

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

In the Matter of the Accusation Against:

Case No. 3274

JUANA ALVARADO VERDUZCO
3624 Kentucky Avenue
Riverbank, CA 95367

Original Pharmacy Technician
Registration No. TCH 17269

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 October 14, 2009.

It is so ORDERED on September 14, 2009.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Kenneth H. Schell

KENNETH H. SCHELL
Board President

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

11 In the Matter of the Accusation Against

Case No.: 3274

12 **JUANA ALVARADO VERDUZCO**
13 **3624 Kentucky Avenue**
14 **Riverbank, CA 95367**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Original Pharmacy Technician**
16 **Registration No. TCH 17269**

17 Respondent.

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

20 **PARTIES**

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

25 2. Juana Alvarado Verduzco (Respondent) is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel.

27 3. On or about September 26, 1995, the Board of Pharmacy issued Original Pharmacy
28 Technician Registration No. TCH 17269 to Juana Alvarado Verduzco (Respondent). The license

1 was in full force and effect at all times relevant to the charges brought in Accusation No. AC
2 2008 3274 and will expire on November 30, 2010, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3274 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on April 27, 2009.
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3274 is attached as exhibit A and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 3274. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

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

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 3274, agrees that cause exists for discipline and hereby surrenders her Original Pharmacy
25 Technician Registration No. TCH 17269 for the Board's formal acceptance.

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

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Exhibit A
Accusation No. 3274

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
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3 KAREN R. DENVIR, State Bar No. 197268
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7 Attorneys for Complainant

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

11 **In the Matter of the Accusation Against:**

Case No. 3274

12 **JUANA ALVARADO VERDUZCO**

13 3624 Kentucky
Riverbank, CA 95367

ACCUSATION

14 Original Pharmacy Technician
15 Registration No. TCH 17269

Respondent.

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18 Complainant alleges:

19 PARTIES

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

22 2. On or about September 26, 1995, the Board of Pharmacy issued Original
23 Pharmacy Technician Registration Number TCH 17269 to Juana Alvarado Verduzco
24 (Respondent). The Original Pharmacy Technician Registration was in full force and effect at all
25 times relevant to the charges brought herein and will expire on November 30, 2010, unless
26 renewed.

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1 a conviction not involving controlled substances or dangerous drugs, to determine
2 if the conviction is of an offense substantially related to the qualifications,
3 functions, and duties of a licensee under this chapter. A plea or verdict of guilty
4 or a conviction following a plea of nolo contendere is deemed to be a conviction
5 within the meaning of this provision. The board may take action when the time
6 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal
7 or when an order granting probation is made suspending the imposition of
8 sentence, irrespective of a subsequent order under Section 1203.4 of the Penal
9 Code allowing the person to withdraw his or her plea of guilty and to enter a plea
10 of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
11 information, or indictment.

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14 (o) Violating or attempting to violate, directly or indirectly, or assisting in
15 or abetting the violation of or conspiring to violate any provision or term of this
16 chapter or of the applicable federal and state laws and regulations governing
17 pharmacy, including regulations established by the board or by any other state or
18 federal regulatory agency.

19 (p) Actions or conduct that would have warranted denial of a license.

20 6. Section 4060 of the Code states, in pertinent part:

21 No person shall possess any controlled substance, except that furnished to
22 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
23 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
24 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
25 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant
26 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or
27 a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause
28 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.
This section shall not apply to the possession of any controlled substance by a
manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
practitioner, or physician assistant, when in stock in containers correctly labeled
with the name and address of the supplier or producer.

7. Section 4324 of the Code states:

(a) Every person who signs the name of another, or of a fictitious person,
or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as
genuine, any prescription for any drugs is guilty of forgery and upon conviction
thereof shall be punished by imprisonment in the state prison, or by imprisonment
in the county jail for not more than one year.

(b) Every person who has in his or her possession any drugs secured by a
forged prescription shall be punished by imprisonment in the state prison, or by
imprisonment in the county jail for not more than one year.

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8. Health and Safety Code section 11350, subdivision (a) states:

Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison.

9. Health and Safety Code section 11173, subdivision (a) states, in pertinent part, that no person "shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances . . . by fraud, deceit, misrepresentation , or subterfuge . . . "

10. Section 475 of the Code states, in pertinent part:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

11. Section 490 of the Code states, in pertinent part (emphasis added):

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

1 On that same date, a search of Respondent's purse by the Turlock Police Department revealed a
2 package containing 44 pills that were later identified as Norco hydrocodone, a controlled
3 substance. The search also revealed two prescription bottle labels, one issued to Luis Martin and
4 the other issued to Lupe Perez. Respondent admitted to the officer that the labels were from
5 bottles that she had obtained via fraudulent prescriptions. Accordingly, Respondent was in
6 violation of Health and Safety Code sections 11350(a) and 11173(a)(1), in addition to Business
7 and Professions Code section 4060.

8 THIRD CAUSE FOR DISCIPLINE

9 (Violation of Laws Governing Pharmacy)

10 19. Respondent is subject to disciplinary action under section 4301,
11 subdivision (o), in that she violated or attempted to violate directly or indirectly, a provision or
12 term of the Pharmacy Law (Business and Professions Code section 4000 et seq.). As set forth
13 above in paragraphs 16 and 18, Respondent was in violation of Business and Professions Code
14 section 4324.

15 FOURTH CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct - Gross Immorality)

17 20. Respondent is subject to disciplinary action under section 4301,
18 subdivision (a) in that she committed an act of gross immorality, as set forth more fully above in
19 paragraphs 16 and 18.

20 FIFTH CAUSE FOR DISCIPLINE

21 (Unprofessional Conduct - Moral Turpitude)

22 21. Respondent is subject to disciplinary action under section 4301,
23 subdivision (f) in that she committed an act involving moral turpitude, dishonesty, fraud, deceit,
24 or corruption, as set forth more fully above in paragraphs 16 and 18.

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SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Actions or Conduct Warranting Denial of a License)

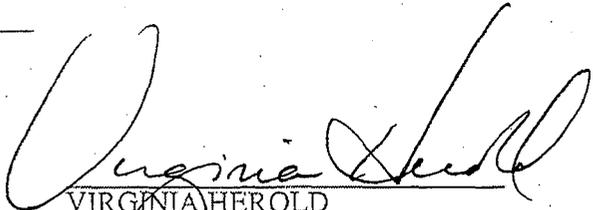
22. Respondent is subject to disciplinary action under section 4301, subdivision (p) in that she committed an act that would have warranted denial of a license, as set forth more fully above in paragraphs 16 and 18.

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:

1. Revoking or suspending Original Pharmacy Technician Registration Number TCH 17269, issued to Juana Alvarado Verduzco;
2. Ordering Juana Alvarado Verduzco 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/19/09



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

SA2009307936
Final Verduzco Accusation.wpd