

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

In the Matter of the Accusation Against:

Case No. 3256

Ramon Gurrola
345 Ventura Street
Fillmore, CA 93015

Original Pharmacy Technician
Registration No. TCH 63846

Respondent.

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 April 8, 2010.

It is so ORDERED on March 9, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Kenneth H. Schell

KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS
Deputy Attorney General
4 State Bar No. 171168
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2557
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

2009 DEC -7 PM 12:00

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

11 In the Matter of the Accusation Against:

Case No. 3256

12 **RAMON BARRIOS GURROLA**
13 **345 Ventura Street**
14 **Fillmore, CA 93015**
15 **Pharmacy Technician License No. TCH**
16 **63846**

STIPULATED SURRENDER OF
LICENSE AND ORDER

Respondent.

17 In the interest of a prompt and speedy resolution of this matter, consistent with the public
18 interest and the responsibility of the Board, the parties hereby agree to the following Stipulated
19 Surrender of License and Order which will be submitted to the Board for approval and adoption
20 as the final disposition of the Accusation.

21 PARTIES

22 1. Virginia K. Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Edmund
24 G. Brown Jr., Attorney General of the State of California, by Christina Thomas, Deputy Attorney
25 General.

26 2. Ramon Barrios Gurrola (Respondent) is representing himself in this proceeding and
27 has chosen not to exercise his right to be represented by counsel.

28 ///

1 3. On or about August 23, 2005, the Board of Pharmacy issued Pharmacy Technician
2 License No. TCH 63846 to Ramon Barrios Gurrola. The license was in full force and effect at all
3 times relevant to the charges brought in Accusation No. 3256 and expired on August 31, 2009.

4 JURISDICTION

5 4. Accusation No. 3256 was filed before the Board and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on September 28, 2009. Respondent timely filed his Notice of Defense contesting
8 the Accusation. A copy of Accusation No. 3256 is attached as exhibit A and incorporated herein
9 by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 3256. Respondent also has carefully read, and understands the effects of this
13 Stipulated Surrender of License and Order.

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

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

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 3256, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
26 License No. TCH 63846 for the Board's formal acceptance.

27 9. Respondent understands that by signing this stipulation, he enables the Board to issue
28 an order accepting the surrender of his Pharmacy Technician License without further process.

1 CONTINGENCY

2 10. The parties understand and agree that facsimile copies of this Stipulated Surrender of
3 License and Order, including facsimile signatures thereto, shall have the same force and effect as
4 the originals.

5 11. This Stipulated Surrender of License and Order is intended by the parties to be an
6 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
7 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
8 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
9 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
10 executed by an authorized representative of each of the parties.

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

13 ORDER

14 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 63846, issued to
15 Respondent Ramon Barrios Gurrola is surrendered and accepted by the Board.

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

20 14. Respondent shall lose all rights and privileges as a pharmacy technician in California
21 as of the effective date of the Board's Decision and Order.

22 15. Respondent shall cause to be delivered to the Board both his wall license certificate
23 and, if one was issued, pocket license on or before the effective date of the Decision and Order.

24 16. Respondent fully understands and agrees that if he ever files an application for
25 licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new
26 application. Respondent must comply with all the laws, regulations and procedures for
27 reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges

28 ///

1 and allegations contained in Accusation No. 3256 shall be deemed to be true, correct and
2 admitted by Respondent when the Board determines whether to grant or deny the petition.

3 17. Should Respondent ever apply or reapply for a new license or certification, or petition
4 for reinstatement of a license, by any other health care licensing agency in the State of California,
5 all of the charges and allegations contained in Accusation, No. 3256 shall be deemed to be true,
6 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
7 proceeding seeking to deny or restrict licensure.

8 18. Respondent shall pay the Board its costs of investigation and enforcement in the
9 amount of \$5,482.00 prior to issuance of a new or reinstated license.

10 19. Respondent may not apply or reapply or petition for any licensure or registration of
11 the Board for three (3) years from the effective date of the Decision and Order.

12 ACCEPTANCE

13 I have carefully read the Stipulated Surrender of License and Order. I understand the
14 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
15 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
16 be bound by the Decision and Order of the Board.

17
18 DATED: 11/10/09 Ramon Barrios Gurrola
19 RAMON BARRIOS GURROLA Respondent

20 ///
21 ///
22 ///
23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

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

Dated: November 2, 2009

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



CHRISTINA THOMAS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 3256

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS, State Bar No. 171168
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-2557
Facsimile: (213) 897-2804

6
7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. ~~3262~~ 3256

13 RAMON BARRIOS GURROLA
345 Ventura Street
Fillmore, CA 93015

A C C U S A T I O N

14 Pharmacy Technician License No. TCH 63846

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about August 23, 2005, the Board of Pharmacy (Board) issued
22 Pharmacy Technician License Number TCH 63846 to Ramon Barrios Gurrola (Respondent).

23 The Pharmacy Technician License was in full force and effect at all times relevant to the charges
24 brought herein and will expire on August 31, 2009, unless renewed.

25 **JURISDICTION**

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

1 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
2 following:

3

4 " (f) The commission of any act involving moral turpitude, dishonesty, fraud,
5 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
6 otherwise, and whether the act is a felony or misdemeanor or not.

7

8 " (l) The conviction of a crime substantially related to the qualifications,
9 functions, and duties of a licensee under this chapter. The record of conviction of a violation of
10 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating
11 controlled substances or of a violation of the statutes of this state regulating controlled substances
12 or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases,
13 the record of conviction shall be conclusive evidence only of the fact that the conviction
14 occurred. The board may inquire into the circumstances surrounding the commission of the
15 crime, in order to fix the degree of discipline or, in the case of a conviction not involving
16 controlled substances or dangerous drugs, to determine if the conviction is of an offense
17 substantially related to the qualifications, functions, and duties of a licensee under this chapter.
18 A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a
19 conviction within the meaning of this provision. The board may take action when the time for
20 appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order
21 granting probation is made suspending the imposition of sentence, irrespective of a subsequent
22 order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
23 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
24 accusation, information, or indictment.

25

26 " (o) Violating or attempting to violate, directly or indirectly, or assisting in or
27 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
28 applicable federal and state laws and regulations governing pharmacy, including regulations

1 established by the board or by any other state or federal regulatory agency."

2 8. Health and Safety Code section 11173, subdivision (a)(1), provides that no
3 person shall obtain or attempt to obtain controlled substances by fraud, deceit, misrepresentation,
4 or subterfuge.

5 REGULATORY PROVISIONS

6 9. California Code of Regulations, Title 16, section 1770, states:

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

13 COST RECOVERY

14 10. Section 123.5 of the Code states, in pertinent part, that the Board may
15 request the administrative law judge to direct a licentiate found to have committed a violation or
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
17 and enforcement of the case.

18 CONTROLLED SUBSTANCES - DANGEROUS DRUGS

19 11. Norco is a brand name for the combination narcotic, Hydrocodone and
20 Acetaminophen. Hydrocodone is a Schedule III controlled narcotic substance pursuant to Health
21 and Safety Code section 11056(e)(4), and a dangerous drug pursuant to Business and Professions
22 Code section 4022.

23 12. Vicodin is a brand name for the combination narcotic, Hydrocodone and
24 Acetaminophen. It is a Schedule III controlled substance as defined in Health and Safety Code
25 section 11056(e), and is a dangerous drug pursuant to Business and Professions Code section
26 4022.

27 ///

28 ///

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially-Related Crimes)

3 13. Respondent is subject to disciplinary action under section 4301,
4 subdivision (1), in conjunction with California Code of Regulations, Title 16, section 1770, in
5 that Respondent was convicted of crimes substantially related to the qualifications, functions or
6 duties of a licensed pharmacy technician, as follows:

7 a. On or about November 21, 2007, after pleading guilty, Respondent
8 was convicted of one felony count of violating Health and Safety Code section 11351 [possession
9 for sale of a controlled substance], in the criminal proceeding entitled *The People of The State of*
10 *California v. Ramon Barrios Gurrola* (Super. Ct. Ventura County, 2007, No. 2007030468).
11 Respondent was sentenced to 180 days in jail, ordered to register as a narcotics offender and
12 placed on 3 years probation. The circumstances surrounding the conviction are that on or about
13 August 9, 2007, Respondent stole 144 bottles of Hydrocodone 750mg consisting of 100 tabs per
14 bottle from December 2006 through August 07 including 325mg tabs in August 2007 while
15 employed with Care Pharmacy. Respondent admitted the theft.

16 b. On or about November 1, 1996, after pleading guilty, Respondent
17 was convicted of one misdemeanor count of violating Vehicle Code section 23152,
18 subdivision (b) [driving with blood-alcohol content greater than 0.08%], in the criminal
19 proceeding entitled, *The People of The State of California v. Ramon Barrios Gurrola* (Super. Ct.
20 Ventura County, 1996, No. 96S003455). Respondent was sentenced to 5 days in jail, ordered to
21 pay a court fine of \$1806.00 and placed on 3 years probation.

22 SECOND CAUSE FOR DISCIPLINE

23 (Dishonest Acts)

24 14. Respondent is subject to disciplinary action under section 4301,
25 subdivision (f), on the grounds of unprofessional conduct in that on or about August 9, 2007,
26 while employed as a pharmacy technician in Ventura, California committed dishonest acts
27 by stealing medications from his place of employment. Complainant refers to, and by this

28 ///

1 reference incorporates, the allegations set forth above in paragraph 13, subparagraph (a), as
2 though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Furnishing Drugs Without a Prescription)**

5 15. Respondent is subject to disciplinary action under section 4301,
6 subdivision (o), in that he violated section 4059, subdivision (a) and section 4060, when,
7 between December 2006 and August 2007 he furnished 144 bottles of Hydcodone 750 mg
8 containing 100 tabs each bottle and 325 mg tabs in August 2007 to himself without a
9 prescription. Complainant refers to, and by this reference incorporates, the allegations set forth
10 above in paragraph 13, subparagraph (a), as though set forth fully.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Obtaining Controlled Substances by Deceit or Subterfuge)**

13 16. Respondent is subject to disciplinary action under section 4301,
14 subdivision (o), in that he violated Health and Safety Code section 11173, subdivision (a)(1), by
15 obtaining controlled substances by deceit and/or subterfuge. Complainant refers to and by this
16 reference incorporates, the allegations set forth above in paragraph 13, subparagraph (a), as
17 though set forth fully.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacy Technician License Number TCH
22 63846, issued to Respondent;

23 2. Ordering Respondent to pay the Board the reasonable costs of the

24 ///

25 ///

26 ///

27 ///

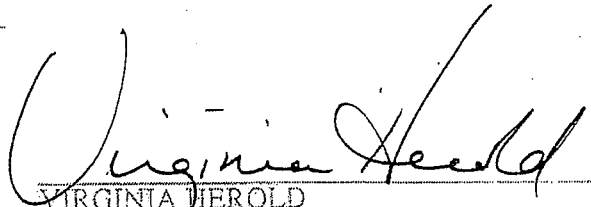
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 9/14/09



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

LA2009602375
60393609.wpd
4-27-09