



California State Board of Pharmacy 1625 N. Market Blvd, N219, Sacramento, CA 95834 Phone: (916) 574-7900

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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY DEPARTMENT OF CONSUMER AFFAIRS GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: Venessa Marie Ochoa	Case No. 4970
Address of Record:	
7515 Sheldon Road Unit 22103	
Elf. Grove, W. 95758	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. <u>4916</u>, I hereby request to surrender my pharmacy technician license, License No. <u>TCH120043</u>. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Applicant's Signature

Executive Officer's Approval

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

VANESSA MARIE OCHOA, AKA VANESSA M. OCHOA, AKA VENESSA MARIE OCHOA, AKA VENESSA M. OCHOA 7515 Sheldon Rd., #22103 Elk Grove, CA 95758

Pharmacy Technician Registration No. TCH 120043 Case No. 4976

OAH No. 2014040551

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER

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 January 28, 2015.

It is so ORDERED on January 21, 2015.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STAN C. WEISSER Board President

1	Kamala D. Harris		
2	Attorney General of California KENT D. HARRIS		
3	Supervising Deputy Attorney General LESLIE A. BURGERMYER		
4	Deputy Attorney General State Bar No. 117576		
5	1300 I Street, Suite 125 P.O. Box 944255	·	
6	Sacramento, CA 94244-2550 Telephone: (916) 324-5337		
7	Facsimile: (916) 327-8643 Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against:	Case No. 4976	
12	VANESSA MARIE OCHOA,	OAH No. 2014040551	
13	AKA VANESSA M. OCHOÁ, AKA VENESSA MARIE OCHOA,	STIPULATED SETTLEMENT AND	
14	AKA VENESSA M. OCHOA 7515 Sheldon Rd., #22103	DISCIPLINARY ORDER	
15	Elk Grove, CA 95758		
16	Pharmacy Technician Registration		
17	No. TCH 120043		
18	Respondent.		
19			
20	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
21	entitled proceedings that the following matters are true:		
22	PARTIES		
23	1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy		
24	("Board"), Department of Consumer Affairs. She brought this action solely in her official		
25	capacity and is represented in this matter by Kar	nala D. Harris, Attorney General of the State of	
26	California, by Leslie A. Burgermyer, Deputy At	torney General.	
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		STIPULATED SETTLEMENT (4976)	

1	2. Respondent Vanessa Marie Ochoa, also known as Vanessa M. Ochoa, Venessa Marie	
2	Ochoa, and Venessa M. Ochoa, ("Respondent") is representing herself in this proceeding and has	
3	chosen not to exercise her right to be represented by counsel.	
· 4	3. On or about April 16, 2012, the Board issued Pharmacy Technician Registration No.	
5	TCH 120043 to Respondent. The Pharmacy Technician Registration was in full force and effect	
6	at all times relevant to the charges brought in Accusation No. 4976 and will expire on September	
7	30, 2015, unless renewed.	
8	JURISDICTION	
9	4. Accusation No. 4976 was filed before the Board and is currently pending against	
10	Respondent. The Accusation and all other statutorily required documents were properly served	
11	on Respondent on April 1, 2014. Respondent timely filed her Notice of Defense contesting the	
12	Accusation.	
13	5. A true and correct copy of Accusation No. 4976 is attached hereto, marked Exhibit A,	
14	and incorporated herein by reference.	
15	ADVISEMENT AND WAIVERS	
16	6. Respondent has carefully read, and understands the charges and allegations in	
17	Accusation No. 4976. Respondent has also carefully read, and understands the effects of this	
18	Stipulated Settlement and Disciplinary Order.	ļ
19	7. Respondent is fully aware of her legal rights in this matter, including the right to a	
20	hearing on the charges and allegations in the Accusation; the right to be represented by counsel at	
21	her own expense; the right to confront and cross-examine the witnesses against her; the right to	
22	present evidence and to testify on her own behalf; the right to the issuance of subpoenas to	
23	compel the attendance of witnesses and the production of documents; the right to reconsideration	
24	and court review of an adverse decision; and all other rights accorded by the California	
25	Administrative Procedure Act and other applicable laws.	
26	8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and	ŀ
27	every right set forth above.	
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CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation
No. 4976.

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

RESERVATION

8 11. The admissions made by Respondent herein are only for the purposes of this
9 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
10 licensing agency is involved, and shall not be admissible in any other criminal or civil
11 proceeding.

CONTINGENCY

This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 13 12. understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 14 communicate directly with the Board regarding this stipulation and settlement, without notice to. 15 or participation by Respondent. By signing the stipulation, Respondent understands and agrees 16 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the 17 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and 18 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for 19 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall 2021 not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format ("PDF") and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
integrated writing representing the complete, final, and exclusive embodiment of their agreement.
It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 120043
 issued to Respondent Vanessa Marie Ochoa, also known as Vanessa M. Ochoa, Venessa Marie
 Ochoa, and Venessa M. Ochoa, ("Respondent") is revoked. However, the revocation is stayed
 and Respondent is placed on probation for four (4) years on the following terms and conditions.

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1. Certification Prior to Resuming Work

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

During suspension, Respondent shall not enter any pharmacy area or any portion of any 18 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other 19 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and 20 devices or controlled substances are maintained. Respondent shall not do any act involving drug 21 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent 22 manage, administer, or assist any licensee of the board. Respondent shall not have access to or 23 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled 24 substances. Respondent shall not resume work until notified by the board. 25

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

1	Failure to comply with this suspension shall be considered a violation of probation.	
2	2. Obey All Laws	
3	Respondent shall obey all state and federal laws and regulations.	
4	Respondent shall report any of the following occurrences to the board, in writing, within	
5	seventy-two (72) hours of such occurrence:	
6	a. An arrest or issuance of a criminal complaint for violation of any provision of the	
7	Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances	
8	laws;	
9	b. A plea of guilty or nolo contendre in any state or federal criminal proceeding to	
10	any criminal complaint, information or indictment;	
11	c. A conviction of any crime; and	
12	d. Discipline, citation, or other administrative action filed by any state or federal	
13	agency which involves Respondent's pharmacy technician license or which is related to the	
14	practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging	
15	for any drug, device or controlled substance.	
16	Failure to timely report any such occurrence shall be considered a violation of probation.	
17	3. Report to the Board	
18	Respondent shall report to the Board quarterly, on a schedule as directed by the board or its	
19	designee. The report shall be made either in person or in writing, as directed. Among other	
20	requirements, respondent shall state in each report under penalty of perjury whether there has	
21	been compliance with all the terms and conditions of probation. Failure to submit timely reports	
22	in a form as directed shall be considered a violation of probation, Any period(s) of delinquency	
23	in submission of reports as directed may be added to the total period of probation. Moreover, if	
24	the final probation report is not made as directed, probation shall be automatically extended until	
25	such time as the final report is made and accepted by the board.	
26	4. Interview with the Board	
27	Upon receipt of reasonable prior notice, respondent shall appear in person for interviews	
28	with the board or its designee, at such intervals and locations as are determined by the Board or	

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its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

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5. Cooperate with Board Staff

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

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6. Notice to Employers

During the period of probation, Respondent shall notify all present and prospective
employers of the decision in Accusation No. 4976 and the terms, conditions and restrictions
imposed on Respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment, Respondent shall cause her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's tenure of employment) and owner to report to the Board in writing acknowledging that the listed individual(s) has/have read the decision in Accusation No. 4976 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the Board.

19 If Respondent works for or is employed by or through a pharmacy employment service,
20 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
21 of the terms and conditions of the decision in Accusation No. 4976 in advance of the Respondent
22 commencing work at each pharmacy. A record of this notification must be provided to the Board
23 upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment by or through a pharmacy employment service, Respondent shall cause her direct supervisor with the pharmacy employment service to report to the Board in writing acknowledging that she has read the decision in Accusation No. 4976 and the terms and conditions imposed thereby. It shall be Respondent's

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responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the Board.

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

6 "Employment" within the meaning of this provision shall include any full-time, part-time;
7 temporary or relief service or pharmacy management service as a pharmacy technician or in any
8 position for which a pharmacy technician license is a requirement or criterion for employment,
9 whether the Respondent is considered an employee, independent contractor, or volunteer.

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7. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$2,762.50. Respondent shall make said payments as follows: equal monthly installments commencing with the first month of probation and ending with final payment three (3) months prior to the end of Respondent's probation. There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility
to reimburse the Board its costs of investigation and prosecution.

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8. Probation Monitoring Costs

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

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9. Status of License

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

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

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10. License Surrender While on Probation/Suspension

Following the effective date of this decision, should Respondent cease work due to 6 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, 7 Respondent may tender her pharmacy technician license to the Board for surrender. The Board or 8 its designee shall have the discretion whether to grant the request for surrender or take any other 9 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the 10 license, Respondent will no longer be subject to the terms and conditions of probation. This 11 surrender constitutes a record of discipline and shall become a part of the Respondent's license 12 history with the Board. 13

Upon acceptance of the surrender, Respondent shall relinquish her pharmacy technician license to the board within ten (10) days of notification by the Board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the Board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

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

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

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

12. Tolling of Probation

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of forty (40) hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, Respondent must nonetheless comply with all terms and conditions of probation.

8 Should Respondent, regardless of residency, for any reason (including vacation) cease
9 working as a pharmacy technician for a minimum of forty (40) hours per calendar month in
10 California, Respondent must notify the Board in writing within ten (10) days of cessation of work
11 and must further notify the Board in writing within ten (10) days of the resumption of the work.
12 Any failure to provide such notification(s) shall be considered a violation of probation.

13 It is a violation of probation for Respondent's probation to remain tolled pursuant to the 14 provisions of this condition for a total period, counting consecutive and non-consecutive months, 15 exceeding thirty-six (36) months.

"Cessation of work" means calendar month during which Respondent is not working for at
least forty (40) hours as a pharmacy technician, as defined in Business and Professions Code
section 4115. "Resumption of work" means any calendar month during which Respondent is
working as a pharmacy technician for at least forty (40) hours as a pharmacy technician as
defined by Business and Professions Code section 4115.

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13. Violation of Probation

If a Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty (license revocation) that was stayed.

If Respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against Respondent during probation, the Board shall have continuing jurisdiction, and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

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14. Completion of Probation

7 Upon written notice by the Board indicating successful completion of probation, Respon8 dent's pharmacy technician license will be fully restored.

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15. No Ownership of Licensed Premises

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

17 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional 18 business, firm, partnership, or corporation licensed by the board. If Respondent currently owns or 19 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer, 20 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently 21or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold 22 that interest, but only to the extent of that position or interest as of the effective of this decision. 23 Violation of this restriction shall be considered a violation of probation. 24

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16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups

Within thirty (30) days of the effective date of this decision, Respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board

or its designee. Respondent must attend at least one (1) group meeting per week unless otherwise directed by the Board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

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17. Random Drug Screening

Respondent, at her own expense, shall participate in random testing, including but not 7 limited to, biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug 8 screening program as directed by the Board or its designee. Respondent may be required to 9 participate in testing for the entire probation period and the frequency of testing will be 10 determined by the Board or its designee. At all times Respondent shall fully cooperate with the 11 Board or its designee, and shall, when directed, submit to such tests and samples for the detection 12 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or 13 its designee may direct. Failure to timely submit to testing as directed shall be considered a 14 violation of probation. Upon request of the Board or its designee, Respondent shall provide 15 documentation from a licensed practitioner that the prescription for a detected drug was 16 legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely 17 provide such documentation shall be considered a violation of probation. Any confirmed positive 18 test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a 19 documented medical treatment shall be considered a violation of probation and shall result in the 20automatic suspension of work by respondent. Respondent may not resume work as a pharmacy 21 technician until notified by the Board in writing. 22.

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During suspension, Respondent shall not enter any pharmacy area or any portion of or any other Board licensed premises (wholesaler, veterinary food-animal drug retailer or any other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent manage, administer, or assist any licensee of the Board. Respondent shall not have access to or

control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the board.

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

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

18. Work Site Monitor

Within ten (10) days of the effective date of this decision, Respondent shall identify a work 9 site monitor, for prior approval by the Board, who shall be responsible for supervising 10 Respondent during working hours. Respondent shall be responsible for ensuring that the work -11 site monitor reports in writing to the Board quarterly. Should the designated work site monitor 12 13 determine at any time during the probationary period that Respondent has not maintained sobriety, she shall notify the Board immediately, either orally or in writing as directed. Should 14 Respondent change employment, a new work site monitor must be designated, for prior approval 15 by the Board, within ten (10) days of commencing new employment. Failure to identify an 16 acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to 17 the Board, shall be considered a violation of probation. 18

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19. Abstain from Drugs and Alcohol Use

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

ACCEPTANCE

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

DATED: 9

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VANÈSSA MARIE OCHOA AKA VANESSA M. OCHOA, AKA VENESSA MARIE OCHOA, AKA VENESSA M. OCHOA Respondent

ENDORSEMENT

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

17 DATED: 12/22/14 18 19

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Respectfully submitted,

KAMALA D. HARRIS Attorney General of California KENT D. HARRIS Supervising Deputy Attorney General

LESLIE A. BURGERMYER Deputy Attorney General Attorneys for Complainant

Exhibit A

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Accusation No. 4976

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1	KÁMALA D. HARRIS	
- 2	Attorney General of California KENT D. HARRIS	
. 3	Supervising Deputy Attorney General LESLIE A. BURGERMYER	
4	Deputy Attorney General State Bar No. 117576	
5	1300 I Street, Suite 125 P.O. Box 944255	
	Sacramento, CA 94244-2550	
-6 7	Telephone: (916) 324-5337 Facsimile: (916) 327-8643 Attorneys for Complainant	·
. 8	BEFORE THE	· .
. 9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER	
10	STATE OF CALIFORNIA	
11	In the Matter of the Accusation Against:	Case No. 4976
_ 12	VANESSA MARIE OCHOA, aka VANESSA M. OCHOA,	ACCUSATION
• 13	aka VENESSA MARIE OCHOA, aka VENESSA M. OCHOA	· · · · · ·
. 14	7515 Sheldon Rd., #22103 Elk Grove, CA 95758	
		· · · · · · · · · · · · · · · · · · ·
. 16	Pharmacy Technician Registration No. TCH 120043	
17	Respondent.	
18	· · · · · · · · · · · · · · · · · · ·	
19	Complainant alleges:	
	PARTIES	· .
21	1. Virginia Herold ("Complainant") brings this Ac	cusation solely in her official
. 22	capacity as the Executive Officer of the Board of Pharmacy	("Board"), Department of Consumer
23	Affairs.	,
24	2. On or about April 16, 2012, the Board issued Pl	harmacy Technician Registration
25	Number TCH 120043 to Vanessa Marie Ochoa, also known	a as Vanessa M. Ochoa, Venessa
	Marie Ochoa, and Venessa M. Ochoa ("Respondent"). The	registration was in full force and
26	I maile contra, and , chosed in contra (reospondent). The	TOBLOW OF THE TOTAL AND ALL
26 27	effect at all times mentioned herein and will expire on Sept	
27	effect at all times mentioned herein and will expire on Sept	

JURISDICTION

This Accusation is brought before the Board under the authority of the following 3. 2 laws. 'All section references are to the Business and Professions Code ("Code") unless otherwise 3 indicated, 4 4. Section 4300, subdivision (a), of the Code states that every license issued by the 5 Board may be suspended or revoked. 6 5. Section 4300.1 of the Code states: .7 The expiration, forfeiture, or suspension of a board-issued license by operation 8 of law or by order or decision of the board or a court of law, the placement of a 9 license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation 10 of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license. 11 STATUTORY PROVISIONS 12 Section 4301 of the Code states, in pertinent part: 6. 13 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 misrepre-14 sentation or issued by mistake. Unprofessional conduct shall include, but is not 15 limited to, any of the following: 16 (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 17 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. 18 19 (1) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a 20 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this 21 state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may 22 inquire into the circumstances surrounding the commission of the crime, in order to 23 fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense 24 substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The 25 board may take action when the time for appeal has elapsed, or the judgment of 26 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 27Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or 28 dismissing the accusation, information, or indictment.

ACCUSATION

REGULATORY PROVISION

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California Code of Regulations ("CCR"), title 16, section 1770, states:

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

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(Conviction of Crime)

9. Respondent's license is subject to disciplinary action under Code section 4301, subdivision (*l*), on the grounds of unprofessional conduct, in that on or about July 16, 2013, Respondent was convicted on her plea of nolo contendere in the case titled *People v. Venessa Ochoa*, San Joaquin County Superior Court Case No. SI61506A, to violating Vehicle Code section 23152, subdivision b [drove a vehicle while having a blood alcohol level of .08% or more], a misdemeanor. Respondent's blood alcohol concentration measured .23 percent. The crime is substantially related to the qualifications, functions, and duties of a registered pharmacy. technician.

a. The underlying circumstances are as follows: On or about June 6, 2013, a police
officer responded to a traffic collision involving Respondent due to running a Stop sign at an
intersection of Armstrong Road and Micke Grove Road, in an unincorporated area of San
Joaquin County. Respondent admitted to the officer that she had consumed three 12 ounce beers
prior to driving her vehicle on public roads. She performed poorly on the Field Sobriety Tests,
Respondent's preliminary alcohol screenings resulted in blood alcohol concentrations of .25
percent and .27 percent.

SECOND CAUSE FOR DISCIPLINE

(Self-Administered Alcohol - Dangerons or Injurious to Self or Others) Respondent's license is subject to disciplinary action under Code section 4301, 10. subdivision (h), on the grounds of unprofessional conduct, in that on or about on or about June 6, 2013, Respondent self-administered alcoholic beverages to the extent or in a manner as to be dangerous or injurious to herself, to others, or to the extent that the use impaired her ability to conduct with safety to the public the practice of registered pharmacy technician. The underlying circumstances are set forth in paragraph 9, and its subpart, above.

DISCIPLINARY CONSIDERATIONS

In order to determine the level of discipline to be imposed, Complainant requests the 11. following to be considered:

a. On or about July 22, 1998, in the case titled *People v. Vanessa Ochoa*, Santa Clara County Superior Court Case No. C0994869, Respondent was convicted of violating Vehicle Code section 23152, subdivision (b) [driving under the influence of alcohol with a blood alcohol level of .08 percent or above], a misdemeañor.

On or about May 10, 1999, in the case titled People v. Vanessa Ochoa, Santa b. Clara County Superior Court Case No. C9924693, Respondent was convicted of violating Vehicle Code section 12500, subdivision (a) [driving without a license], a misdemeanor,

On or about August 15, 2005, in the case titled People v. Vanessa Ochoa, c, Amador County Superior Court Case No. 05CR8442, Respondent was convicted of violating Vehicle Code section 23103, subdivision (a) [reckless driving on the highway], a misdemeanor, Ž2

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: 24

Revoking or suspending Pharmacy Technician Registration Number TCH 120043 1. 25 issued to Vanessa Marie Ochoa, also known as Vanessa M. Ochoa, Venessa Marie Ochoa, and 26 Venessa M. Ochoa; 27

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ACCUSATION

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Ordering Vanessa Marie Ochoa, also known as Vanessa M. Ochoa, Venessa 2. Marie Ochoa, and Venessa M. Ochoa, 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; and Taking such other and further action as deemed necessary and proper. 3. DATED: URGINIA HEROLI Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant -17 SA2013113587 / 11281078.docx ACCUSATION