

# **ERRATA**

## **Corrections to Stipulated Settlement and Disciplinary Order Case No. 4068**

Stipulated Settlement and Disciplinary Order Case No. 4068, contains references to Pharmacy Technician Registration No. TCH 45260 in the underlying disciplinary action entitled “In the Matter of the Accusation against Eugenia Mond Tom” which, pursuant to a decision of the Board of Pharmacy effective May 25, 2012, revoked Respondent’s Pharmacy Technician Registration but stayed revocation in favor of probation for five (5) years. The reference mistakenly use Pharmacy Technician Registration No. TCH 45260 rather than Pharmacy Technician Registration No.18794. This clerical error is hereby corrected as part of the Board’s Stipulated Settlement and Disciplinary Order. This Errata page shall become part of Respondent’s disciplinary history with the Board. For the purposes of correcting the record, the following changes are hereby made to the Decision and Order:

Decision and Order:

Caption Box: Substitute “45260” for “18794”

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

In the Matter of the Accusation Against:

Case No. 4068

**EUGENIA MOND TOM  
3249 25<sup>th</sup> Street  
San Francisco, CA 94110**

**Pharmacy Technician License No.  
TCH 45260**

Respondent.

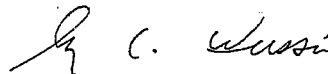
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary 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 May 25, 2012.

It is so ORDERED on April 25, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JUSTIN R. SURBER  
Deputy Attorney General  
4 State Bar No. 226937  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 355-5437  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4068

11 **EUGENIA MOND TOM**  
12 **3249 25th Street**  
**San Francisco, CA 94110**  
13 **Pharmacy Technician License No. TCH**  
**18794**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14  
15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
21 She brought this action solely in her official capacity and is represented in this matter by Kamala  
22 D. Harris, Attorney General of the State of California, by Justin R. Surber, Deputy Attorney  
23 General.

24 2. Respondent Eugenia Mond Tom (Respondent) is representing herself in this  
25 proceeding and has chosen not to exercise her right to be represented by counsel.

26 3. On or about March 29, 1996, the Board of Pharmacy issued Pharmacy Technician  
27 License No. TCH 18794 to Eugenia Mond Tom (Respondent). The Pharmacy Technician  
28

1 License was in full force and effect at all times relevant to the charges brought in Accusation No.  
2 4068 and will expire on September 30, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 4068 was filed before the Board of Pharmacy (Board) , Department  
5 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on December 28, 2011.  
7 Respondent timely filed her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 4068 is attached as exhibit A and incorporated herein by  
9 reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, and understands the charges and allegations in  
12 Accusation No. 4068. Respondent has also carefully read, and understands the effects of this  
13 Stipulated Settlement and Disciplinary Order.

14 7. Respondent is fully aware of her 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 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
18 compel the attendance of witnesses and the production of documents; the right to reconsideration  
19 and court review of an adverse decision; and all other rights accorded by the California  
20 Administrative Procedure Act and other applicable laws.

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

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 4068.

26 10. Respondent agrees that her Pharmacy Technician License is subject to discipline and  
27 she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order  
28 below.

CONTINGENCY

1  
2       11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
4 communicate directly with the Board regarding this stipulation and settlement, without notice to  
5 or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
6 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the  
7 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
8 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
9 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall  
10 not be disqualified from further action by having considered this matter.

11       12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
12 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
13 effect as the originals.

14       13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
15 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
17 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
18 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
19 writing executed by an authorized representative of each of the parties.

20       14. In consideration of the foregoing admissions and stipulations, the parties agree that  
21 the Board may, without further notice or formal proceeding, issue and enter the following  
22 Disciplinary Order:

**DISCIPLINARY ORDER**

24       IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 18794 issued to  
25 Respondent Eugenia Mond Tom (Respondent) is revoked. However, the revocation is stayed and  
26 Respondent is placed on probation for five (5) years on the following terms and conditions.

27       1.     **Certification Prior to Resuming Work**

28       Respondent shall be automatically suspended from working as a pharmacy technician until

1 she is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
2 satisfactory proof of certification to the board. Respondent shall not resume working as a  
3 pharmacy technician until notified by the board. Failure to achieve certification within one (1)  
4 year shall be considered a violation of probation. Respondent shall not resume working as a  
5 pharmacy technician until notified by the board.

6 During suspension, respondent shall not enter any pharmacy area or any portion of any  
7 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
8 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
9 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
10 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
11 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
12 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
13 substances. Respondent shall not resume work until notified by the board.

14 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
15 licensed premises by the board in which she holds an interest at the time this decision becomes  
16 effective unless otherwise specified in this order.

17 Failure to comply with this suspension shall be considered a violation of probation.

18 **2. Obey All Laws**

19 Respondent shall obey all state and federal laws and regulations.

20 Respondent shall report any of the following occurrences to the board, in writing, within  
21 seventy-two (72) hours of such occurrence:

- 22  an arrest or issuance of a criminal complaint for violation of any provision of the  
23 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
24 substances laws
- 25  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
26 criminal complaint, information or indictment
- 27  a conviction of any crime
- 28  discipline, citation, or other administrative action filed by any state or federal agency

1 which involves respondent's Pharmacy Technician license or which is related to the  
2 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
3 or charging for any drug, device or controlled substance.

4 Failure to timely report any such occurrence shall be considered a violation of probation.

5 **3. Report to the Board**

6 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
7 designee. The report shall be made either in person or in writing, as directed. Among other  
8 requirements, respondent shall state in each report under penalty of perjury whether there has  
9 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
10 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
11 in submission of reports as directed may be added to the total period of probation. Moreover, if  
12 the final probation report is not made as directed, probation shall be automatically extended until  
13 such time as the final report is made and accepted by the board.

14 **4. Interview with the Board**

15 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
16 with the board or its designee, at such intervals and locations as are determined by the board or its  
17 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
18 or failure to appear at two (2) or more scheduled interviews with the board or its designee during  
19 the period of probation, shall be considered a violation of probation.

20 **5. Cooperate with Board Staff**

21 Respondent shall cooperate with the board's inspection program and with the board's  
22 monitoring and investigation of respondent's compliance with the terms and conditions of her  
23 probation. Failure to cooperate shall be considered a violation of probation.

24 **6. Notice to Employers**

25 During the period of probation, respondent shall notify all present and prospective  
26 employers of the decision in case number 4068 and the terms, conditions and restrictions imposed  
27 on respondent by the decision, as follows:

28 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of

1 respondent undertaking any new employment, respondent shall cause her direct supervisor,  
2 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
3 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
4 individual(s) has/have read the decision in case number 4068 and the terms and conditions  
5 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or  
6 supervisor(s) submit timely acknowledgement(s) to the board.

7 If respondent works for or is employed by or through a pharmacy employment service,  
8 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy  
9 of the terms and conditions of the decision in case number 4068 in advance of the respondent  
10 commencing work at each pharmacy. A record of this notification must be provided to the board  
11 upon request.

12 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
13 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
14 service, respondent shall cause her direct supervisor with the pharmacy employment service to  
15 report to the board in writing acknowledging that she has read the decision in case number 4068  
16 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
17 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

18 Failure to timely notify present or prospective employer(s) or to cause that/those  
19 employer(s) to submit timely acknowledgements to the board shall be considered a violation of  
20 probation.

21 "Employment" within the meaning of this provision shall include any full-time, part-time,  
22 temporary or relief service or pharmacy management service as a pharmacy technician or in any  
23 position for which a pharmacy technician license is a requirement or criterion for employment,  
24 whether the respondent is considered an employee, independent contractor or volunteer.

#### 25 **7. Reimbursement of Board Costs**

26 As a condition precedent to successful completion of probation, respondent shall pay to the  
27 board its costs of investigation and prosecution in the amount of \$2,152.50 payable in full within  
28 the first three years of probation. Failure to pay costs by the deadline(s) as directed shall be



1 considered a violation of probation.

2 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to  
3 reimburse the board its costs of investigation and prosecution.

4 **8. Probation Monitoring Costs**

5 Respondent shall pay any costs associated with probation monitoring as determined by the  
6 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
7 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
8 be considered a violation of probation.

9 **9. Status of License**

10 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
11 technician license with the board, including any period during which suspension or probation is  
12 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

13 If respondent's pharmacy technician license expires or is cancelled by operation of law or  
14 otherwise at any time during the period of probation, including any extensions thereof due to  
15 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
16 terms and conditions of this probation not previously satisfied.

17 **10. License Surrender While on Probation/Suspension**

18 Following the effective date of this decision, should respondent cease work due to  
19 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
20 respondent may tender her pharmacy technician license to the board for surrender. The board or  
21 its designee shall have the discretion whether to grant the request for surrender or take any other  
22 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
23 license, respondent will no longer be subject to the terms and conditions of probation. This  
24 surrender constitutes a record of discipline and shall become a part of the respondent's license  
25 history with the board.

26 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician  
27 license to the board within ten (10) days of notification by the board that the surrender is  
28 accepted. Respondent may not reapply for any license, permit, or registration from the board for

1 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
2 applicable to the license sought as of the date the application for that license is submitted to the  
3 board.

4 **11. Notification of a Change in Name, Residence Address, Mailing Address or**  
5 **Employment**

6 Respondent shall notify the board in writing within ten (10) days of any change of  
7 employment. Said notification shall include the reasons for leaving, the address of the new  
8 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
9 shall further notify the board in writing within ten (10) days of a change in name, residence  
10 address and mailing address, or phone number.

11 Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
12 phone number(s) shall be considered a violation of probation.

13 **12. Tolling of Probation**

14 Except during periods of suspension, respondent shall, at all times while on probation, be  
15 employed as a pharmacy technician in California for a minimum of 10 hours per calendar month.  
16 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
17 period of probation shall be extended by one month for each month during which this minimum is  
18 not met. During any such period of tolling of probation, respondent must nonetheless comply  
19 with all terms and conditions of probation.

20 Should respondent, regardless of residency, for any reason (including vacation) cease  
21 working as a pharmacy technician for a minimum of 10 hours per calendar month in California,  
22 respondent must notify the board in writing within ten (10) days of cessation of work and must  
23 further notify the board in writing within ten (10) days of the resumption of the work. Any  
24 failure to provide such notification(s) shall be considered a violation of probation.

25 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
26 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
27 exceeding thirty-six (36) months.  
28

1 "Cessation of work" means calendar month during which respondent is not working for at  
2 least 10 hours as a pharmacy technician, as defined in Business and Professions Code section  
3 4115. "Resumption of work" means any calendar month during which respondent is working as a  
4 pharmacy technician for at least 10 hours as a pharmacy technician as defined by Business and  
5 Professions Code section 4115.

6 **13. Violation of Probation**

7 If a respondent has not complied with any term or condition of probation, the board shall  
8 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
9 all terms and conditions have been satisfied or the board has taken other action as deemed  
10 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
11 to impose the penalty that was stayed.

12 If respondent violates probation in any respect, the board, after giving respondent notice  
13 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
14 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
15 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
16 a petition to revoke probation or an accusation is filed against respondent during probation, the  
17 board shall have continuing jurisdiction, and the period of probation shall be automatically  
18 extended until the petition to revoke probation or accusation is heard and decided.

19 **14. Completion of Probation**

20 Upon written notice by the board indicating successful completion of probation,  
21 respondent's pharmacy technician license will be fully restored.

22 **15. No Ownership of Licensed Premises**

23 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
24 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
25 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
26 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
27 days following the effective date of this decision and shall immediately thereafter provide written  
28 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide

1 documentation thereof shall be considered a violation of probation.

2 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

3 Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
4 attendance at a recognized and established substance abuse recovery support group in California,  
5 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
6 or its designee. Respondent must attend at least one group meeting per week unless otherwise  
7 directed by the board or its designee. Respondent shall continue regular attendance and submit  
8 signed and dated documentation confirming attendance with each quarterly report for the duration  
9 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
10 probation.

11 **17. Random Drug Screening**

12 Respondent, at her own expense, shall participate in random testing, including but not  
13 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
14 screening program as directed by the board or its designee. Respondent may be required to  
15 participate in testing for the entire probation period and the frequency of testing will be  
16 determined by the board or its designee. At all times respondent shall fully cooperate with the  
17 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
18 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
19 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
20 of probation. Upon request of the board or its designee, respondent shall provide documentation  
21 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
22 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
23 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
24 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
25 shall be considered a violation of probation and shall result in the automatic suspension of work  
26 by respondent. Respondent may not resume work as a pharmacy technician until notified by the  
27 board in writing.

28 During suspension, respondent shall not enter any pharmacy area or any portion of or any

1 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
2 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
3 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
4 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
5 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
6 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
7 substances. Respondent shall not resume work until notified by the board.

8 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
9 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
10 licensed premises in which she holds an interest at the time this decision becomes effective unless  
11 otherwise specified in this order.

12 Failure to comply with this suspension shall be considered a violation of probation.

#### 13 18. **Notification of Departure**

14 Prior to leaving the probationary geographic area designated by the board or its designee for  
15 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
16 writing of the dates of departure and return. Failure to comply with this provision shall be  
17 considered a violation of probation.

#### 18 19. **Abstain from Drugs and Alcohol Use**

19 Respondent shall completely abstain from the possession or use of alcohol, controlled  
20 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
21 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
22 request of the board or its designee, respondent shall provide documentation from the licensed  
23 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
24 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
25 violation of probation. Respondent shall ensure that she is not in the same physical location as  
26 individuals who are using illicit substances even if respondent is not personally ingesting the  
27 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
28 not supported by the documentation timely provided, and/or any physical proximity to persons

1 using illicit substances, shall be considered a violation of probation.

2 **20. Prescription Coordination and Monitoring of Prescription Use**

3 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
4 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
5 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
6 history with the use of alcohol and who will coordinate and monitor any prescriptions for  
7 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved  
8 practitioner shall be provided with a copy of the board's Accusation and decision. A record of  
9 this notification must be provided to the board upon request. Respondent shall sign a release  
10 authorizing the practitioner to communicate with the board about respondent's treatment(s). The  
11 coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the  
12 board on a quarterly basis for the duration of probation regarding respondent's compliance with  
13 this condition. If any substances considered addictive have been prescribed, the report shall  
14 identify a program for the time limited use of any such substances. The board may require that  
15 the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a  
16 specialist in addictive medicine, or consult a specialist in addictive medicine. Should respondent,  
17 for any reason, cease supervision by the approved practitioner, respondent shall notify the board  
18 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement  
19 physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice to the  
20 board or its designee for its prior approval. Failure to timely submit the selected practitioner or  
21 replacement practitioner to the board for approval, or to ensure the required reporting thereby on  
22 the quarterly reports, shall be considered a violation of probation.

23 If at any time an approved practitioner determines that respondent is unable to practice  
24 safely or independently as a pharmacist, the practitioner shall notify the board immediately by  
25 telephone and follow up by written letter within three (3) working days. Upon notification from  
26 the board or its designee of this determination, respondent shall be automatically suspended and  
27 shall not resume practice until notified by the board that practice may be resumed.

28 During suspension, respondent shall not enter any pharmacy area or any portion of the

1 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
2 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
3 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
4 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
5 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
6 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
7 and controlled substances. Respondent shall not resume practice until notified by the board.

8 During suspension, respondent shall not engage in any activity that requires the  
9 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
10 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
11 designated representative for any entity licensed by the board.

12 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
13 licensed premises in which she holds an interest at the time this decision becomes effective unless  
14 otherwise specified in this order.

15 Failure to comply with this suspension shall be considered a violation of probation.

16 ACCEPTANCE

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
18 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this  
19 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
20 to be bound by the Decision and Order of the Board of Pharmacy.

21  
22 DATED: 3-13-12

  
23 EUGENIA MOND TOM  
Respondent

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

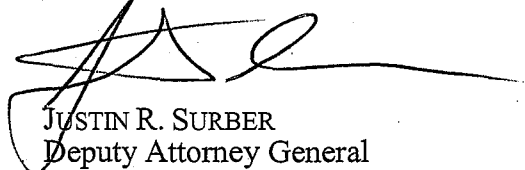
ENDORSEMENT

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

Dated: 3/13/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General



JUSTIN R. SURBER  
Deputy Attorney General  
*Attorneys for Complainant*

SF2011202107  
40537429.doc



**Exhibit A**

**Accusation No. 4068**

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JUSTIN R. SURBER  
Deputy Attorney General  
4 State Bar No. 226937  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 355-5437  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation Against:  
11 **EUGENIA MOND TOM**  
12 3249 25th Street  
13 San Francisco, CA 94110  
14 **Pharmacy Technician License No. TCH**  
**18794**  
15 Respondent.

Case No. 4068

**A C C U S A T I O N**

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
21 2. On or about March 29, 1996, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 18794 to Eugenia Mond Tom (Respondent). The Pharmacy Technician  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on September 30, 2011, unless renewed.

25 **JURISDICTION**

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

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

4. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

"(1) Medical or psychiatric evaluation.

"(2) Continuing medical or psychiatric treatment.

"(3) Restriction of type or circumstances of practice.

"(4) Continuing participation in a board-approved rehabilitation program.

"(5) Abstention from the use of alcohol or drugs.

"(6) Random fluid testing for alcohol or drugs.

"(7) Compliance with laws and regulations governing the practice of pharmacy.

"(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.



1 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
2 of this provision. The board may take action when the time for appeal has elapsed, or the  
3 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
4 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
5 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
6 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
7 indictment.

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

12 FIRST CAUSE FOR DISCIPLINE  
13 (Alcohol Convictions)

14 7. Respondent is subject to disciplinary action under section 4301(k) of the code in that  
15 Respondent was convicted of more than one misdemeanor involving the use, consumption, or  
16 self-administration of alcoholic beverages, The circumstances are as follows:

17 a. On or about October 22, 2010 in San Francisco County Superior Court, Respondent  
18 was convicted of violating Vehicle Code section 23152(b), driving with a blood alcohol content  
19 of .08% or higher. The circumstances leading to Respondent's conviction are described in  
20 paragraph 9, below.

21 b. On or about October 15, 2008, In San Francisco Superior Court Case No. 2357584,  
22 Respondent was convicted of violating Vehicle Code section 23152(b), driving with a blood  
23 alcohol level of .08% or higher.

24 c. On or about September 6, 2001, Respondent was convicted of violating Vehicle Code  
25 section 23152(a), driving under the influence of alcohol.

26 ///  
27 ///  
28 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (Convictions)

3 8. Respondent is subject to disciplinary action under section 4301(l) of the code in that  
4 Respondent was convicted of crimes that are substantially related to the duties, functions, and/or  
5 qualifications of a pharmacy technician. The circumstances are described in paragraph 7, above.

6 THIRD CAUSE FOR DISCIPLINE

7 (Dangerous Use of Alcohol)

8 9. Respondent is subject to disciplinary action under section 4301(h) in that Respondent  
9 used alcoholic beverages to an extent or in a manner as to be dangerous or injurious to herself and  
10 the public, the circumstances are as follows:

11 10. On or about May 29, 2010, drove a vehicle after consuming alcohol to the point of  
12 intoxication. Respondent drove 50 miles per hours in an area where the posted speed limit was  
13 30 miles per hour. Respondent performed poorly on multiple field sobriety tests. Two  
14 Preliminary Alcohol screenings showed Respondent had blood alcohol levels of .140% and  
15 130%. A breathalyzer revealed Respondent had blood alcohol levels of .136% and .137%.  
16 Respondent was convicted as described in paragraph 7(a).

17 DISCIPLINE CONSIDERATIONS

18 11. To determine the degree of discipline, if any, to be imposed on Respondent,  
19 Complainant alleges that on or about February 23, 2010, in a prior action, the Board of Pharmacy  
20 issued Citation Number CI 2008 38564 and ordered Respondent to pay a \$300 fine. Respondent  
21 was cited for unprofessional conduct for sustaining two convictions for driving under the  
22 influence of alcohol, among other crimes. That Citation is now final and is incorporated by  
23 reference as if fully set forth.

24 PRAYER

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

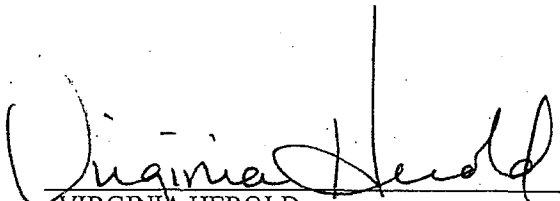
27 1. Revoking or suspending Pharmacy Technician License Number TCH 18794, issued  
28 to Eugenia Mond Tom

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

2. Ordering Eugenia Mond Tom 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: 12/6/11



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

SF2011202107  
accusation.rtf