



California State Board of Pharmacy
1825 N. Market Blvd, N219, Sacramento, CA 95834
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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

2016 JUL 26 PM 2:02

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: Catherine Venegas	Case No. AC 5446
Address of Record: 4092 W. 129th St Hawthorne CA 90250	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC 5446, I hereby request to surrender my pharmacy technician license, License No. TC#109197. 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.

Catherine Venegas
Applicant's Signature

7/26/16
Date

Duggie Studd
Executive Officer's Approval

7/26/16
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:

Case No. 5446

CAHTERINE VENEGAS
4092 W. 129th St.
Hawthorne, CA 90250

Pharmacy Technician License No. TCH 109197

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 July 8, 2016.

It is so ORDERED on June 8, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **CATHERINE VENEGAS**
13 4092 W. 129th St.
14 Hawthorne, CA 90250
15 Pharmacy Technician Registration
No. TCH 109197
16 Respondent.

Case No. 5446
OAH No. 2015101083

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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 Linda L. Sun, Supervising Deputy
23 Attorney General.

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

26 3. On or about December 15, 2010, the Board of Pharmacy issued Pharmacy (Board)
27 Technician Registration No. TCH 109197 to Catherine Venegas (Respondent). The Pharmacy
28

1 Technician Registration was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 5446 and will expire on August 31, 2016, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 5446 was filed before the Board and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on September 30, 2015. Respondent timely filed her Notice of Defense contesting
7 the Accusation.

8 5. A copy of Accusation No. 5446 is attached as exhibit A and incorporated herein by
9 reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 5446. Respondent has also carefully read, and understands the effects of this
13 Stipulated Settlement and Disciplinary Order.

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

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

23 **CULPABILITY**

24 9. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 5446.

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

1 CONTINGENCY

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

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

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

20 14. 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
22 Disciplinary Order:

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 109197
25 issued to Respondent Catherine Venegas is revoked. However, the revocation is stayed and
26 Respondent is placed on probation for five (5) years on the following terms and conditions.

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

28 Respondent shall be automatically suspended from working as a pharmacy technician until

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

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

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

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

18 **2. Obey All Laws**

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

20 Respondent shall report any of the following occurrences to the board, in writing, within
21 seventy-two (72) hours of such occurrence:

- 22 an arrest or issuance of a criminal complaint for violation of any provision of the
23 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
24 substances laws
- 25 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
26 criminal complaint, information or indictment
- 27 a conviction of any crime
- 28 discipline, citation, or other administrative action filed by any state or federal agency

1 which involves respondent's pharmacy technician registration or which is related to
2 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
3 billing, or charging for any drug, device or controlled substance.

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

5 **3. Report to the Board**

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

14 **4. Interview with the Board**

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

20 **5. Cooperate with Board Staff**

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

24 **6. Notice to Employers**

25 During the period of probation, respondent shall notify all present and prospective
26 employers of the decision in case number 5446 and the terms, conditions and restrictions imposed
27 on respondent by the decision, as follows:

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1 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
2 respondent undertaking any new employment, respondent shall cause her direct supervisor,
3 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
4 tenure of employment) and owner to report to the board in writing acknowledging that the listed
5 individual(s) has/have read the decision in case number 5446 and the terms and conditions
6 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
7 supervisor(s) submit timely acknowledgement(s) to the board.

8 If respondent works for or is employed by or through a pharmacy employment service,
9 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
10 of the terms and conditions of the decision in case number 5446 in advance of the respondent
11 commencing work at each pharmacy. A record of this notification must be provided to the board
12 upon request.

13 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
14 (15) days of respondent undertaking any new employment by or through a pharmacy employment
15 service, respondent shall cause her direct supervisor with the pharmacy employment service to
16 report to the board in writing acknowledging that she has read the decision in case number 5446
17 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
18 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

22 "Employment" within the meaning of this provision shall include any full-time,
23 part-time, temporary or relief service or pharmacy management service as a pharmacy
24 technician or in any position for which a pharmacy technician license is a requirement
25 or criterion for employment, whether the respondent is considered an employee,
26 independent contractor or volunteer.

27 **7. Reimbursement of Board Costs**

28 As a condition precedent to successful completion of probation, respondent shall pay to the

1 board its costs of investigation and prosecution in the amount of \$1,485.00. Respondent shall
2 make said payments on a payment plan approved by the Board. There shall be no deviation from
3 this schedule absent prior written approval by the board or its designee. Failure to pay costs by
4 the deadline(s) as directed shall be considered a violation of probation.

5 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
6 reimburse the board its costs of investigation and prosecution.

7 **8. Probation Monitoring Costs**

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

12 **9. Status of License**

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

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

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

21 Following the effective date of this decision, should respondent cease work due to
22 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
23 respondent may tender her pharmacy technician license to the board for surrender. The board or
24 its designee shall have the discretion whether to grant the request for surrender or take any other
25 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
26 license, respondent will no longer be subject to the terms and conditions of probation. This
27 surrender constitutes a record of discipline and shall become a part of the respondent's license
28 history with the board.

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

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

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

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

16 **12. Tolling of Probation**

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

23 Should respondent, regardless of residency, for any reason (including vacation) cease
24 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
25 respondent must notify the board in writing within ten (10) days of cessation of work and must
26 further notify the board in writing within ten (10) days of the resumption of the work. Any
27 failure to provide such notification(s) shall be considered a violation of probation.

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

4 "Cessation of work" means calendar month during which respondent is not
5 working for at least 40 hours as a pharmacy technician, as defined in Business and
6 Professions Code section 4115. "Resumption of work" means any calendar month
7 during which respondent is working as a pharmacy technician for at least 40 hours as
8 a pharmacy technician as defined by Business and Professions Code section 4115.

9 **13. Violation of Probation**

10 If a respondent has not complied with any term or condition of probation, the board shall
11 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
12 all terms and conditions have been satisfied or the board has taken other action as deemed
13 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
14 to impose the penalty that was stayed.

15 If respondent violates probation in any respect, the board, after giving respondent notice
16 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
17 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
18 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
19 a petition to revoke probation or an accusation is filed against respondent during probation, the
20 board shall have continuing jurisdiction, and the period of probation shall be automatically
21 extended until the petition to revoke probation or accusation is heard and decided.

22 **14. Completion of Probation**

23 Upon written notice by the board indicating successful completion of probation,
24 respondent's pharmacy technician license will be fully restored.

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

26 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
27 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
28 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell

1 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90).
2 days following the effective date of this decision and shall immediately thereafter provide written
3 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
4 documentation thereof shall be considered a violation of probation.

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

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

14 **17. Random Drug Screening**

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

1 by respondent. Respondent may not resume work as a pharmacy technician until notified by the
2 board in writing.

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

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

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

16 **18. Work Site Monitor**

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

27 **19. Notification of Departure**

28 Prior to leaving the probationary geographic area designated by the board or its designee for

1 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
2 writing of the dates of departure and return. Failure to comply with this provision shall be
3 considered a violation of probation.

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

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

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

17 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
18 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
19 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
20 history with the use of alcohol, controlled substances, and/or dangerous drugs, and who will
21 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled
22 substances or mood-altering drugs. The approved practitioner shall be provided with a copy of the
23 board's accusation and decision. A record of this notification must be provided to the board upon
24 request. Respondent shall sign a release authorizing the practitioner to communicate with the
25 board about respondent's treatment(s). The coordinating physician, nurse practitioner, physician
26 assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of probation
27 regarding respondent's compliance with this condition. If any substances considered addictive
28 have been prescribed, the report shall identify a program for the time limited use of any such

1 substances. The board may require that the single coordinating physician, nurse practitioner,
2 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in
3 addictive medicine. Should respondent, for any reason, cease supervision by the approved
4 practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing
5 treatment, submit the name of a replacement physician, nurse practitioner, physician assistant, or
6 psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to
7 timely submit the selected practitioner or replacement practitioner to the board for approval, or to
8 ensure the required reporting thereby on the quarterly reports, shall be considered a violation of
9 probation.

10 If at any time an approved practitioner determines that respondent is unable to practice
11 safely or independently as a pharmacy technician, the practitioner shall notify the board
12 immediately by telephone and follow up by written letter within three (3) working days. Upon
13 notification from the board or its designee of this determination, respondent shall be
14 automatically suspended and shall not resume practice until notified by the board that practice
15 may be resumed.

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

24 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
25 Subject to the above restrictions, respondent may continue to own or hold an interest in any
26 licensed premises in which he or she holds an interest at the time this decision becomes effective
27 unless otherwise specified in this order. Failure to comply with this suspension shall be
28 considered a violation of probation.

1 **22. Criminal Probation/Parole Reports**

2 Respondent shall provide a copy of the conditions of any criminal probation/parole to the
3 board, in writing, within ten (10) days of the issuance or modification of those conditions.

4 Respondent shall provide the name of his or her probation/parole officer to the board, in writing,
5 within ten (10) days after that officer is designated or a replacement for that officer is designated.

6 Respondent shall provide a copy of all criminal probation/parole reports to the board within ten
7 (10) days after respondent receives a copy of such a report. Failure to timely make any of the
8 submissions required hereby shall be considered a violation of probation.

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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: 3/21/16


CATHERINE VENEGAS
Respondent

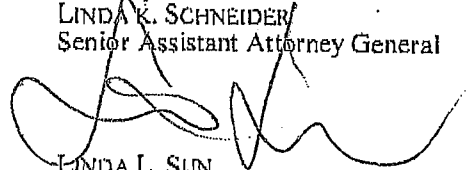
ENDORSEMENT

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

Dated: 3/21/16

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General



LINDA L. SUN
Supervising Deputy Attorney General
Attorneys for Complainant

LA2015500869
52024313.doc
lz(3/21/16)

Exhibit A

Accusation No. 5446

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 LINDA L. SUN
Supervising Deputy Attorney General
4 State Bar No. 207108
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **CATHERINE VENEGAS**
13 4092 W. 129th St.
14 Hawthorne, CA 90250
15 Pharmacy Technician Registration
16 No. TCH 109197
17 Respondent.

Case No. 5446
ACCUSATION

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about December 15, 2010, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration No. TCH 109197 to Catherine Venegas (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on August 31, 2016, unless renewed.

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1 5. Section 4060 provides in pertinent part, that no person shall possess any controlled
2 substance, except that furnished to a person upon the prescription of a physician, dentist,
3 podiatrist, optometrist, veterinarian, or other authorized prescriber.

4 6. Section 4300 provides, in pertinent part, that every license issued by the Board is
5 subject to discipline, including suspension or revocation.

6 7. Section 4300.1 states:

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

12 8. Section 4301 states, in pertinent part:

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

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17 “(g) Knowingly making or signing any certificate or other document that falsely represents
18 the existence or nonexistence of a state of facts.

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

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

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1 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
2 case.

3 **CONTROLLED SUBSTANCE**

4 11. "Alprazolam," is the generic name for Xanax. It is a Schedule IV controlled
5 substance as designated by Health and Safety Code section 11057, subdivision (d) and is
6 categorized as a dangerous drug pursuant to section 4022.

7 12. "Marijuana," is a Schedule I controlled substance as designated by Health and Safety
8 Code section 11054, subdivision (d)(13) and is categorized as a dangerous drug pursuant to
9 section 4022.

10 **FIRST CAUSE FOR DISCIPLINE**

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

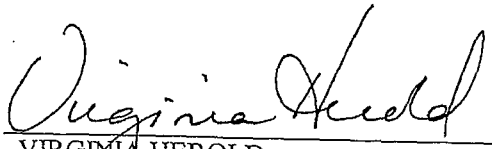
12 13. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
13 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
14 Respondent has been convicted of a crime substantially related to the qualifications, functions or
15 duties of a pharmacy technician. On or about August 4, 2014, Respondent was convicted of one
16 misdemeanor count of violating Vehicle Code section 23103.5 [reckless driving: involving
17 alcohol] in the criminal proceeding entitled *The People of the State of California v. Catherine*
18 *Venegas* (Super. Ct. L.A. County, 2014, No. 4IG01550). The court placed Respondent on 36
19 months probation, with terms and conditions. The circumstances surrounding the conviction are
20 that on or about March 6, 2014, during a traffic enforcement stop, an officer detected an odor of
21 an alcoholic beverage emitting from Respondent. She was observed to have a horizontal gaze
22 nystagmus. Respondent admitted that she consumed two beers (Coronas). She did not perform
23 the standard Field Sobriety Tests (F.S.T.), as demonstrated and explained by the officer. As she
24 was being arrested, Respondent admitted that she possessed Xanax in her car. A search of
25 Respondent's vehicle revealed a purple pill container, with no label, containing multiple pills
26 marked "GG249," later identified as Alprazolam and less than one ounce of Marijuana. During
27 the booking procedure, Respondent submitted to a blood test that resulted in a blood-alcohol
28 concentration level of 0.10%.

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2. Ordering Catherine Venegas 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

3. Taking such other and further action as deemed necessary and proper.

DATED: 9/21/15



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

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