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

In the Matter of the Accusation Against:  
**NICOLE YVONNE FLORES**  
**1374 Hilltop Drive**  
**Chula Vista, CA 91911**  
  
**Pharmacy Technician Registration No. TCH**  
**81360**  
  
Respondent.

Case No. 5520

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 13, 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. 5520 against Nicole Yvonne Flores (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about February 26, 2008, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 81360 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5520 and will expire on January 31, 2016, unless renewed.
3. On or about July 14, 2015, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5520, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
2 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
3 is required to be reported and maintained with the Board. Respondent's address of record was  
4 and is: 1374 Hilltop Drive, Chula Vista, CA 91911.

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

8 5. On or about July 20, 2015, the domestic return receipt reflecting service of the  
9 aforementioned documents via Certified Mail was returned by the U.S. Postal Service with a  
10 signature and a date of delivery for "July 16, 2015." As of August 4, 2015, the aforementioned  
11 documents sent via First Class Mail have not been returned by the U.S. Postal Service.

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

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5520.

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

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

25 9. Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
28 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. 5520, finds that  
the charges and allegations in Accusation No. 5520, are separately and severally, found to be true  
and correct by clear and convincing evidence.



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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 81360, heretofore issued to Respondent Nicole Yvonne Flores, 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 September 25, 2015.

It is so ORDERED August 26, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



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

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DOJ Matter ID:SD2015801607

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(NICOLE YVONNE FLORES)

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  
600 West Broadway, Suite 1800  
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*

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

12  
13 In the Matter of the Accusation Against:

Case No. 5520

14 **NICOLE YVONNE FLORES**  
1374 Hilltop Drive  
15 Chula Vista, CA 91911

**ACCUSATION**

16 **Pharmacy Technician Registration No. TCH**  
**81360**

17  
18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about February 26, 2008, the Board of Pharmacy issued Pharmacy  
25 Technician Registration Number TCH 81360 to Nicole Yvonne Flores (Respondent). The  
26 Pharmacy Technician Registration was in full force and effect at all times relevant to the  
27 charges brought herein and will expire on January 31, 2016, unless renewed.

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1 **COST RECOVERY**

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

6 **FACTUAL ALLEGATIONS**

7 9. Nicole Yvonne Flores was employed as a pharmacy technician at CVS Pharmacy  
8 Store Number 9115, located in Imperial Beach (hereinafter "CVS), California, from 2008 until  
9 June 2015. In early June 2015, CVS was notified by the Secret Service of the results of a raid  
10 on Respondent's apartment. Secret Service informed CVS that Respondent was in possession  
11 of CVS patient records. Subsequently, CVS staff interviewed Respondent on June 10, 2015.

12 10. During an interview with CVS staff, Respondent admitted that she removed patient  
13 information from CVS Store Number 9115. Respondent stated that she started taking patient  
14 information from CVS Store Number 9115 in May 2013. She admitted that she took one to  
15 two profiles once or twice per two weeks. In total, she stated that she took approximately 100  
16 patient profiles from CVS Pharmacy. Respondent stated that she took patient information  
17 from May 2013 to November 2014 and then again from February 2015 to April 2015. She  
18 stated that she would print out patient information when processing prescriptions at the drop  
19 off counter. Respondent admitted to printing out the patient information and removing that  
20 information from the store by placing it in her pocket.

21 11. Respondent admitted that she gave the patient information to G.M., her property  
22 manager. She stated that she would either give the patient profile to G.M. when she saw her  
23 or she would provide the information to G.M. via text or e-mail. Respondent stated that G.M.  
24 threatened her and told her that she would tell her father, who was in a gang and had been  
25 convicted of attempted murder. Respondent admitted that she knew that G.M. was using the  
26 patient information to obtain credit and credit cards. She stated that G.M. used the credit cards  
27 that she created from the patient information at stores such as Home Depot, Target, Sears,  
28 Amazon, Zappos, Pottery Barn, and Justice. She stated that G.M. also used the credit cards at



1 Citibank and Paypal. Respondent admitted that she knew her actions were against CVS  
2 policies and procedures. She stated that she knew her actions were wrong and apologized.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Dishonest Act)**

5 12. Respondent has subjected her license to disciplinary action under section 4301,  
6 subdivision (f) of the Code in that Respondent committed an act involving dishonesty, fraud,  
7 deceit, or corruption, when she stole patient profiles from her employer and gave them to a  
8 third party to be used for identity theft purposes, as detailed in paragraphs 9 through 11, above,  
9 and which are incorporated herein by reference.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(General Unprofessional Conduct)**

12 13. Respondent has subjected her license to disciplinary action under section 4301, in  
13 that Respondent's actions in stealing patient profiles from her employer and giving them to a  
14 third party to be used for identity theft purposes constitutes general unprofessional conduct, as  
15 detailed in paragraphs 9 through 11, above, and which are incorporated herein by reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Violation of Federal and State Laws)**

18 14. Respondent has subjected her license to disciplinary action under section 4301,  
19 subdivision (o) of the Code for violating federal and state laws, including the Health Insurance  
20 Portability and Accountability Act (HIPAA) and Civil Code section 56.10 as detailed in  
21 paragraphs 9 through 11, above, and which are incorporated herein by reference.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 81360,  
26 issued to Nicole Yvonne Flores;

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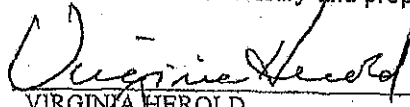
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2. Ordering Nicole Yvonne Flores to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 7/13/15

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

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