

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

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

In the Matter of the Accusation Against:

Case No. 4465

KAREN NAVARRO MEDINA  
216 UMBER COURT  
SAN DIEGO, CA 92114

**DEFAULT DECISION AND ORDER**

Pharmacy Technician Registration  
No. TCH 48564

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about April 4, 2013, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4465 against Karen Navarro Medina, also known as Karen Reyes or Karen Medina Reyes (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about July 11, 2003, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 48564 to Respondent Medina. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4465 and will expire on April 30, 2015, unless renewed.

///

1           3.     On or about April 18, 2013, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 4465, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)  
4 at Respondent's address of record which, pursuant to Business and Professions Code section 4100  
5 and California Code of Regulations, Title 16, Section 1704 is required to be reported and  
6 maintained with the Board. Respondent's address of record was and is: 216 Umber Court, San  
7 Diego, CA 92114.

8           4.     Service of the Accusation was effective as a matter of law under the provisions of  
9 Government Code section 11505, subdivision (c) and/or Business & Professions Code  
10 section 124.

11           5.     The aforementioned documents served on Respondent by Certified and First Class  
12 Mail were not returned by the U.S. Postal Service.

13           6.     Government Code section 11506 states, in pertinent part:

14                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
16 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

17           7.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
18 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4465.

19           8.     California Government Code section 11520 states, in pertinent part:

20                   (a) If the respondent either fails to file a notice of defense or to appear at the  
21 hearing, the agency may take action based upon the respondent's express admissions  
22 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

23           9.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
27 file at the Board's offices regarding the allegations contained in Accusation No. 4465, finds that  
28

1 the charges and allegations in Accusation No. 4465, are separately and severally, found to be true  
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$962.50 as of August 22, 2013.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Karen Navarro Medina has  
8 subjected her Pharmacy Technician Registration No. TCH 48564 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
11 Registration based upon the following violations alleged in the Accusation which are supported  
12 by the evidence contained in the Default Decision Evidence Packet in this case:

13 a. Unprofessional conduct for unlawful possession of a controlled substance (Bus. &  
14 Prof. Code, §§ 4060 and 4301, subs. (j) and (o)); and

15 b. Unprofessional conduct for use of a controlled substance (methamphetamine) in a  
16 manner dangerous or injurious to herself or the public (Bus. & Prof. Code, § 4301, subd. (h)).

17 ///  
18 ///  
19 ///  
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

**ORDER**

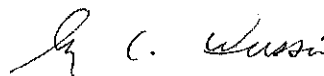
**IT IS SO ORDERED** that Pharmacy Technician Registration No. TCH 48564, heretofore issued to Respondent Karen Navarro Medina, also known as Karen Reyes or Karen Medina Reyes, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 2, 2014.

It is so ORDERED ON December 2, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

STAN C. WEISSER  
Board President

default decision\_LIC.rtf  
DOJ Matter ID:SD2012704388

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALAD. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4465

12 **KAREN NAVARRO MEDINA**  
13 **216 Umber Court**  
**San Diego, CA 92114**

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

14 **Pharmacy Technician Registration**  
15 **No. TCH 48564**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about July 11, 2003, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 48564 to Karen Navarro Medina (Respondent), who also goes by the  
24 name of Karen Reyes and Karen Medina Reyes. The Pharmacy Technician Registration was in  
25 full force and effect at all times relevant to the charges brought herein and will expire on April 30,  
26 2013, unless renewed.

27 ///

28 ///

1 **JURISDICTION**

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

5 4. Section 4300(a) of the Code states that "[e]very license issued may be suspended or  
6 revoked."

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

11 **STATUTORY AND REGULATORY PROVISIONS**

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to evaluate  
14 the rehabilitation of a person when:

15 (a) Considering the denial of a license by the board under Section 480; or

16 (b) Considering suspension or revocation of a license under Section 490.

17 Each board shall take into account all competent evidence of rehabilitation  
18 furnished by the applicant or licensee.

19 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
20 revoke a license on the ground that the licensee has been convicted of a crime substantially  
21 related to the qualifications, functions, or duties of the business or profession for which the  
22 license was issued.

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

8. Section 492 of the Code states:

Notwithstanding any other provision of law, successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.

9. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

10. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

(j) The violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs.

....



1 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
2 abetting the violation of or conspiring to violate any provision or term of this chapter  
or of the applicable federal and state laws and regulations governing pharmacy,  
including regulations established by the board.

3 11. Section 4022 of the Code states

4 "Dangerous drug" or "dangerous device" means any drug or device unsafe for  
5 self-use in humans or animals, and includes the following:

6 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing  
without prescription," "Rx only," or words of similar import.

7 (b) Any device that bears the statement: "Caution: federal law restricts this  
8 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar  
import, the blank to be filled in with the designation of the practitioner licensed to use  
9 or order use of the device.

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

11 12. Section 4060 of the Code states:

12 No person shall possess any controlled substance, except that furnished to a  
13 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or  
furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to  
14 Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician  
assistant pursuant to Section 3502.1. This section shall not apply to the possession of  
15 any controlled substance by a manufacturer, wholesaler, pharmacy, physician,  
podiatrist, dentist, veterinarian, certified nurse-midwife, nurse practitioner, or  
16 physician assistant, when in stock in containers correctly labeled with the name and  
address of the supplier or producer.

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

19 13. Title 16, California Code of Regulations, section 1769, states:

20 ....

21 (b) When considering the suspension or revocation of a facility or a personal  
22 license on the ground that the licensee or the registrant has been convicted of a crime,  
the board, in evaluating the rehabilitation of such person and his present eligibility for  
23 a license will consider the following criteria:

24 (1) Nature and severity of the act(s) or offense(s).

25 (2) Total criminal record.

26 (3) The time that has elapsed since commission of the act(s) or offense(s).

27 (4) Whether the licensee has complied with all terms of parole, probation,  
restitution or any other sanctions lawfully imposed against the licensee.

28 (5) Evidence, if any, of rehabilitation submitted by the licensee.

1 14. Title 16, California Code of Regulations, section 1770, states:

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

6 **COST RECOVERY**

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

11 **DRUG**

12 16. Methamphetamine is a Schedule II controlled substance pursuant to Health and Safety  
13 Code section 11055, subdivision (d), and a dangerous drug pursuant to Business and Professions  
14 Code section 4022.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct – Under the Influence of a Controlled Substance –**  
17 **Methamphetamine – on December 11, 2011)**

18 17. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and  
19 (o) of the Code in that Respondent was in possession of the controlled substance and dangerous  
20 drug, methamphetamine, without a prescription in violation of section 4060 of the Code. The  
21 circumstances are as follows:

22 18. On December 11, 2011, at approximately 0230 hours, San Diego Police Department  
23 Officers observed a vehicle driving at a high rate of speed. Officers performed a traffic stop of  
24 the vehicle and made contact with the driver, M.P. While speaking with M.P., the officers  
25 observed that the front passenger and the back driver side passenger could not stop moving and  
26 appeared to be very nervous. Their rapid movements were consistent with someone under the  
27 influence of a stimulant controlled substance. The front seat passenger continued to move after  
28

1 she was asked by officers to stop, and it appeared to officers that she was attempting to conceal  
2 contraband underneath a jacket that was on her lap. The back seat passenger (Respondent)  
3 appeared to be nervous even after sitting in the vehicle for several minutes. Based on  
4 Respondent's behavior, officers believed that she might be under the influence of a controlled  
5 substance and Respondent was asked to exit the vehicle. Officers performed a field sobriety test  
6 of Respondent and observed that her eyelids fluttered. When asked to open her mouth, officers  
7 saw that she had a white film along the back of her tongue. Respondent had chapped lips and told  
8 officers she was thirsty. Respondent failed the field sobriety test and officers arrested her for  
9 being under the influence of controlled substances and transported her to police headquarters  
10 where she provided a blood sample. Respondent was booked into Las Colinas Women's  
11 Detention Facility. The blood test tested positive for methamphetamine.

12 19. As a result of the arrest, on or about February 9, 2012, in a criminal proceeding  
13 entitled *People of the State of California vs. Karen Reyes*, in the Superior Court of California,  
14 County of San Diego, in Case Number M143638, Respondent pled guilty to violating Health and  
15 Safety Code section 11550 (under the influence of a controlled substance), to wit:  
16 methamphetamine.

17 20. As a result of the guilty plea, the court deferred entry of judgment for 18 months and  
18 Respondent was placed on drug diversion pursuant to Penal Code section 1000. The Court  
19 ordered Respondent to attend self-help meetings as directed by the program advisor, submit to a  
20 drug test at any time during the DEOJ period as directed by the Court or provider, and attend and  
21 successfully complete a County of San Diego PC1000 program and set a final review for  
22 August 2, 2013.

23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Use of Controlled Substances in a Manner Dangerous or**  
3 **Injurious to Self or the Public)**

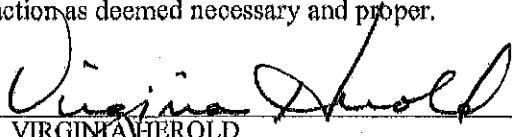
4 21. Respondent is subject to disciplinary action under section 4301(h) of the Code in that  
5 she used controlled substances in a manner dangerous or injurious to herself or the public, to wit:  
6 methamphetamine, as if more fully detailed at paragraphs 17-20, above, which are incorporated  
7 here by reference.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 48564,  
12 issued to Karen Navarro Medina;
- 13 2. Ordering Karen Navarro Medina to pay the Board of Pharmacy the reasonable costs  
14 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
15 section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 4/4/13

18   
19 VIRGINIA HEROLD  
20 Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

25 SD2012704388  
26 70680209.docx  
27  
28