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

In the Matter of the Accusation Against:

**JESSICA LORRAINE BARRERA**  
10909 Barlett Avenue  
Adelanto, CA 92301  
Pharmacy Technician Registration No. TCH  
92126

Respondent.

Case No. 5289

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 23, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5289 against Jessica Lorraine Barrera (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about July 14, 2009, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 92126 to Respondent. The Pharmacy Technician Registration expired on September 30, 2014, and has not been renewed.

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1           3.    On or about June 23, 2015, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 5289, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is 10909 Bartlett Avenue, Adelanto, CA 92301.

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

10          5.    On or about July 3, 2015, the aforementioned documents, served via Certified Mail,  
11 were returned by the U.S. Postal Service marked "refused" and "unable to forward." In addition,  
12 on or about July 9, 2015, the aforementioned documents, served via First Class Mail, were also  
13 returned by the U.S. Postal Service marked "unable to forward."

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

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

20          7.    Respondent failed to file a Notice of Defense within 15 days after service upon her of  
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5289.

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

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

27          9.    Pursuant to its authority under Government Code section 11520, the Board finds  
28 Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 5289, finds that

1 the charges and allegations in Accusation No. 5289, are separately and severally, found to be true  
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$1,735.00 as of July 31, 2015.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Jessica Lorraine Barrera has  
8 subjected her Pharmacy Technician Registration No. TCH 92126 to discipline.

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

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

13 a. Substantially-Related Criminal Conviction [Cal. Bus. and Prof. Code § 4301(l)];

14 b. Unlawful Possession of Controlled substance/Dangerous Drug [Cal. Bus. and Prof.  
15 Code §§ 4301(j) and 4060];

16 c. Dangerous Use of Controlled Substance/Dangerous Drug [Cal. Bus. and Prof. §  
17 4301(h); and

18 d. Violation of Drug Law (Cal. Bus. and Prof. § 4301(j).

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 92126, heretofore issued to Respondent Jessica Lorraine Barrera, is revoked.

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

This Decision shall become effective on November 13, 2015.

It is so ORDERED on October 14, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

51816270.DOC  
DOJ Matter ID:LA2014512712

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(JESSICA LORRAINE BARRERA)

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 WILLIAM D. GARDNER  
Deputy Attorney General  
4 State Bar No. 244817  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2114  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5289

12 **JESSICA LORRAINE BARRERA**  
10909 Barlett Avenue  
13 Adelanto, CA 92301

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

14 Pharmacy Technician Registration  
15 No. TCH 92126

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about July 14, 2009, the Board issued Pharmacy Technician Registration No.  
23 TCH 92126 to Jessica Lorraine Barrera (Respondent). The Psychiatric Technician License was in  
24 full force and effect at all times relevant to the charges brought herein and expired on September  
25 30, 2014, and has not been renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.



1 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
2 practice authorized by the license.

3 . . . .

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

6 . . . .

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



1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770, states:

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

9 **COST RECOVERY**

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

14 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

15 10. "Methamphetamine," is a schedule II controlled substance as defined in Health and  
16 Safety Code section 11055, subdivision (d)(2), and is categorized a dangerous drug pursuant to  
17 section 4022.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of a Substantially Related Crime)**

20 11. Respondent is subject to disciplinary action under section 4300, 4301, subdivision (i)  
21 and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that, she  
22 was convicted of a crime substantially related to the qualifications, functions or duties of a  
23 pharmacy technician as follows:

24 a. On or about June 25, 2014, after pleading nolo contendere, Respondent was convicted  
25 of one misdemeanor count of violating Penal Code section 273, subdivision (b) [willful cruelty to  
26 a child] in the criminal proceeding entitled *The People of the State of California v. Jessica*  
27 *Lorraine Barrera* (Super. Ct. San Bernardino County, 2014, No. MVI1402276). The Court

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1 ordered Respondent serve 10 days in San Bernardino County Jail, to enroll in a child abuse  
2 prevention program, and placed her on 4 years probation, with terms and conditions.

3 b. The circumstances surrounding the conviction are that on or about June 16, 2014, a  
4 San Bernardino County Sheriff's deputy responded to a report of a violation of a domestic  
5 violence restraining order at Respondent's residence. The deputy arrested Respondent's husband,  
6 and proceeded to make contact with Respondent who was hiding in the closet with her two  
7 children. The deputy noticed that the Respondent was displaying signs of being under the  
8 influence of a central nervous system stimulant. Respondent had rapid eyelid tremors, a white  
9 coating at the corner of her mouth and tongue, dilated pupils, and displayed bruxism. While  
10 being interviewed by the deputy, Respondent admitted to using methamphetamine two or three  
11 days earlier. During a search of Respondent's residence, the deputy observed a variety of  
12 conditions that endangered Respondent's children, including drug paraphernalia,  
13 methamphetamine residue, dog feces and urine on the floor, broken glass on the floor of the  
14 garage and an unstable unhinged door. Respondent was subsequently arrested for violating Penal  
15 Code section 273, subdivision (a) [willful cruelty to a child] and Health and Safety Code section  
16 11550, subdivision (a) [under the influence a controlled substance].

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Possession of a Controlled Substance/Dangerous Drug)**

19 12. Respondent is subject to disciplinary action under section 4300 and 4301,  
20 subdivision (j) in conjunction with section 4060, on the grounds of unprofessional conduct, in that  
21 Respondent was found to be in possession of methamphetamine, a controlled substance, as  
22 follows:

23 a. On or about April 16, 2014, a San Bernardino County Sheriff's deputy conducted a  
24 traffic enforcement stop on Respondent's vehicle. The deputy noticed that Respondent was  
25 fidgety and extremely nervous. After conducting a series of field sobriety tests, the deputy  
26 determined that Respondent displayed symptoms of a central nervous system stimulant. When  
27 being interviewed by the deputy, Respondent admitted to using methamphetamine that morning.  
28 After Respondent gave consent to search her vehicle, the deputy located a small black case under

1 the passenger seat which contained eight small clear baggies containing methamphetamine, nine  
2 small empty clear, plastic baggies, a digital scale, and a glass smoking device. During the booking  
3 procedure, Respondent stated that she had the intent to sell methamphetamine to make a lot of  
4 money.

5 b. Subsequently, on or about July 31, 2014, criminal charges were filed against the  
6 Respondent for one misdemeanor count of violating Health and Safety Code section 11378  
7 [possession of a controlled substance for sale], and one misdemeanor count of Health and Safety  
8 Code section 11364, subdivision (a) [possession of paraphernalia] in the criminal proceeding  
9 entitled *The People of the State of California v. Jessica Lorraine Barrera* (Super. Ct. San  
10 Bernardino County, 2014, No. FVI1402824). After Respondent failed to appear at an ex parte  
11 hearing on August 6, 2014, an arrest warrant was issued. To date, Respondent remains a fugitive  
12 of justice.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Dangerous Use of a Dangerous Drug/Controlled Substance)**

15 13. Respondent is subject to disciplinary action under section 4301, subdivisions (h), in  
16 that, Respondent used a dangerous drug and/or controlled substance to an extent and/or in a  
17 manner dangerous or injurious to herself and others. Complainant refers to, and by this reference  
18 incorporates, the allegations set forth above in paragraph 11, subparagraphs a and b, and  
19 paragraph 2, subparagraphs a and b, inclusive, as though set forth fully herein.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Violation of Drug Law)**

22 14. Respondent is subject to disciplinary action under section 4301, subdivision (j), in  
23 that Respondent violated laws regulating controlled substances and dangerous drugs.  
24 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
25 paragraph 11, subparagraphs a and b, and paragraph 2, subparagraphs a and b, inclusive, as  
26 though set forth fully herein.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Violation of Drug Law)**

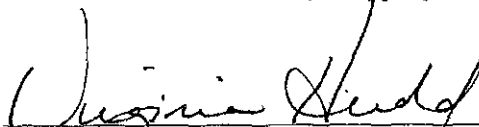
3 15. Respondent is subject to disciplinary action under section 4301, subdivision (o), in  
4 conjunction with section 4060 in that Respondent violated a provision of the California Pharmacy  
5 Law. Complainant refers to, and by this reference incorporates, the allegations set forth above in  
6 paragraph 11, subparagraphs a and b, and paragraph 2, subparagraphs a and b, inclusive, as  
7 though set forth fully herein.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Technician Registration No. TCH 92126, issued  
12 to Jessica Lorraine Barrera;
- 13 2. Ordering Jessica Lorraine Barrera to pay the Board the reasonable costs of the  
14 investigation and enforcement of this case, pursuant to section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: 4/23/15

  
18 VIRGINIA K. HEROLD  
19 Executive Officer  
20 California State Board of Pharmacy  
21 State of California  
22 Complainant

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