

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

In the Matter of the Accusation Against:

**SHALEEN RENEE NISPEROS**  
3057 Springdale Dr., #61  
Long Beach, CA 90810

**Pharmacy Technician Registration No. TCH 99010**

Respondent.

Case No. 5806

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

**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 October 19, 2017.

It is so ORDERED on September 19, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
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7

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

10 In the Matter of the Accusation Against:

Case No. 5806

11 **KAISER PERMANENTE, INC., DBA**  
12 **KAISER PERMANENTE PHARMACY**  
13 **#113**

3900 E. Pacific Coast Hwy.  
13 Long Beach, CA 90804

14 **Original Permit No. PHY 37029**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER AS TO**  
**RESPONDENT SHALEEN NISPEROS,**  
**ONLY**

15 **SHALEEN RENEE NISPEROS**

16 3057 Springdale Dr. #61  
17 Long Beach, CA 90810

18 **Original Pharmacy Technician Registration**  
**No. TCH 99010**

19 Respondents.  
20

21  
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties<sup>1</sup> to the above-  
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy  
26 ("Board"). She brought this action solely in her official capacity and is represented in this matter

27 <sup>1</sup> The parties to this stipulation are the Board of Pharmacy and Respondent Shaleen  
28 Nisperos, only. Respondent Kaiser Permanente, Inc., dba Kaiser Permanente Pharmacy #113, is  
not a party to this stipulation.

1 by Xavier Becerra, Attorney General of the State of California, by Zachary T. Fanselow, Deputy  
2 Attorney General.

3 2. Shaleen Renee Nisperos ("Respondent") is representing herself in this proceeding and  
4 has chosen not to exercise her right to be represented by counsel.

5 3. On or about February 18, 2010, the Board issued Original Pharmacy Technician  
6 Registration Number TCH 99010 to Respondent Nisperos. The Original Pharmacy Technician  
7 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
8 No. 5806, expired on December 31, 2015, and has been cancelled.

### 9 JURISDICTION

10 4. Accusation No. 5806 was filed before the Board and is currently pending against  
11 Respondent. The Accusation and all other statutorily required documents were properly served  
12 on Respondent on March 28, 2017. Respondent timely filed her Notice of Defense contesting the  
13 Accusation.

14 5. A copy of Accusation No. 5806 is attached as Exhibit A and incorporated by  
15 reference.

### 16 ADVISEMENT AND WAIVERS

17 6. Respondent has carefully read, and understands the charges and allegations in  
18 Accusation No. 5806. Respondent also has carefully read, and understands the effects of this  
19 Stipulated Surrender of License and Order.

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

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

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 5806, agrees that cause exists for discipline and hereby surrenders her Original Pharmacy  
4 Technician Registration Number TCH 99010 for the Board's formal acceptance.

5 10. Respondent understands that by signing this stipulation she enables the Board to issue  
6 an order accepting the surrender of her Original Pharmacy Technician Registration Number TCH  
7 99010 without further process.

8 CONTINGENCY

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

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

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

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

ORDER

1  
2 IT IS HEREBY ORDERED that Original Pharmacy Technician Registration Number TCH  
3 99010, issued to Respondent Shaleen Renee Nisperos, is surrendered and accepted by the Board  
4 of Pharmacy.

5 1. The surrender of Respondent's Original Pharmacy Technician Registration Number  
6 TCH 99010 and the acceptance of the surrendered registration by the Board shall constitute the  
7 imposition of discipline against Respondent. This stipulation constitutes a record of the discipline  
8 and shall become a part of Respondent's license history with the Board of Pharmacy.

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

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

13 4. Respondent understands and agrees that if he or she ever files an application for  
14 licensure or a petition for reinstatement in the State of California, the board shall treat it as a new  
15 application for licensure. Respondent may not apply for any license, permit, or registration from  
16 the board for three (3) years from the effective date of this decision. Respondent stipulates that  
17 should he or she apply for any license from the board on or after the effective date of this  
18 decision, all allegations set forth in the accusation shall be deemed to be true, correct and  
19 admitted by respondent when the board determines whether to grant or deny the application.  
20 Respondent shall satisfy all requirements applicable to that license as of the date the application is  
21 submitted to the board, including, but not limited to certification by a nationally recognized body  
22 prior to the issuance of a new license. Respondent is required to report this surrender as  
23 disciplinary action.

24 5. If Respondent should ever apply or reapply for a new license or certification, or  
25 petition for reinstatement of a license, by any other health care licensing agency in the State of  
26 California, all of the charges and allegations contained in Accusation, No. 5806 shall be deemed  
27 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
28 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 Original Pharmacy Technician Registration Number TCH 99010. 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: 7.20.2017 Shaleen Nisperos  
SHALEEN RENEE NISPEROS  
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: 8/2/17 Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General  
ZACHARY T. FANSELOW  
Deputy Attorney General  
Attorneys for Complainant

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Shaleen Nisperos  
Case #  
LA2016601024

email: [REDACTED]

**Exhibit A**

**Accusation No. 5806**

1 XAVIER BECERRA  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
Deputy Attorney General  
4 State Bar No. 274129  
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**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against: Case No. 5806  
11  
12 **KAISER PERMANENTE, INC., DBA**  
**KAISER PERMANENTE PHARMACY #113**  
3099 E. Pacific Coast Hwy.  
13 Long Beach, CA 90804 **ACCUSATION**  
14 **Original Permit No. PHY 37029**  
15  
16 **SHALEEN RENEE NISPEROS**  
3057 Springdale Dr. #61  
17 Long Beach, CA 90810  
18 **Original Pharmacy Technician Registration**  
**No. TCH 99010**  
19 Respondents.  
20

21 Complainant alleges:

22 **PARTIES**

- 23 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity  
24 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs ("Board").  
25 2. On or about April 5, 1991, the Board issued Original Permit Number PHY 37029 to  
26 Kaiser Permanente, Inc., doing business as Kaiser Permanente Pharmacy #113 ("Respondent  
27 Kaiser"). The Original Permit was in full force and effect at all times relevant to the charges  
28 brought herein and will expire on November 1, 2017, unless renewed.





1 pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of  
2 pharmacy."

3 9. Section 4060 states, in pertinent part:

4 "A person shall not possess any controlled substance, except that furnished to a person  
5 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic  
6 doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
7 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a  
8 physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5,  
9 or a pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the  
10 possession of any controlled substance by a manufacturer, wholesaler, third-party logistics  
11 provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian,  
12 naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, if in stock  
13 in containers correctly labeled with the name and address of the supplier or producer."

14 10. Section 4081 states, in pertinent part:

15 "(a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of  
16 dangerous drugs or dangerous devices shall be at all times during business hours open to  
17 inspection by authorized officers of the law, and shall be preserved for at least three years from  
18 the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-  
19 party logistics provider, pharmacy, veterinary food-animal drug retailer, outsourcing facility,  
20 physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment  
21 holding a currently valid and unrevoked certificate, license, permit, registration, or exemption  
22 under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4  
23 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who  
24 maintains a stock of dangerous drugs or dangerous devices.

25 "(b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics  
26 provider, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-  
27 in-charge, responsible manager, or designated representative-in-charge, for maintaining the  
28 records and inventory described in this section."

1           11. Section 4301 states:

2           "The board shall take action against any holder of a license who is guilty of unprofessional  
3 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is  
4 not limited to, any of the following:

5           ....

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

9           ....

10           "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
11 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
12 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
13 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
14 practice authorized by the license."

15           ....

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

18           ....

19           "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
20 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
21 federal and state laws and regulations governing pharmacy, including regulations established by  
22 the board or by any other state or federal regulatory agency."

23           12. Health and Safety Code section 11170 states: "No person shall prescribe, administer,  
24 or furnish a controlled substance for himself."

25           13. Health and Safety Code section 11171 states: "No person shall prescribe, administer,  
26 or furnish a controlled substance except under the conditions and in the manner provided by this  
27 division."

28           ///

1 REGULATORY PROVISION

2 14. California Code of Regulations, title 16, section 1714, states, in pertinent part:

3 "(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and  
4 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.  
5 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice  
6 of pharmacy.

7 ....

8 "(d) Each pharmacist while on duty shall be responsible for the security of the prescription  
9 department, including provisions for effective control against theft or diversion of dangerous  
10 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy  
11 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist."

12 COST RECOVERY

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

17 CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

18 16. Acetaminophen with Codeine, brand name Tylenol with Codeine #4, is a Schedule III  
19 controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(2), and a  
20 dangerous drug pursuant to Business and Professions Code section 4022.

21 17. Carisoprodol, brand name Soma, is a Schedule IV controlled substance pursuant to  
22 Code of Federal Regulations, title 21, section 1308.14, subdivision (c)(6), and a dangerous drug  
23 pursuant to Business and Professions Code section 4022, as of January 11, 2012.

24 18. Norco, a combination product containing the controlled substance hydrocodone and  
25 non-narcotic acetaminophen, is a Schedule II controlled substance pursuant to Health and Safety  
26 Code section 11055, subdivision (b)(1)(I), and a dangerous drug pursuant to Business and  
27 Professions Code section 4022.

28 ///



1 Hydrocodone/APAP 10/325 from July 17, 2013, through July 16, 2014; 1,569 tablets of  
2 Carisoprodol 350mg from July 17, 2013, through May 27, 2015; and 6,969 tablets of Tramadol  
3 50mg from July 17, 2013, through July 16, 2014.

4 24. The Board inspector identified the following total drug losses at Respondent  
5 Pharmacy:

6 Drug	Date Range	Variance
7 Tramadol 50mg	7/17/13 through 8/24/15	- 12,914 tablets
8 Acetaminophen/Codeine 300/60mg	7/17/14 through 8/24/15	- 12,732 tablets
9 Hydrocodone/APAP 5/325	7/17/13 through 7/16/14	- 7,006 tablets
10 Hydrocodone/APAP 10/325	7/17/13 through 7/16/14	- 4,194 tablets
11 Carisoprodol 350mg	7/17/13 through 5/27/15	- 1,569 tablets

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Theft of Controlled Substances and Dangerous Drugs)**

13 25. Respondent Nisperos is subject to disciplinary action under section 4301, subdivision  
14 (f), for the theft of controlled substances and dangerous drugs from Respondent Kaiser. The  
15 circumstances of the violation include that Respondent Nisperos stole 12,732 tablets of  
16 acetaminophen with codeine 300-60mg and at least 5,945 tablets of tramadol 50mg from  
17 Respondent Kaiser between July 17, 2013, and August 24, 2015. Complainant refers to, and by  
18 this reference incorporates, the allegations set forth in paragraphs 20 through 24, inclusive, as  
19 though set forth fully.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Dangerous Use of Drugs and Controlled Substances)**

22 26. Respondent Nisperos is subject to disciplinary action under section 4301, subdivision  
23 (h), for the dangerous use of drugs and controlled substances. The circumstances of the violation  
24 include that Respondent Nisperos admitted, and her admissions are confirmed by surveillance  
25 footage, that she consumed acetaminophen with codeine and tramadol while she was working on-  
26 duty as a pharmacy technician at Respondent Kaiser. Complainant refers to, and by this reference  
27 incorporates, the allegations set forth in paragraphs 20 through 25, inclusive, as though set forth  
28 fully.



1 5/325; 4,194 tablets of Hydrocodone/APAP 10/325; and, 1,569 tablets of Carisoprodol 350mg.  
2 Complainant refers to, and by this reference incorporates, the allegations set forth in paragraphs  
3 20 through 25, inclusive, as though set forth fully.

4 **SIXTH CAUSE FOR DISCIPLINE**

5 **(Failure to Keep an Accurate Inventory of Dangerous Drugs and Controlled Substances)**

6 30. Respondent Kaiser is subject to disciplinary action under section 4081, subdivision  
7 (a), in conjunction with section 4301, subdivisions (j) and (o), in that Respondent Kaiser failed to  
8 maintain an accurate inventory of dangerous drugs and controlled substances. The circumstances  
9 of the violation include that Respondent Kaiser's inventory of dangerous drugs and controlled  
10 substances failed to account for thousands of missing tablets of Tramadol 50mg,  
11 Acetaminophen/Codeine 300/60mg, Hydrocodone/APAP 5/325, Hydrocodone/APAP 10/325,  
12 and Carisoprodol 350mg. Complainant refers to, and by this reference incorporates, the  
13 allegations set forth in paragraphs 20 through 25, inclusive, as well as paragraph 29, as though set  
14 forth fully.

15 **PRAYER**

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

18 1. Revoking or suspending Original Permit Number PHY 37029 issued to Kaiser  
19 Permanente, Inc., doing business as Kaiser Permanente Pharmacy #113;

20 2. Revoking or suspending Original Pharmacy Technician Registration Number TCH  
21 99010 issued to Shaleen Renee Nisperos;

22 3. Ordering to Kaiser Permanente, Inc., doing business as Kaiser Permanente Pharmacy  
23 #113, and Shaleen Renee Nisperos to pay the Board of Pharmacy the reasonable costs of the  
24 investigation and enforcement of this case, pursuant to Business and Professions Code section  
25 125.3; and,

26 ///

27 ///

28 ///

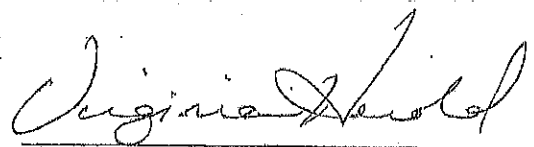


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4. Taking such other and further action as deemed necessary and proper.

DATED:

*3/13/17*



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

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