the Sav-on pharmacy in Chico, California,
9 she stole approximately 13, 950 tablets of Hydrocodone/acetaminophen (Vicodin). Respondent
10 removed the tablets from pharmacy stock and later adjusted the store inventory in the store
11 computer numerous times in an attempt to conceal said thefts.

12 SECOND CAUSE FOR DISCIPLINE

13 (Illegal Possession of Controlled Substances)

14 13. Respondent is subject to disciplinary action under Business and
15 Professions Code sections 4301(j), and (o), section 4060, and Health and Safety Code section
16 11350, in that on multiple occasions she possessed hydrocodone/acetaminophen, a schedule III
17 controlled substance, without a specific and valid prescription for said controlled substance. The
18 circumstances are as follows:

19 14. On or about the period between May of 2003 and July 7, 2005, while
20 respondent was employed as a pharmacy technician at the Sav-on pharmacy in Chico, California,
21 she possessed approximately 13, 950 tablets of Hydrocodone/acetaminophen (Vicodin), which
22 she stole as set forth above in paragraph 12, without a valid prescription therefor..

23 PRAYER

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

26 A. Revoking or suspending Pharmacy Technician Registration Number TCH
27 2554, issued to Megan Elizabeth Rosa;


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B. Ordering Megan Elizabeth Rosa to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 6/21/06



PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

03583110-SA2006101291
Rosa Accusation.wpd
kdh:5/10/06

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Deputy Attorney General
3 California Department of Justice
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2985

12 MEGAN ELIZABETH ROSA

REQUEST FOR DISCOVERY

13 Respondent.

[Gov. Code § 11507.6]

14
15 TO RESPONDENT:

16 Under section 11507.6 of the Government Code of the State of California, parties
17 to an administrative hearing, including the Complainant, are entitled to certain information
18 concerning the opposing party's case. A copy of the provisions of section 11507.6 of the
19 Government Code concerning such rights is included among the papers served.

20 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU
21 ARE HEREBY REQUESTED TO:

- 22 1. Provide the names and addresses of witnesses to the extent known to the
23 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
- 24 2. Provide an opportunity for the Complainant to inspect and make a copy of any of
25 the following in the possession or custody or under control of the Respondent:
 - 26 a. A statement of a person, other than the Respondent, named in the initial
27 administrative pleading, or in any additional pleading, when it is claimed that the act or

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1 omission of the Respondent as to this person is the basis for the administrative
2 proceeding;

3 b. A statement pertaining to the subject matter of the proceeding made by any
4 party to another party or persons;

5 c. Statements of witnesses then proposed to be called by the Respondent and
6 of other persons having personal knowledge of the acts, omissions or events which are the
7 basis for the proceeding, not included in (a) or (b) above;

8 d. All writings, including but not limited to reports of mental, physical and
9 blood examinations and things which the Respondent now proposes to offer in evidence;

10 e. Any other writing or thing which is relevant and which would be
11 admissible in evidence, including but not limited to, any patient or hospital records
12 pertaining to the persons named in the pleading;

13 f. Investigative reports made by or on behalf of the Respondent pertaining to
14 the subject matter of the proceeding, to the extent that these reports (1) contain the names
15 and addresses of witnesses or of persons having personal knowledge of the acts,
16 omissions or events which are the basis for the proceeding, or (2) reflect matters
17 perceived by the investigator in the course of his or her investigation, or (3) contain or
18 include by attachment any statement or writing described in (a) to (e), inclusive, or
19 summary thereof.

20 For the purpose of this Request for Discovery, "statements" include written
21 statements by the person, signed, or otherwise authenticated by him or her, stenographic,
22 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,
23 and written reports or summaries of these oral statements.

24 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for
25 Discovery should be deemed to authorize the inspection or copying of any writing or thing which
26 is privileged from disclosure by law or otherwise made confidential or protected as attorney's
27 work product.

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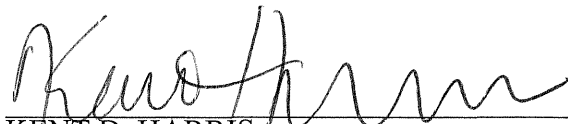
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Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the Accusation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: 7/5/06

BILL LOCKYER, Attorney General
of the State of California



KENT D. HARRIS
Deputy Attorney General

Attorneys for Complainant

10256644.wpd

1 BILL LOCKYER, Attorney General
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12 MEGAN ELIZABETH ROSA
13 Respondent.
14

Case No. 2985
STATEMENT TO RESPONDENT
[Gov. Code §§ 11504, 11505(b)]

15 TO RESPONDENT:

16 Enclosed is a copy of the Accusation that has been filed with the Board of
17 Pharmacy of the Department of Consumer Affairs (Board), and which is hereby served on you.

18 Unless a written request for a hearing signed by you or on your behalf is delivered
19 or mailed to the Board, represented by Deputy Attorney General Kent D. Harris, within fifteen
20 (15) days after a copy of the Accusation was personally served on you or mailed to you, you will
21 be deemed to have waived your right to a hearing in this matter and the Board may proceed upon
22 the Accusation without a hearing and may take action thereon as provided by law.

23 The request for hearing may be made by delivering or mailing one of the enclosed
24 forms entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided
25 in section 11506 of the Government Code, to

26 **Kent D. Harris**
Deputy Attorney General
27 **1300 I Street, Suite 125**
P.O. Box 944255
28 **Sacramento, California 94244-2550.**

1 You may, but need not, be represented by counsel at any or all stages of these
2 proceedings.

3 The enclosed Notice of Defense, if signed and filed with the Board, shall be
4 deemed a specific denial of all parts of the Accusation, but you will not be permitted to raise any
5 objection to the form of the Accusation unless you file a further Notice of Defense as provided in
6 section 11506 of the Government Code within fifteen (15) days after service of the Accusation
7 on you.

8 If you file any Notice of Defense within the time permitted, a hearing will be held
9 on the charges made in the Accusation.

10 The hearing may be postponed for good cause. If you have good cause, you are
11 obliged to notify the Office of Administrative Hearings, 560 J Street, Suite 340/360, Sacramento,
12 California 95814, within ten (10) working days after you discover the good cause. Failure to
13 notify the Office of Administrative Hearings within ten (10) days will deprive you of a
14 postponement.

15 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are
16 enclosed.

17 If you desire the names and addresses of witnesses or an opportunity to inspect
18 and copy the items mentioned in section 11507.6 of the Government Code in the possession,
19 custody or control of the Board you may send a Request for Discovery to the above designated
20 Deputy Attorney General.

21 **NOTICE REGARDING STIPULATED SETTLEMENTS**

22 It may be possible to avoid the time, expense and uncertainties involved in an
23 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
24 settlement is a binding written agreement between you and the government regarding the matters
25 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
26 Board of Pharmacy but, once approved, it would be incorporated into a final order.

27 Any stipulation must be consistent with the Board's established disciplinary
28 guidelines; however, all matters in mitigation or aggravation will be considered. A copy of the

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

In the Matter of the Accusation Against:

MEGAN ELIZABETH ROSA

Respondent.

Case No. 2985

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Accusation.

DATED: _____
Respondent's Name _____
Respondent's Signature _____
Respondent's Mailing Address _____
City, State and Zip Code _____
Respondent's Telephone Number _____

Check appropriate box:

I do not consent to electronic reporting.
The hearing in this case will be electronically reported/recorded, unless you check the above-left box to indicate that you do not consent to electronic recording, in which case the hearing will be reported by a stenographic reporter. If you do not check this box, you may withdraw your consent to electronic recording at any point up to fifteen (15) calendar days prior to the date set for hearing, by a written statement served on the Office of Administrative Hearings and on counsel for Complainant. If the box is not checked, and no written withdrawal of consent is served on the Office of Administrative Hearing and on counsel for Complainant by fifteen (15) calendar days prior to the hearing, you waive any right to stenographic reporting.

I am represented by counsel, whose name, address and telephone number appear below:
Counsel's Name _____
Counsel's Mailing Address _____
City, State and Zip Code _____
Counsel's Telephone Number _____

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

10256644.wpd

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BOARD OF PHARMACY
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The agency taking the action described in the Accusation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

10256644.wpd

**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: MEGAN ELIZABETH ROSA**

Case No.: 2985

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

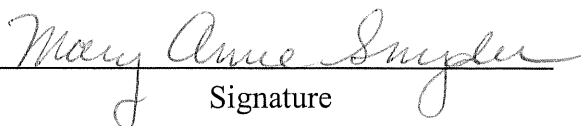
On July 5, 2006, I served the attached **Accusation, Statement to Respondent, Request for Discovery, Notice of Defense (2 copies), and Government Code sections** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation, Statement to Respondent, Request for Discovery, Notice of Defense (2 copies), and Government Code sections** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at Sacramento addressed as follows:

Megan Elizabeth Rosa
2673 Lakewest Drive
Chico, CA 95928
Respondent
Mail Cert. No. 7160 3901 9848 9138 5808

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 5, 2006, at Sacramento, California.

Mary Anne Snyder

Declarant



Signature

cc: Patricia Harris, Executive Officer, Board of Pharmacy

7160 3901 9848 9138 5808

TO: Megan Elizabeth Rosa
2673 Lakewest Drive
Chico, CA 95928

SENDER: Kent D. Harris, DAG

REFERENCE: Rosa/AccusPkt

PS Form 3800, June 2000

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
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	Restricted Delivery	
	Total Postage & Fees	

US Postal Service
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07/05/06

2. Article Number



7160 3901 9848 9138 5808

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) <i>Megan Rosa</i>	B. Date of Delivery <i>7/7/06</i>
C. Signature <i>Megan Rosa</i>	<input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Megan Elizabeth Rosa
2673 Lakewest Drive
Chico, CA 95928

Rosa/AccusPkt
Kent D. Harris, DAG