

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

In the Matter of the Accusation Against:

**LAURA ROSIO NOLASCO
13801 Paramount Blvd., #3-217
Paramount, CA 90723**

**Pharmacy Technician Registration No.
TCH 74635**

Respondent.

Case No. 5026

OAH No. 2014050730

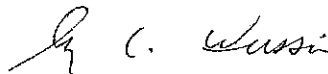
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Surrender and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on February 25, 2015.

It is so ORDERED on February 18, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

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13 **13801 Paramount Blvd., #3-217**
Paramount, CA 90723

OAH No. 2014050730

14 **Pharmacy Technician Registration No.**
15 **TCH 74635**

STIPULATED SURRENDER OF
LICENSE AND ORDER

16 Respondent.

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 Kristina T. Jarvis, Deputy Attorney
23 General.

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

26 3. On or about April 27, 2007, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 74635 to Laura Rosio Nolasco (Respondent). The Pharmacy Technician

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1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 5026 and will expire on February 28, 2015, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 5026 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on April 23, 2014.
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 5026 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 5026. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

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

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 5026, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
25 Registration No. TCH 74635 for the Board's formal acceptance.

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

1 CONTINGENCY

2 10. 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 surrender, without notice to or
5 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
6 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
7 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
8 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

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

14 12. This Stipulated Surrender of License and 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 Surrender of License and Order
18 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
19 executed by an authorized representative of each of the parties.

20 13. 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 Order:

22 ORDER

23 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 74635, issued
24 to Respondent Laura Rosio Nolasco, is surrendered and accepted by the Board of Pharmacy.

25 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
26 of the surrendered license by the Board shall constitute the imposition of discipline against
27 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
28 Respondent's license history with the Board of Pharmacy.

1 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
2 as of the effective date of the Board's Decision and Order.

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

5 4. Respondent understands and agrees that if she ever files an application for licensure
6 or a petition for reinstatement in the State of California, the Board shall treat it as a new
7 application for licensure.

8 5. Respondent may not apply for any license, permit, or registration from the board for
9 three (3) years from the effective date of this decision. Respondent stipulates that should he or she
10 apply for any license from the board on or after the effective date of this decision, all allegations
11 set forth in Accusation No. 5026 shall be deemed to be true, correct and admitted by respondent
12 when the board determines whether to grant or deny the application. Respondent shall satisfy all
13 requirements applicable to that license as of the date the application is submitted to the board,
14 including, but not limited to certification by a nationally recognized body prior to the issuance of
15 a new license. Respondent is required to report this surrender as disciplinary action.

16 6. Respondent shall pay the agency its costs of investigation and enforcement in the
17 amount of \$2,856.00 prior to issuance of a new or reinstated license.

18 7. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation, No. 5026 shall be deemed
21 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
22 other proceeding seeking to deny or restrict licensure.

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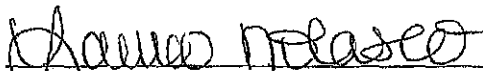
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ACCEPTANCE

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

DATED: 1.21.15

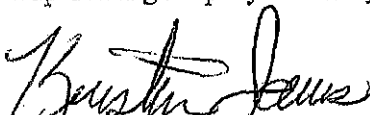

LAURA ROSIO NOLASCO
Respondent

ENDORSEMENT

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

Dated: 1/28/15

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General


KRISTINA T. JARVIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5026

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
4 State Bar No. 258229
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 5026

12 **LAURA ROSOI NOLASCO**
13 **816 Pecan Court**
Livingston, CA 95334

ACCUSATION

14 **Pharmacy Technician Registration No. TCH**
15 **74635**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about April 27, 2007, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 74635 to Laura Rosoi Nolasco (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on February 28, 2015, 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 4. Section 4300 of the Code states in pertinent part:

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

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

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

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

9 "(4) Revoking his or her license.

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

12 5. Section 4300.1 of the Code states:

13 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
14 of law or by order or decision of the board or a court of law, the placement of a license on a
15 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
16 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
17 against, the licensee or to render a decision suspending or revoking the license."

18 6. Section 4301 of the Code states in pertinent part:

19 "The board shall take action against any holder of a license who is guilty of unprofessional
20 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

21 Unprofessional conduct shall include, but is not limited to, any of the following:

22 "..."

23 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
24 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
25 whether the act is a felony or misdemeanor or not.

26 "..."

27 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
28 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to

1 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
2 to the extent that the use impairs the ability of the person to conduct with safety to the public the
3 practice authorized by the license.

4 "...

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

7 "...

8 "(l) The conviction of a crime substantially related to the qualifications, functions, and duties
9 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
10 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
11 substances or of a violation of the statutes of this state regulating controlled substances or
12 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
13 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The
14 board may inquire into the circumstances surrounding the commission of the crime, in order to fix
15 the degree of discipline or, in the case of a conviction not involving controlled substances or
16 dangerous drugs, to determine if the conviction is of an offense substantially related to the
17 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a
18 conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of
19 this provision. The board may take action when the time for appeal has elapsed, or the judgment of
20 conviction has been affirmed on appeal or when an order granting probation is made suspending
21 the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal
22 Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
23 setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

24 "...

25 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
26 violation of or conspiring to violate any provision or term of this chapter or of the applicable

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1 federal and state laws and regulations governing pharmacy, including regulations established by the
2 board or by any other state or federal regulatory agency..."

3 7. Section 4060 of the Code states in pertinent part:

4 "No person shall possess any controlled substance, except that furnished to a person upon
5 the prescription of a physician..."

6 8. Health and Safety Code section 11170 states: "No person shall prescribe, administer,
7 or furnish a controlled substance for himself."

8 **DRUGS**

9 9. "Norco" is a brand name for acetaminophen and hydrocodone bitartrate, a Schedule
10 III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(4).

11 **COST RECOVERY**

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

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Substantially Related Criminal Conviction)**

18 11. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
19 section 4301, subdivision (i), in that on or about March 2, 2011, in a case in the Merced County
20 Superior Court entitled *People v. Laura Rosio Nolasco*, case number 009640, she was convicted
21 of violating Vehicle Code section 23152, subdivision (b), driving a vehicle while under the
22 influence of alcohol with a blood alcohol level of at least 0.08% by volume, a misdemeanor. The
23 circumstances are that on or about December 18, 2009, Respondent drove a motor vehicle on a
24 public street with a blood alcohol level that was tested at 0.10% and 0.11% by volume.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Act Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

27 12. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
28 section 4301, subdivision (f), in that she committed acts involving moral turpitude, dishonesty,

1 fraud, or deceit. The circumstances are that while employed by CVS Pharmacy and on duty,
2 Respondent regularly stole bottles of Hydrocodone/APAP 10/325, brand name Norco, estimated
3 to total one thousand, eight hundred and eighty two (1,882) pills. Respondent admitted to stealing
4 one to two (1-2) bottles of Norco per month for the two (2) years prior to her termination from
5 employment on May 31, 2013, by hiding them in her purse or lunch bag. Respondent admitted
6 administering Norco to herself prior to working her shifts at CVS Pharmacy.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Self-Administer Controlled Substances)**

9 13. Respondent is subject to disciplinary action for unprofessional conduct for self-
10 administering a controlled substance or alcoholic beverage in a manner or to an extent to be
11 dangerous to herself or others, pursuant to section 4301, subdivision (h). The circumstances are
12 as follows:

13 a. On or about December 18, 2009, Respondent self-administered alcohol to an
14 extent to be dangerous to herself or others as described in paragraph 11, above.

15 b. Respondent self-administered a controlled substance, Norco, prior to working
16 shifts at CVS Pharmacy where she performed the duties of a pharmacy technician as described in
17 paragraph 12, above.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Violation of Laws Governing Controlled Substances)**

20 14. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
21 section 4301, subdivision (j), in that she violated Health and Safety Code section 11170, and Code
22 section 4060, by possessing and self-administering a controlled substance for which she did not
23 have a prescription. The circumstances are as described in paragraph 12, above.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Violation of Laws Governing Pharmacy)**

26 15. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
27 section 4301, subdivision (o), in that Respondent violated the laws governing pharmacy as set
28 forth in paragraphs 11-14, above.

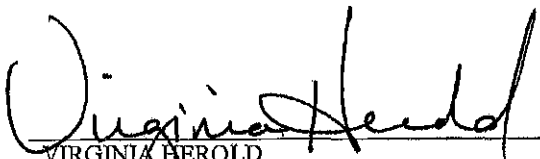
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 74635, issued to Laura Rosoi Nolasco;
2. Ordering Laura Rosoi Nolasco 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: 3/27/14



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

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