



**California State Board of Pharmacy**  
 1625 N. Market Blvd, N219, Sacramento, CA 95834  
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 Fax: (916) 574-8618  
 www.pharmacy.ca.gov

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: <u>Melissa V. Carmora</u>	Case No. <u>5027</u>
Address of Record: <u>200 S Sullivan St #63</u> <u>Santa Ana CA 92704</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 5027, I hereby request to surrender my pharmacy technician license, License No. 111525. 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.

Melissa V. Carmora  
 Applicant's Signature

4-27-15  
 Date

Virginia Deed  
 Executive Officer's Approval

5/1/15  
 Date

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:

**MELISSA YVONE CARMONA  
206 S. Sullivan #63  
Santa Ana, CA 92704**

**Pharmacy Technician Registration No. TCH  
111525**

Respondent.

Case No. 5027

OAH No. 2014040991

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

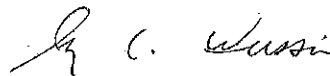
**DECISION AND ORDER**

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 March 18, 2015.

It is so ORDERED on March 11, 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 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:  
13 **MELISSA YVONE CARMONA**  
206 S. Sullivan #63  
14 Santa Ana, CA 92704  
15 **Pharmacy Technician Registration No. TCH**  
111525  
16  
17 Respondent.

Case No. 5027  
OAH No. 2014040991

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

20 **PARTIES**

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

25 2. Respondent Melissa Yvone Carmona ("Respondent") is represented in this  
26 proceeding by attorney John Cohan, whose address is: 16133 Ventura Blvd Suite 700, Encino,  
27 CA, 91436.  
28

1           3.     On or about March 10, 2011, the Board of Pharmacy issued Pharmacy Technician  
2 Registration No. TCH 111525 to Melissa Yvone Carmona (Respondent). The Pharmacy  
3 Technician Registration was in full force and effect at all times relevant to the charges brought in  
4 Accusation No. 5027 and will expire on April 30, 2016, unless renewed.

5                                   **JURISDICTION**

6           4.     Accusation No. 5027 was filed before the Board of Pharmacy (Board), Department of  
7 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
8 statutorily required documents were properly served on Respondent on April 1, 2014.  
9 Respondent timely filed her Notice of Defense contesting the Accusation.

10          5.     A copy of Accusation No. 5027 is attached as exhibit A and incorporated herein by  
11 reference.

12                                   **ADVISEMENT AND WAIVERS**

13          6.     Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in Accusation No. 5027. Respondent has also carefully read, fully  
15 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
16 Order.

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

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

25                                   **CULPABILITY**

26          9.     Respondent admits the truth of each and every charge and allegation in Accusation  
27 No. 5027.



1 revocation is stayed and Respondent is placed on probation for five (5) years on the following  
2 terms and conditions.

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

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

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

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

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

22 **2. Obey All Laws**

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

24 Respondent shall report any of the following occurrences to the Board, in writing, within  
25 seventy-two (72) hours of such occurrence:

- 26  an arrest or issuance of a criminal complaint for violation of any provision of the  
27 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
28 substances laws

- 1            a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
2           criminal complaint, information or indictment
- 3            a conviction of any crime
- 4            discipline, citation, or other administrative action filed by any state or federal agency  
5           which involves Respondent's technician license or which is related to the practice of  
6           pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging  
7           for any drug, device or controlled substance.

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

9           **3. Report to the Board**

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

18           **4. Interview with the Board**

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

24           **5. Cooperate with Board Staff**

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

28

1           **6. Notice to Employers**

2           During the period of probation, Respondent shall notify all present and prospective  
3 employers of the decision in case number 5027 and the terms, conditions and restrictions imposed  
4 on Respondent by the decision, as follows:

5           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
6 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,  
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
8 tenure of employment) and owner to report to the Board in writing acknowledging that the listed  
9 individual(s) has/have read the decision in case number 5027 and the terms and conditions  
10 imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or  
11 supervisor(s) submit timely acknowledgement(s) to the Board.

12           If Respondent works for or is employed by or through a pharmacy employment service,  
13 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy  
14 of the terms and conditions of the decision in case number 5027 in advance of the Respondent  
15 commencing work at each pharmacy. A record of this notification must be provided to the Board  
16 upon request.

17           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
18 (15) days of Respondent undertaking any new employment by or through a pharmacy  
19 employment service, Respondent shall cause her direct supervisor with the pharmacy  
20 employment service to report to the Board in writing acknowledging that she has read the  
21 decision in case number 5027 and the terms and conditions imposed thereby. It shall be  
22 Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely  
23 acknowledgment(s) to the Board.

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

27           "Employment" within the meaning of this provision shall include any full-time,  
28 part-time, temporary or relief service or pharmacy management service as a pharmacy



1 technician or in any position for which a pharmacy technician license is a requirement  
2 or criterion for employment, whether the Respondent is considered an employee,  
3 independent contractor or volunteer.

4 **7. Reimbursement of Board Costs**

5 As a condition precedent to successful completion of probation, Respondent shall pay to the  
6 Board its costs of investigation and prosecution in the amount of \$3,213. Respondent shall make  
7 said payments as follows: commencing on the effective date of the decision and on the first of  
8 each month thereafter, Respondent shall pay to the Board \$55.00 per month until paid in full.  
9 There shall be no deviation from this schedule absent prior written approval by the Board or its  
10 designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
11 probation.

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

14 **8. Probation Monitoring Costs**

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

19 **9. Status of License**

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

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

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

28 Following the effective date of this decision, should Respondent cease work due to

1 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
2 Respondent may tender her pharmacy technician license to the Board for surrender. The Board or  
3 its designee shall have the discretion whether to grant the request for surrender or take any other  
4 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
5 license, Respondent will no longer be subject to the terms and conditions of probation. This  
6 surrender constitutes a record of discipline and shall become a part of the Respondent's license  
7 history with the Board.

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

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

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

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

23       **12. Tolling of Probation**

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

1 nonetheless comply with all terms and conditions of probation.

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

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

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

16 **13. Violation of Probation**

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

22 If Respondent violates probation in any respect, the Board, after giving Respondent notice  
23 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
24 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
25 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
26 a petition to revoke probation or an accusation is filed against Respondent during probation, the  
27 Board shall have continuing jurisdiction, and the period of probation shall be automatically  
28 extended until the petition to revoke probation or accusation is heard and decided.

1           **14. Completion of Probation**

2           Upon written notice by the Board indicating successful completion of probation,  
3 Respondent's pharmacy technician license will be fully restored.

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

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

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

13           Within thirty (30) days of the effective date of this decision, Respondent shall begin regular  
14 attendance at a recognized and established substance abuse recovery support group in California,  
15 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board  
16 or its designee. Respondent must attend at least one group meeting per week unless otherwise  
17 directed by the Board or its designee. Respondent shall continue regular attendance and submit  
18 signed and dated documentation confirming attendance with each quarterly report for the duration  
19 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
20 probation.

21           **17. Random Drug Screening**

22           Respondent, at her own expense, shall participate in random testing, including but not  
23 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
24 screening program as directed by the Board or its designee. Respondent may be required to  
25 participate in testing for the entire probation period and the frequency of testing will be  
26 determined by the Board or its designee. At all times Respondent shall fully cooperate with the  
27 Board or its designee, and shall, when directed, submit to such tests and samples for the detection  
28 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or

1 its designee may direct. Failure to timely submit to testing as directed shall be considered a  
2 violation of probation. Upon request of the Board or its designee, Respondent shall provide  
3 documentation from a licensed practitioner that the prescription for a detected drug was  
4 legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely  
5 provide such documentation shall be considered a violation of probation. Any confirmed positive  
6 test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a  
7 documented medical treatment shall be considered a violation of probation and shall result in the  
8 automatic suspension of work by Respondent. Respondent may not resume work as a pharmacy  
9 technician until notified by the Board in writing.

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

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

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

23 **18. Work Site Monitor**

24 Within ten (10) days of the effective date of this decision, Respondent shall identify a work  
25 site monitor, for prior approval by the Board, who shall be responsible for supervising  
26 Respondent during working hours. Respondent shall be responsible for ensuring that the work  
27 site monitor reports in writing to the Board quarterly. Should the designated work site monitor  
28 determine at any time during the probationary period that Respondent has not maintained

1 sobriety, she shall notify the Board immediately, either orally or in writing as directed. Should  
2 Respondent change employment, a new work site monitor must be designated, for prior approval  
3 by the Board, within ten (10) days of commencing new employment. Failure to identify an  
4 acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to  
5 the Board, shall be considered a violation of probation.

6 **19. Notification of Departure**

7 Prior to leaving the probationary geographic area designated by the Board or its designee  
8 for a period greater than twenty-four (24) hours, Respondent shall notify the Board verbally and  
9 in writing of the dates of departure and return. Failure to comply with this provision shall be  
10 considered a violation of probation.

11 **20. Abstain from Drugs and Alcohol Use**

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

23 **21. Prescription Coordination and Monitoring of Prescription Use**

24 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
25 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
26 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the  
27 Respondent's history with the use of controlled substances, and/or dangerous drugs, and who will  
28 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled

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

17 If at any time an approved practitioner determines that Respondent is unable to practice  
18 safely as a pharmacy technician, the practitioner shall notify the Board immediately by telephone  
19 and follow up by written letter within three (3) working days. Upon notification from the Board  
20 or its designee of this determination, Respondent shall be automatically suspended and shall not  
21 resume practice until notified by the Board that practice may be resumed.

22 During suspension, Respondent shall not enter any pharmacy area or any portion of the  
23 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
24 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices  
25 or controlled substances are maintained. Respondent shall not practice as a pharmacy technician,  
26 nor do any act permitted under a pharmacy technician license, including the removal of drug or  
27 drugs from stock; counting, pouring, mixing, or compounding pharmaceuticals; placing drug  
28 products into a container; affixing the label or labels to drug product containers; or

1 package/repackage drugs. Respondent shall not manage, administer, or be a consultant to any  
2 licensee of the Board, or have access to or control the ordering or manufacturing of dangerous  
3 drugs and controlled substances. Respondent shall not resume practice until notified by the  
4 Board.

5 During suspension, Respondent shall not direct or control any aspect of the practice of  
6 pharmacy. Respondent shall not perform the duties of a designated representative for any entity  
7 licensed by the Board.

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

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

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
14 discussed it with my attorney, John Cohan. I understand the stipulation and the effect it will have  
15 on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary  
16 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
17 of the Board of Pharmacy.

18  
19 DATED: 2-10-15   
20 MELISSA YVONE CARMONA  
Respondent

21 I have read and fully discussed with Respondent Melissa Yvone Carmona the terms and  
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
23 I approve its form and content.

24  
25 DATED: 2-11-15   
26 JOHN COHAN  
Attorney for Respondent

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ENDORSEMENT

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

Dated: 2/11/2015

Respectfully submitted,

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Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General



NICOLE R. TRAMA  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5027**

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

11  
12 In the Matter of the Accusation Against:

13 **MELISSA YVONE CARMONA**  
206 S. Sullivan #63  
14 Santa Ana, CA 92704

15 **Pharmacy Technician Registration No. TCH**  
111525

16 Respondent.  
17

Case No. 5027

**ACCUSATION**

18  
19  
20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about March 10, 2011, the Board of Pharmacy issued Pharmacy Technician  
25 Registration Number TCH 111525 to Melissa Yvone Carmona (Respondent). The Pharmacy  
26 Technician Registration was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on April 30, 2014, unless renewed.  
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, subdivision (a) of the Code states "Every license issued may be  
6 suspended or revoked."

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 4301 of the Code states:

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

17 . . . .

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

20 . . . .

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

25 . . . .

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

28 . . . .

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  
3 chapter or of the applicable federal and state laws and regulations governing  
4 pharmacy, including regulations established by the board or by any other state or  
5 federal regulatory agency.

6 .....  
7  
8 7. Section 4059 of the Code states:

9 (a) A person may not furnish any dangerous drug, except upon the  
10 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
11 naturopathic doctor pursuant to Section 3640.7. A person may not furnish any  
12 dangerous device, except upon the prescription of a physician, dentist, podiatrist,  
13 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.  
14

15 .....  
16  
17 8. Section 4060 of the Code states:

18 No person shall possess any controlled substance, except that furnished to a  
19 person upon the prescription of a physician, dentist, podiatrist, optometrist,  
20 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished  
21 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
22 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant  
23 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a  
24 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)  
25 of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This  
26 section shall not apply to the possession of any controlled substance by a  
27 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,  
28 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse  
practitioner, or physician assistant, when in stock in containers correctly labeled  
with the name and address of the supplier or producer.

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

9. Health and Safety Code section 11170 states that no person shall prescribe,  
administer, or furnish a controlled substance for himself.

## COST RECOVERY



1 drank from the bottle twice per day for 2-3 times per 1-2 weeks. Respondent admitted that she  
2 consumed about 3-4 bottles of promethazine with codeine and that she did not have a prescription  
3 for it. Respondent also admitted that she stole two Norco tablets and ten Xanax tablets from  
4 CVS. Respondent signed a promissory note promising to pay CVS \$273.67 for the drugs that she  
5 stole.

6 16. On or about January 29, 2013, officers from the Santa Ana Police Department  
7 interviewed Respondent about the theft of drugs from CVS. Respondent again admitted to taking  
8 and ingesting promethazine with codeine, 2 Norco pills and 10 Xanax pills. Respondent also  
9 admitted that she assisted another pharmacy technician in taking drugs from CVS by placing  
10 Xanax tablets on the rear counter so that the pharmacy technician could grab the pills.

11 17. On or about May 21, 2013, the People of the State of California issued a  
12 misdemeanor complaint against Respondent in Orange County Superior Court Case Number  
13 13CM04253, alleging a violation of Penal Code section 484(a)-488-508, theft by employee. On  
14 or about June 14, 2013, Respondent pled guilty to violation of Penal Code section 484(a)-488-  
15 508. However, the Court granted Respondent deferred entry of judgment and the case was  
16 dismissed on September 16, 2013.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Dishonest Act)**

19 18. Respondent has subjected her license to disciplinary action under section 4301,  
20 subdivision (f) of the Code in that Respondent committed an act involving dishonesty, fraud,  
21 deceit, or corruption, when she stole controlled substances from her employer while working as a  
22 pharmacy technician, as detailed in paragraphs 14 through 17, above, and which are incorporated  
23 herein by reference.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Use of Controlled Substances in Dangerous Manner)**

26 19. Respondent has subjected her license to disciplinary action under section 4301,  
27 subdivision (h) of the Code in that Respondent administered to herself controlled substances to  
28 the extent or in a manner as to be dangerous or injurious to herself or the public, or to the extent

1 that it impaired her ability to practice safely, as evidenced by Respondent's admissions that while  
2 working as a pharmacy technician, she consumed promethazine with codeine without a physician  
3 prescription, directly from the CVS stock bottle twice per day for 2-3 times per 1-2 weeks, as  
4 detailed in paragraphs 14 through 17, above, and which are incorporated herein by reference.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Unlawful Administration of a Controlled Substance)**

7 20. Respondent has subjected her license to disciplinary action under section 4301,  
8 subdivision (j) of the Code for violation of Health and Safety Code section 11170 in that  
9 Respondent illegally administered to herself controlled substances without a prescription, as  
10 evidenced by Respondent's admissions that she consumed promethazine with codeine from the  
11 CVS stock bottle twice per day for 2-3 times per 1-2 weeks, as detailed in paragraphs 14 through  
12 17, above, and which are incorporated herein by reference.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Unlawful Possession of a Controlled Substance)**

15 21. Respondent has subjected her license to disciplinary action under section 4301,  
16 subdivision (o) of the Code for violation of Code section 4060 in that Respondent illegally  
17 possessed controlled substances without a prescription, as evidenced by Respondent's  
18 admissions that she stole promethazine with codeine, Norco, and Xanax from CVS, as detailed in  
19 paragraphs 14 through 17, above, and which are incorporated herein by reference.

20 **PRAYER**

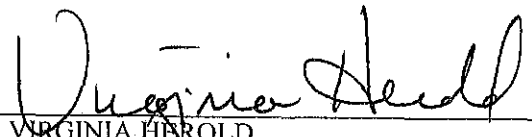
21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Board of Pharmacy issue a decision:

- 23 1. Revoking or suspending Pharmacy Technician Registration Number TCH 111525,  
24 issued to Melissa Yvone Carmona;
- 25 2. Ordering Melissa Yvone Carmona to pay the Board of Pharmacy the reasonable costs  
26 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
27 section 125.3;
- 28 3. Taking such other and further action as deemed necessary and proper.



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DATED: 3/15/14



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

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