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

In the Matter of the Accusation Against: **KARLA MARILYN SALAS** **430 W. Olive Street** **Corona, CA 92882** **Pharmacy Technician Registration No. TCH 142791** Respondent.	Case No. 5763

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on April 26, 2017.

It is so ORDERED on March 27, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____
Amy Gutierrez, Pharm.D.
Board President

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

In the Matter of the Accusation Against: **KARLA MARILYN SALAS** **430 W. Olive Street** **Corona, CA 92882** **Pharmacy Technician Registration No. TCH 142791** Respondent.	Case No. 5763 **STIPULATED SURRENDER OF LICENSE AND ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation.

PARTIES

1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Stephen A. Aronis, Deputy Attorney General.

2. Karla Marilyn Salas (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about January 2, 2015, the Board issued Pharmacy Technician Registration No. TCH 142791 to Karla Marilyn Salas (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5763 and expired on December 31, 2016.

JURISDICTION

4. Accusation No. 5763 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 27, 2016. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 5763 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 5763. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

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

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

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CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 5763, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration No. TCH 142791 for the Board's formal acceptance.

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

CONTINGENCY

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

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

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 142791, issued to Respondent Karla Marilyn Salas, is surrendered and accepted by the Board of Pharmacy.

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

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

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

4. Respondent may not submit a new application for licensure, or petition for reinstatement, until three years from the effective date of the Board's Decision and Order.

5. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as an application for a new license. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 5763 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of $2,808.80 prior to issuance of a new or reinstated license.

7. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 5763 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

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

DATED: Feb. 27. 2017

KARLA MARILYN SALAS
Respondent

ENDORSEMENT

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

Dated: 3/6/17

Respectfully submitted,

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

STEPHEN A. ARONIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5763

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In the Matter of the Accusation Against: **KARLA MARLIYN SALAS** **430 W. Olive Street** **Corona, CA 92882** **Pharmacy Technician Registration No. TCH 142791** Respondent.	Case No. 5763 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On or about January 2, 2015, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 142791 to Karla Marliyn Salas (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2016, unless renewed.

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JURISDICTION

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

4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300 of the Code states, (a) Every license issued may be suspended or revoked.

6. Section 4300.1 of the Code states:

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

STATUTORY PROVISIONS

7. Section 4022 of the Code states

> "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:
>
> (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.
>
> (b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of, "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.
>
> (c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."

8. Section 4301 of the Code states:

> The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:
>
> . . .
>
> (h) The administering to oneself, of any controlled substance, or the use of any

dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

. . . .

9. Health & Safety Code section 11170 states:

No person shall prescribe, administer, or furnish a controlled substance for himself.

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

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

COSTS

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DRUGS

12. Cannabinoids- Delta-9-tetrahydrocannabinol (Delta-9-THC), and its major metabolite, 11-Carboxy-Delta-9-tetrahydrocannabinol, is the primary psychoactive ingredient in marijuana.

13. Amphetamine is a Schedule II controlled substance pursuant to Health and Safety Code section 11055(d), and a dangerous drug pursuant to Business and Professions Code section 4022.

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FIRST CAUSE FOR DISCIPLINE

(Dangerous Use of a Controlled Substance on April 28, 2015)

14. Respondent has subjected her registration to discipline under Code section 4301, subdivision (h), wherein Respondent was under the influence of a controlled substance, to wit: amphetamine and cannabinoids.

a. On or about June 19, 2015, in a criminal proceeding entitled *The People of the State of California v. Karla Marilyn Salas*, in Riverside County Superior Court, case number RIM1509121, a complaint was filed which contained charges of violating Health and Safety Code section 11550 (a), (under the influence of a controlled substance), a misdemeanor. Respondent failed to show up to the court hearing on July 7, 2015, and a bench warrant was issued for her failure to appear.

b. The facts and circumstances that led to the allegations are that on or about April 28, 2015, an officer with the Corona Police Department responded to a report of a disturbance between Respondent and her ex-boyfriend. Respondent called into police dispatch and gave an incoherent story. Upon arrival at the scene, an officer made contacted with Respondent and the officer immediately noticed that her speech was rapid, she could not stand still and her pupils were dilated. Based on the officer's training and experience, he placed Respondent under arrest for being under the influence of a stimulant. During booking, Respondent provided a blood sample, which detected Amphetamines and Cannabinoids.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of a Controlled Substance on June 1, 2015)

15. Respondent has subjected her registration to discipline under Code section 4301, subdivision (h), Respondent was under the influence of a controlled substance, to wit: amphetamine and cannabinoids.

a. On or about September 17, 2015, in a criminal proceeding entitled *The People of the State of California v. Karla Marilyn Salas*, in Riverside County Superior Court, case number RIM1513243, a complaint was filed which contained charges of violating Health and Safety Code section 11550 (a), (under the influence of a controlled substance), a misdemeanor.

Respondent failed to show up at her court hearing on September 17, 2015, and a bench warrant has been issued for her failure to appear.

b. The facts and circumstances that led to the allegations are that on or about June 1, 2015, an officer with the Corona Police Department responded to a report of a female throwing herself around on the grass, in the City of Corona. Upon arrival at the scene, the officer made contacted with Respondent. The officer immediately noticed Respondent's eyes would flutter at a rapid pace, and her tongue had a whitish color to it which is common after the indigestion of Methamphetamine. The officer was unable to understand Respondent's statements as she would move from story to story. A records check revealed multiple arrests regarding Respondent under the influence of controlled substance. Based on the officers training and experience, he placed Respondent under arrest for being under the influence of a stimulant. During booking, Respondent provided a blood sample, which detected Amphetamines and Cannabinoids.

DISCIPLINE CONSIDERATIONS

16. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about August 28, 2013, in a prior criminal proceeding entitled *The People of the State of California v. Karla Marilyn Salas*, in Riverside County Superior Court, case number RIM1303808, Respondent was charged with violating Penal Code section 273.5, subdivision (a), (inflict corporal injury resulting in traumatic injury). Pursuant to a plea agreement, Respondent was convicted of violating Penal Code section 415(2), (disturbing the peace), a misdemeanor. Respondent was order to be committed to the custody of the Sheriff for two days with pre-custody credit of two days, ordered to pay fees and fines.

17. The facts and circumstances that led to the said allegations are on or about January 13, 2013, an officer with the Corona Police Department responded to a report of domestic violence. The victim was at the police department reporting the incident, wherein he indicated Respondent assaulted him and the victim sustained a red bump on his forehead. An officer conducted a follow up at the residence with Respondent, and placed her under arrest.

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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 142791, issued to Karla Marliyn Salas;

2. Ordering Karla Marliyn Salas 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: 6/10/16

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

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