

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

In the Matter of the Accusation Against:

Case No. 3500

**AMADA A. MENEDEZ**  
13 Tyler Street  
Novato, CA 94947

Pharmacy Technician License No. TCH 43329

Respondent.

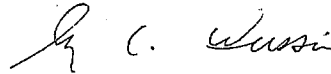
**DECISION AND ORDER**

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 November 18, 2010.

It is so ORDERED October 19, 2010.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
Deputy Attorney General  
4 State Bar No. 214663  
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*Attorneys for Complainant*

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**BOARD OF PHARMACY**  
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11 **AMADA A. MENENDEZ**  
12 **13 Tyler Street**  
**Novato, CA 94947**  
13 **Pharmacy Technician License No. TCH 43329**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

14 Respondent.

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

19 PARTIES

20 1. Virginia Herold (Complainant), Executive Officer of the Board of Pharmacy, brought  
21 this action solely in her official capacity and is represented in this matter by Edmund G. Brown  
22 Jr., Attorney General of the State of California, by Joshua A. Room, Deputy Attorney General.

23 2. Amada A. Menendez (Respondent) is representing herself in this proceeding and has  
24 chosen not to exercise her right to be represented by counsel.

25 3. On or about July 15, 2002, the Board of Pharmacy issued Pharmacy Technician  
26 License No. TCH 43329 to Amada A. Menendez (Respondent). The Pharmacy Technician  
27 License was in full force and effect at all times relevant to the charges brought in Accusation No.  
28 3500 and will expire on February 29, 2012, unless renewed.





ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 43329, issued to Respondent Amada A. Menendez, is surrendered and accepted by the Board of Pharmacy.

15. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered License by the Board shall constitute 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.

16. 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.

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

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

19. 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 Accusation No. 3500 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

20. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 3500 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

21. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$3,750.00 prior to issuance of a new or reinstated license.

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**Exhibit A**

**Accusation No. 3500**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
Deputy Attorney General  
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*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 3500

11 **AMADA A. MENENDEZ**  
12 **2013 Hawthorne Terrace**  
13 **Novato, CA 94949**

**ACCUSATION**

14 **Pharmacy Technician License No. TCH 43329**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 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 July 15, 2002, the Board of Pharmacy issued Pharmacy Technician  
21 License Number TCH 43329 to Amada A. Menendez (Respondent). The Pharmacy Technician  
22 License was in full force and effect at all times relevant to the charges brought herein and will  
23 expire on February 28, 2010, 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.

28 ///





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

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

8 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous  
9 drug or dangerous device except upon the prescription of an authorized prescriber.

10 10. Section 4060 of the Code provides, in pertinent part, that no person shall possess any  
11 controlled substance, except that furnished upon a valid prescription/drug order.

12 11. Health and Safety Code section 11170 provides that no person shall prescribe,  
13 administer, or furnish a controlled substance for himself or herself.

14 12. Health and Safety Code section 11173, subdivision (a), provides that no person shall  
15 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
16 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
17 or subterfuge; or (2) by the concealment of a material fact.

18 13. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
19 any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
20 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

21 COST RECOVERY

22 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licentiate found to have committed a violation of the licensing  
24 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

25 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

26 15. Section 4021 of the Code states:

27 "Controlled substance' means any substance listed in Chapter 2 (commencing with Section  
28 11053) of Division 10 of the Health and Safety Code."

1 16. Section 4022 of the Code states, in pertinent part:

2 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,  
3 except veterinary drugs that are labeled as such, and includes the following:

4 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
5 prescription,’ ‘Rx only,’ or words of similar import.

6 ...

7 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
8 prescription or furnished pursuant to Section 4006.”

9 17. **Norco, Vicodin, Vicodin ES, Lortab, and Lorcet** are among the brand names for  
10 compounds of varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III  
11 controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous  
12 drug as designated by Business and Professions Code section 4022. The varying compounds are  
13 also known generically as **Hydrocodone with APAP**. These are all narcotic drugs.

14 18. **Phenergan with Codeine** is a brand name for a compound consisting of the  
15 antihistamine **promethazine**, a dangerous drug as designated by Business and Professions Code  
16 section 4022, and **codeine**, a Schedule V controlled substance as designated by Health and Safety  
17 Code section 11058 and a dangerous drug as designated by Business and Professions Code  
18 section 4022. This drug is also known generically as **Promethazine with Codeine**. It is an  
19 antihistamine/antitussive, narcotic analgesic, and sleep aid.

20 19. **Viagra** is a brand name for **sildenafil**, a dangerous drug as designated by Business  
21 and Professions Code section 4022, intended as a treatment for erectile dysfunction.

22 FACTUAL BACKGROUND

23 20. Beginning in or about 2005 and until on or about February 20, 2009, Respondent was  
24 employed as a pharmacy technician at a Kaiser Foundation Health Plan Pharmacy in San Rafael,  
25 CA (# 396; PHY 44385), where she had access to controlled substances and dangerous drugs.

26 21. Between in or about October 2008 and in or about February 2009, Respondent used  
27 her access to divert/steal controlled substances and dangerous drugs, including **Norco, Vicodin**  
28 **ES**, or other **Hydrocodone** products, **Phenergan/Promethazine with Codeine**, and/or **Viagra**.





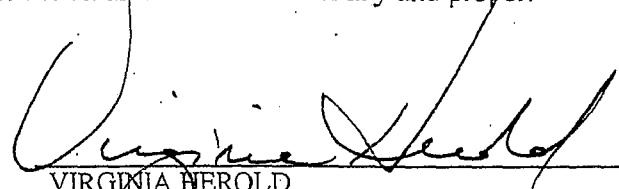
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PRAYER

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:

1. Revoking or suspending Pharmacy Technician License Number TCH 43329, issued to Amada A. Menendez.(Respondent);
2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED: 3/29/10



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

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