

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

In the Matter of the Accusation Against:

BRIANA ABIGAIL VALLEJO,

Pharmacy Technician Registration No. TCH 121190;

and

LISETTE SANTANA,

Pharmacy Technician Registration No. TCH 144711,

Respondents

Agency Case No. 6672

OAH No. 2019090663

DECISION AND ORDER

The attached Stipulated Surrender of License 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 May 20, 2020.

It is so ORDERED on April 20, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", written in a cursive style.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 HELENE E. ROUSE
Deputy Attorney General
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Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 6672

12 **BRIANA ABIGAIL VALLEJO**
13 **1819 Jackson Street**
Burbank, CA 91504

OAH No. 2019090663

14 **Pharmacy Technician Registration No. TCH**
15 **121190,**

STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO
RESPONDENT LISETTE SANTANA
ONLY

16 **and**

17 **LISETTE SANTANA**
8018 Mammoth Avenue
18 **Panorama City, CA 91402**

19 **Pharmacy Technician Registration No. TCH**
20 **144711**

21 Respondents.

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

24 **PARTIES**

25 1. Anne Sodergren (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 by
27 Xavier Becerra, Attorney General of the State of California, by Helene E. Rouse, Deputy
28 Attorney General.

2. Respondent Lisette Santana (Respondent) is represented in this proceeding by attorney Asya Ovsepyan of the Law Offices of Shep Zebberman, whose address is: 16830 Ventura Blvd, Suite 500, Encino, CA 91436.

3. On or about December 3, 2014, the Board issued Pharmacy Technician Registration No. TCH 144711 to Lisette Santana (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6672, and will expire on August 31, 2020, unless renewed.

JURISDICTION

4. Accusation No. 6672 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 July 17, 2019. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 6672 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6672. Respondent also has carefully read, fully discussed with counsel, 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 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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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 6672, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
4 Registration No. TCH 144711 for the Board's formal acceptance.

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

8 **CONTINGENCY**

9 10. 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 or her counsel. By signing the stipulation, Respondent understands and agrees that
13 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
14 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
15 the 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 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
20 thereto, shall have the same force and effect as the originals.

21 12. 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 13. 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

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 144711, issued to Respondent Lisette Santana, is surrendered and accepted by the Board.

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.

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. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent may not apply for any license, permit, or registration from the board for three (3) years from the effective date of this stipulation. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6672 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$4,000.00 prior to issuance of a new or reinstated license.

6. 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. 6672 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

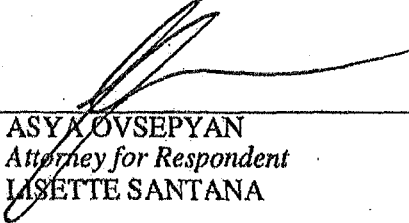
I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney my attorney, Asya Ovsepyan of the Law Offices of Shep Zebberman. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated 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: 2/17/20


LISETTE SANTANA
Respondent

I have read and fully discussed with Respondent Lisette Santana the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 2/17/20


ASYA OVSEPYAN
Attorney for Respondent
LISETTE SANTANA

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: 2/18/20

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General

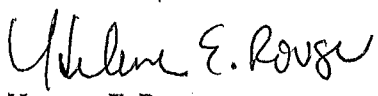

HELENE E. ROUSE
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 6672

1 XAVIER BECERRA
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2 LINDA L. SUN
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6672

13 **BRIANA ABIGAIL VALLEJO**

ACCUSATION

14 1819 Jackson Street
15 Burbank, CA 91504

16 **Pharmacy Technician Registration No. TCH**
121190,

17 **and**

18 **LISETTE SANTANA**
8018 Mammoth Avenue
19 Panorama City, CA 91402

20 **Pharmacy Technician Registration No. TCH**
144711

21 Respondents.
22

23
24 Complainant alleges:

25 **PARTIES**

26 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
27 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer
28 Affairs.

2. On or about February 16, 2012, the Board issued Pharmacy Technician Registration Number TCH 121190 to Briana Abigail Vallejo (Respondents). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2021, unless renewed.

3. On or about December 3, 2014, the Board issued Pharmacy Technician Registration Number TCH 144711 to Lisette Santana (Respondents). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2020, unless renewed.

JURISDICTION

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

5. Section 4300, subdivision (a), of the Code states: "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, in relevant part:

"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.

...

(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.

1 8. Section 4059 of the Code provides, in pertinent part, that a person may not furnish
2 any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,
3 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

4 9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
5 controlled substance, except that furnished to a person upon the prescription of a physician,
6 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

7 10. Section 4301 of the Code states:

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

10 ...

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

13 ...

14 (h) The administering to oneself, of any controlled substance, or the use of any
15 dangerous drug . . . to the extent or in a manner as to be dangerous or injurious to
16 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.

17 ...

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

19 ...

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

23 ...

24 11. Health and Safety Code section 11158, subdivision (a), states:

25 Except as provided in Section 11159 or in subdivision (b) of this section, no
26 controlled substance classified in Schedule II shall be dispensed without a
prescription meeting the requirements of this chapter. Except as provided in
27 Section 11159 or when dispensed directly to an ultimate user by a practitioner,
other than a pharmacist or pharmacy, no controlled substance classified in
28 Schedule III, IV, or V may be dispensed without a prescription meeting the
requirements of this chapter.

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

13. Health and Safety Code section 11171 provides that no person shall prescribe, administer, or furnish a controlled substance except under the conditions and in the manner provided by this division.

14. Code of Federal Regulations, title 21, section 843, states:

(a) It shall be unlawful for any person knowingly or intentionally –

• • •

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge. . .

COST RECOVERY

15. 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.

CONTROLLED SUBSTANCES/DANGEROUS DRUGS

16. **“Alprazolam 2 mg”** (brand name – **“Xanax”**) is a depressant and a Schedule IV controlled substance, as designated by Health & Safety Code section 11057, subdivision (d)(1). It is categorized as a dangerous drug pursuant to Section 4022 and is used to treat anxiety.

17. **“Diazepam 10 mg”** (brand name – **“Valium”**) is a benzodiazepine and a Schedule IV controlled substance, as designated by Health & Safety Code section 11057, subdivision (d)(9). It is categorized as a dangerous drug pursuant to Section 4022 and is used to treat anxiety.

FACTUAL ALLEGATIONS

18. At all relevant times herein, Respondent Vallejo and Respondent Santana were employed full time as pharmacy technicians by Encino Pharmacy aka Mdr Pharmaceutical Care in Encino, California (Encino Pharmacy and/or pharmacy), until they were both terminated for

1 cause from their positions, on or about October 5, 2018, as a result of the incidents alleged herein.
2 Vallejo and Santana became friends while employed with the pharmacy, and socialized with one
3 another outside of work. Respondent Vallejo was employed with the pharmacy from April 24,
4 2015 until October 5, 2018. Respondent Santana was employed with the pharmacy from February
5 25, 2015 until October 5, 2018.

6 19. Encino Pharmacy has been in business for over 30 years, and specializes
7 predominantly in women's health and providing fertility treatment/medications to individual
8 patients. The pharmacy dispenses small quantities of controlled substances, chiefly as part of
9 infertility treatments and pursuant to a valid prescription order.

10 20. On or about September 27, 2018 at 1:15 p.m., a pharmacy staff member reported to
11 the Pharmacist-In-Charge (PIC), D.M., that she observed Respondent Vallejo around lunch time
12 in the vicinity of a diazepam 10 mg bottle, when Vallejo didn't need to be there.¹ Respondent
13 Vallejo picked up the bottle, saw that someone was looking at her, and then placed the bottle
14 down in an area where it was not normally located.

15 21. Surveillance video was reviewed by a pharmacy staff member, which showed
16 Respondent Vallejo removing a bottle of diazepam 10 mg (500 count) and placing it on the
17 counter. Moreover, diazepam 10 mg is not used in the pharmacy's compounding department
18 where Respondent Vallejo was assigned to work. Respondent's Vallejo's presence in the filling
19 area/shipping department of the pharmacy was outside of the scope of her job functions.

20 22. On or about September 28, 2018 at 11:30 a.m., Respondent Vallejo was observed by
21 pharmacy technician, E.B., wandering around the front end of the pharmacy by the shelving area
22 where the alprazolam was stored, instead of attending the staff meeting. When PIC D.M. asked
23 Respondent Vallejo to join the staff meeting, she said she was only trying to help "filling" for the
24 front typist and waiting patients.

25 23. On or about September 28, 2018 at 2:20 p.m., a staff member of the pharmacy
26 conducted an inventory count of diazepam 10 mg, and counted approximately 232 tablets.

27 ¹ The initials of individuals referred to in this Accusation are used to protect their privacy.
28 Upon a timely and proper request for discovery from Respondent, Complainant will provide documents which reveal their identities.

1 24. On or about September 28, 2018 at around 3:00 p.m., a staff member discovered a
2 bottle of diazepam 10 mg was missing. Pharmacist K.Z. immediately halted all operations and
3 confronted Respondent Vallejo, privately. K.Z. asked Respondent Vallejo to shake her pocket,
4 and heard tablets rattling. Respondent Vallejo was escorted outside by K.Z. and L.M., Director of
5 Business Operations and Human Resources. Respondent Vallejo pulled a bottle containing 79
6 tablets of diazepam from her pocket. She also handed L.M. a plastic Ziploc bag containing 150
7 tablets of diazepam 10 mg, which she had concealed in her bra. Respondent Vallejo had taken
8 tablets from the bottle and placed them in a Ziploc bag. This meant that Respondent Vallejo had
9 diverted at least 229 tablets of diazepam 10 mg.

10 25. Respondent Vallejo confessed to K.Z. and L.M. that she stole the tablets with intent
11 to sell them “on the streets”. Respondent Vallejo also admitted to providing her colleague,
12 Respondent Santana, with unprescribed diazepam 10 mg tablets, equating to about 10 tablets over
13 a “few weeks”.

14 26. On September 28, 2018, K.Z found around two to three diazepam 10 mg in
15 Respondent Santana’s wallet in the course of the search of all pharmacy staff. K.Z confirmed the
16 tablets were diazepam 10 mg by conducting a “ill identification” search. Respondents Vallejo
17 and Santana both stated to pharmacy staff that Santana did not know where Vallejo got the
18 tablets.

19 27. The police came to Encino Pharmacy to investigate the circumstances surrounding
20 the stolen medications, but advised the pharmacy not to file a police report at that time. Since
21 Respondent Santana admitted to taking an unprescribed drug the night before, an EMT
22 (emergency medical technician) examined her and found that she was okay. Respondents Vallejo
23 and Santana were suspended from their jobs, sent home, and terminated for cause one week later.

24 28. An audit performed by Encino Pharmacy on October 1, 2018 of the pharmacy’s
25 controlled substance inventory for the period from June 1, 2018 through October 1, 2018
26 established that 488 tablets of diazepam 5 mg and 436 tablets of diazepam 10 mg were
27 unaccounted for, as follows:

28 ///

Medication	Units	Beginning Inventory 6/01/18	ACQ WLS	ACQ TOTAL	Disposition	Ending Inventory 10/01/18	Disposition Total	Variance
Diazepam 5 mg	tablet	809	600	1,409	739	182	921	488
Diazepam 10 mg	tablet	427	1,000	1,427	672	319	991	436

29. On or about October 2, 2018, the pharmacy filed a DEA 106 form Report of Theft or Loss of Controlled Substances, reporting the employee theft/loss on September 28, 2018 of 488 lost/stolen tablets of diazepam 5 mg and 436 lost/stolen tablets of diazepam 10 mg.

30. On or about November 6, 2018, the Board received a report from the pharmacy, indicating that, on September 28, 2018, 232 tablets of diazepam 10 mg had been lost and/or stolen. A pharmacy technician had confessed that she had stolen the drugs with the intent to sell them and that she had provided her co-worker with some unprescribed tablets.

31. On November 28, 2018, a Board Inspector inspected Encino Pharmacy and investigated the pharmacy's reported loss/employee theft of controlled substances. The Inspector's investigation established that Respondents were assigned to work primarily in the sterile compounding area. The alprazolam and diazepam tablets were not stored in the compounding area, but in the retail area. Some of the diazepam tablets were also stored in the shipping department.

32. On November 28, 2018, the Board's Inspector interviewed Respondent Santana, who provided a written statement to the Board. Respondent Santana admitted that sometime between September 2018 and October 2018, on a one-time occasion, Respondent Vallejo gave her six tablets of alprazolam 0.5 mg, for which Respondent Santana did not have a prescription. Respondent Vallejo gave her the tablets on a weekend outside of work. Respondent Santana did not pay for the tablets Respondent Vallejo gave her; instead, she paid her back by buying her lunch. Respondent Santana did not know where Vallejo obtained the alprazolam 0.5 mg tablets, and she just wanted something to help her sleep. Between September 2018 and October 2018, Respondent Santana admitted she took two tablets of the unprescribed alprazolam 0.5 mg. On September 28, 2018, a search was conducted of the pharmacy staff. Respondent Santana admitted that four tablets of unprescribed alprazolam 0.5 mg were found in her wallet (however,

pharmacy staff indicated they found diazepam 10 mg, not alprazolam, in Santana's wallet). In addition, Respondent Santana admitted to being examined by an EMT because she had taken a drug without a doctor's prescription, the previous day.

33. During the inspection, the Board's Inspector collected relevant documents to the loss of controlled substances, including but not limited to the pharmacy's "Drug Usage Report" which documented the amount of medications dispensed by the pharmacy between May 6, 2015 and November 28, 2018, and the pharmacy's DEA Biennial Inventory of all controlled substances.

The following is a summary of the above-described records:

Medication	Units	Beginning Inventory - 05/06/15	Disposition (No. of prescriptions dispensed)	Ending Inventory - 11/28/20
Alprazolam 0.25 mg	tablet	0	24	50
Alprazolam 0.5 mg	tablet	124	133	78
Alprazolam 1 mg	tablet	199	47	30
Alprazolam 2 mg	tablet	110	3	0
Diazepam 5 mg	tablet	688	3,926	395
Diazepam 10 mg	tablet	850	6,070	345

34. The Board's Inspector performed an audit of the pharmacy's records concerning the acquisition and disposition of alprazolam and diazepam from May 6, 2015 through November 28, 2018, which revealed the following overage (negative variance, due to selling more than purchased, which could be due to the DEA biennial inventory not being an exact count or human error in counting the tablets):

- 43 tablets of alprazolam 0.5 mg
- 368 tablets of diazepam 10 mg

35. Shortage of/positive variance, which loss could be due to either employee pilferage or other unknown reasons:

- 30 tablets of alprazolam
- 0.25 mg 168 tablets of alprazolam 1 mg

- 210 tablets of alprazolam 2 mg
- 106 tablets of diazepam 5 mg

36. The pharmacy's audit was substantially similar to the Board's audit. The only significant difference was for diazepam 10 mg showing a negative variance of 518 tablets, which was because the pharmacy had included the 150 tablets in the Ziploc bag as part of their November 28, 2018 ending inventory.

37. On December 14, 2018, the Board received a written statement from Respondent Vallejo, which misrepresented what she had previously told the pharmacy staff on September 28, 2018, as follows: On September 28, 2018, at Encino Pharmacy, I grabbed the wrong medication due to my dyslexia [sic]. I never saw or admitted to the pharmacy staff that I was planning to sell anything. The medication was never taken out of the pharmacy. "I also never gave no technician any medication at anytime."

FIRST CAUSE FOR DISCIPLINE
(Respondent Vallejo - Commission of Acts
Involving Moral Turpitude, Dishonesty and Deceit)

38. Respondent Vallejo has subjected her registration to discipline under section 4301, subdivision (f) and Code of Federal Regulations, title 21, section 843, subdivision (a)(3), for unprofessional conduct, as follows:

a. On September 28, 2018, Respondent Vallejo admitted to her employer that she had stolen controlled substances/dangerous drugs (diazepam and/or alprazolam) from her employer.

b. On December 9, 2018, Respondent Vallejo signed a written statement under penalty of perjury which contained false statements, denying that she had admitted to her employer on September 28, 2018 that she had stolen controlled substances/dangerous drugs from her employer to sell on the streets and had given Respondent Santana unprescribed controlled substances, and denying that she had taken medication out of Encino Pharmacy without authorization, as described in Paragraphs 18-37, above, which are incorporated by reference.

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SECOND CAUSE FOR DISCIPLINE
**(Respondent Vallejo and Respondent Santana -
Illegal Possession of a Controlled Substance and/or
Controlled Substances Without a Prescription)**

39. Respondent Vallejo and Respondent Santana have subjected their registrations to discipline under section 4301, subdivisions (j) and/or (o), in conjunction with Health and Safety Code sections 11158, subdivision (a), 11170 and 11171, in that, on or about September 28, 2018, while working at Encino Pharmacy, Respondents were found to be in possession of controlled substances/dangerous drugs without a prescription, in violation of section 4060, as described in Paragraphs 18-37, above, which are incorporated by reference.

THIRD CAUSE FOR DISCIPLINE
**(Respondent Vallejo – Furnishing Prescription
Drugs To Others Without a Valid Prescription)**

40. Respondent Vallejo is subject to disciplinary action under Section 4301, subdivisions (j) and/or (o), for violating Section 4059, subdivision (a) and Code of Federal Regulations, title 21, section 843, subdivision (a)(3), in that, on or before September 28, 2018, she illegally gave and/or transferred controlled substances (diazepam 10 mg or alprazolam 0.5 mg) to Respondent Santana without a valid prescription. Complainant refers to, and by this reference incorporates, the allegations set forth above in Paragraphs 18-37, which are incorporated by reference.

FOURTH CAUSE FOR DISCIPLINE
**(Respondent Santana - Self Administration
of a Controlled Substance/Dangerous Drug)**

41. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), in that on or about June 2, 2018, Respondent Santana admitted to pharmacy staff that, on September 27, 2018, she administered to herself the controlled substance/dangerous drug alprazolam, which she obtained from Respondent Vallejo, without a doctor's prescription for this medication, as described in Paragraphs 18-37, above, which are incorporated by reference.

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FIFTH CAUSE FOR DISCIPLINE
**(Respondent Vallejo and Respondent Santana –
Violating California Statutes Regulating
Controlled Substances/Dangerous Drugs)**

42. Respondent Vallejo and Respondent Santana have subjected their registrations to discipline under section 4301, subdivision (j), for unprofessional conduct in that they knowingly violated Business and Professions Code sections 4022, 4059 and/or 4060, and Health and Safety Code sections 11158, subdivision (a), 11170 and 11171, as described in Paragraphs 18-37, above, which are incorporated by reference.

SIXTH CAUSE FOR DISCIPLINE
**(Respondent Vallejo - Violating Federal & State
Laws and Regulations Governing Pharmacy)**

43. Respondent Vallejo has subjected her registration to discipline under section 4301, subdivision (o), for unprofessional conduct in that she violated Code of Federal Regulations, title 21, section 843, subdivision (a)(3), Board of Pharmacy Regulations (California Code of Regulations, Title 16, Section 1700, et seq.), and the California Uniform Controlled Substances Act (Health and Safety Code 11000, et seq.), when she obtained controlled substances using dishonesty and deceit, as described in Paragraphs 18-37, above, which are incorporated by reference.

DISCIPLINE CONSIDERATIONS

44. To determine the degree of discipline to be assessed against Respondent Vallejo's license, Complainant alleges as follows:

a. On or about November 29, 2017, the Board issued administrative Citation No. CI 2017 77055 against Respondent Vallejo for unprofessional conduct in violating Business and Professions Code sections 4301, subdivisions (h) and (l). The circumstances underlying the citation are as follows:

(1) Respondent was arrested on September 16, 2017, for driving while under the influence of alcohol, with a blood alcohol content level of 0.08%; and

(2) Respondent was convicted of a misdemeanor crime which is substantially related

1 to the qualifications, functions and duties of Respondent's license, in that on November 13, 2017,
2 she was convicted of violating Vehicle Code section 23103, subdivision (a) [Wet/Reckless
3 Driving], per Vehicle Code section 23103.5.

4 b. A \$500 fine was issued with the citation. The fine was paid in full and the citation
5 became the final order.

6 **PRAYER**

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

9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 121190,
10 issued to Briana Abigail Vallejo;

11 2. Revoking or suspending Pharmacy Technician Registration Number TCH 144711,
12 issued to Lisette Santana;

13 3. Ordering Briana Abigail Vallejo and Lisette Santana to pay the Board of Pharmacy
14 the reasonable costs of the investigation and enforcement of this case, jointly and severally,
15 pursuant to Business and Professions Code section 125.3; and,

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

17 DATED: July 16, 2019



18 ANNE SODERGREN
19 Interim Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant

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