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

In the Matter of the Accusation Against:

LETICIA IRMA RAMIREZ
1606 Freeman Ave. #6
Long Beach, CA 90804

Pharmacy Technician Registration No. TCH
69335

Respondent.

Case No. 6675
OAH No. 2019100921
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 28, 2019, Complainant Anne Sodergren, in her then official capacity as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6675 against Leticia Irma Ramirez (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about May 12, 2006, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 69335 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6675 and will expire on October 31, 2021, unless renewed.

1 3. On or about June 13, 2019, Respondent was served with Accusation No. 6675.

2 4. On or about July 5, 2019, Respondent signed and returned a Notice of Defense,
3 requesting a hearing in this matter.

4 5. On November 4, 2019, a Notice of Hearing was served by mail at Respondent's
5 address of record which was and is:

6 1606 Freeman Ave. #6

7 Long Beach, CA 90804.

8 The Notice of Hearing informed her that an administrative hearing in this matter was scheduled
9 for February 6, 2020.

10 6. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505(c) and/or Business and Professions Code section 124.

12 7. The matter was called for hearing at the date, time and location set forth in the Notice
13 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of
14 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A
15 default was declared and on motion of counsel for Complainant, the matter was remanded to the
16 Board under Government Code section 11520.

17 8. Government Code section 11506(c) states, in pertinent part:

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

23 9. California Government Code section 11520(a) states, in pertinent part:

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

28 10. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained

1 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6675,
2 finds that the charges and allegations in Accusation No. 6675, are separately and severally, found
3 to be true and correct by clear and convincing evidence.

4 11. The Board finds that the actual costs for Investigation and Enforcement are
5 \$16,612.25 as of February 3, 2020.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Leticia Irma Ramirez has
8 subjected her Pharmacy Technician Registration No. TCH 69335 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
11 Registration based upon the following violations alleged in the Accusation which are supported
12 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

13 a. Bus. & Prof. Code, §§ 4301 (j) and (o), and Health & Safety Code § 11171 (Creating
14 a Fictitious Prescription for a Controlled Substance),

15 b. Bus. & Prof. Code, §§ 4059 and 4060 (Unlawful Possession of Controlled
16 Substances/Dangerous Drugs),

17 c. Bus. & Prof. Code, § 4059 (a) (Furnishing Dangerous Drugs Without Prescription),

18 d. Bus. & Prof. Code, § 4301 (g), (False Representation),

19 d. Bus. & Prof. Code, § 4324(a) (Possession of Drugs Obtained Through Forged
20 Prescriptions), and

21 f. Bus. & Prof. Code, § 4301(f) (Acts Involving Moral Turpitude, Dishonesty, Fraud,
22 Deceit, or Corruption).

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 69335, issued to Respondent Leticia Irma Ramirez, 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 May 6, 2020 at 5:00 p.m.

It is so ORDERED on April 6, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Greg Lippe
Board President

63192433.DOCX
DOJ Matter ID:LA2019500514

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(LETICIA IRMA RAMIREZ)

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Attorneys for Complainant

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

In the Matter of the Accusation Against:
LETICIA IRMA RAMIREZ
1606 Freeman Ave., #6
Long Beach, CA 90804

Pharmacy Technician Reg. No. TCH 69335

Respondent.

Case No. 6675

ACCUSATION

PARTIES

1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
2. On or about May 12, 2006, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 69335 to Leticia Irma Ramirez (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2019, unless renewed.

JURISDICTION

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

1 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
2 proceeding against, the licensee or to render a decision suspending or revoking the license."

3 9. Section 4301 states, in pertinent part:

4 "The board shall take action against any holder of a license who is guilty of unprofessional
5 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

6 Unprofessional conduct shall include, but is not limited to, any of the following:

7

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

11

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

14

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

19 10. Section 4324 states, in pertinent part:

20 "(a) Every person who signs the name of another, or of a fictitious person, or falsely makes,
21 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any
22 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment
23 pursuant to subdivision (h) of Section 1170 of the Penal Code, or by imprisonment in a county
24 jail for not more than one year.'

25 **REGULATORY PROVISION**

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

27 "For the purpose of denial, suspension, or revocation of a personal or facility license
28 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a

1 crime or act shall be considered substantially related to the qualifications, functions or duties of a
2 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
3 licensee or registrant to perform the functions authorized by his license or registration in a manner
4 consistent with the public health, safety, or welfare."

5 COST RECOVERY

6 12. Section 125.3 of the Code states, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 STATE DRUG STATUTES

11 13. Section 4022 states, in pertinent part:
12 "“Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use in
13 humans or animals, and includes the following:

14 (a) Any drug that bears the legend: “Caution: federal law prohibits dispensing without
15 prescription,” “Rx only,” or words of similar import.

16 ...

17 (c) Any other drug or device that by federal or state law can be lawfully dispensed only on
18 prescription or furnished pursuant to Section 4006.”

19 14. Health and Safety Code section 11007 states that ““[c]ontrolled substance,” unless
20 otherwise specified, means a drug, substance, or immediate precursor which is listed in any
21 schedule in Section 11054, 11055, 11056, 11057, or 11058.”

22 15. Health and Safety Code section 11171 states: “No person shall prescribe, administer,
23 or furnish a controlled substance except under the conditions and in the manner provided by this
24 division.”

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16. DRUG CLASSIFICATIONS

Brand Name	Generic Name	Dangerous Drug per Bus. & Prof. Code § 4022	Controlled Substance per H & S Code	Indications for Use
Tylenol #3	APAP/Codeine 300/30mg	Yes	Yes, Schedule III, HSC § 11056(e)	Pain
Diflucan	Fluconazole 150mg tab	Yes	No	Antifungal
Macrobid	Nitrofurantoin 100mg cap	Yes	No	Antibiotic

FIRST CAUSE FOR DISCIPLINE

(Creating a Fictitious Prescription for a Controlled Substance)

17. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, for violating section Health and Safety Code 11171, for illegally prescribing, administering, or furnishing a controlled substance. Specifically, on or about June 14, 2017, while Respondent was employed as a pharmacy technician at Rite Aid #5818, located in Long Beach, California, she created a fraudulent prescription for herself for the drug Acetaminophen/codeine 300mg/30mg #60, a controlled substance.

SECOND CAUSE FOR DISCIPLINE

(Unlawful Possession of Controlled Substances/Dangerous Drugs)

18. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, for violating sections 4059 and 4060, in that she possessed a controlled substance without a valid prescription. Specifically, on or about June 14, 2017, while Respondent was employed as a pharmacy technician at Rite Aid #5818, located in Long Beach, California, she created a fraudulent prescription for herself for the drug Acetaminophen/ codeine 300mg/30mg #60, a controlled substance, which she received.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Furnishing Dangerous Drugs Without Prescription)**

3 19. Respondent is subject to disciplinary action under section 4301 subdivision (j), on the
4 grounds of unprofessional conduction, for violating section 4059, subdivision (a), for furnishing
5 dangerous drugs, including a controlled substance, to herself without a prescription. Specifically,
6 while Respondent was employed at Rite Aid #5818, located in Long Beach, California, she
7 created the following fraudulent prescriptions and refill authorizations for prescriptions for
8 herself, which she received:

9

10 DATE OF FRAUDULENT PRESCRIPTION	11 DRUG and DATE OF REFILLS	RX#
12 6/14/2017	APAP/codeine 300/30mg	1281172
13 2/8/2018	Nitrofurantoin 100mg #30 plus 1 refill	819021
	Refilled 2/26/2018	
14 2/8/2018	Fluconazole 150mg #3 plus 1 refill	819022
15 3/22/2018	Nitrofurantoin 100mg #60 plus 3 refills	823328
	Refilled 4/21/2018	
17 3/10/2018	Fluconazole 150mg #3 plus 3 refills	821705
	Refilled 3/15/2018	
	Refilled 3/30/2018	
20 4/12/2018	Fluconazole 150mg #3 plus 3 refills	825699
	Refilled 4/21/2018	
	Refilled 4/27/2018	

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(False Representation)**

24 20. Respondent is subject to disciplinary action under section 4301, subdivision (g), on
25 the grounds of unprofessional conduction, for knowingly making or signing any certificate or
26 other document that falsely represents the existence or nonexistence of a state of facts.
27 Specifically, while Respondent was employed at Rite Aid #5818, located in Long Beach,
28

1 California, she created the following fraudulent prescriptions and refill authorizations for
2 prescriptions for herself, which she received:

3 DRUG	4 QUANTITY	5 DATE OF FRAUDULENT PRESCRIPTION
6 Tylenol #3	Qty 60	6/14/2017
7 Nitrofurantoin 100mg	QTY 30 plus 1 refill	2/8/2018
8 Fluconazole 150mg	QTY 3	2/8/2018
Fluconazole 150mg	QTY 3 plus 2 refills	3/10/2018
Nitrofurantoin 100mg	QTY 60 plus 2 refills	3/22/2018
Fluconazole 150mg	QTY 3 plus 2 refills	4/12/2018

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Possession of Drugs Obtained Through Forged Prescriptions)**

11 21. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
12 (o), on the grounds of unprofessional conduct, for violating section 4324, subdivision (a), by
13 signing the name of another, or of a fictitious person, or falsely making, altering, forging,
14 uttering, publishing, passing, or attempting to pass, as genuine, any prescription for any drug.
15 Specifically, while Respondent was employed at Rite Aid #5818, located in Long Beach,
16 California, she created fraudulent prescriptions and refill authorizations of prescriptions for
17 herself, which she received. Complainant refers to and by this reference incorporates the
18 allegations set forth above in paragraphs 17 through 20, inclusive, as though set forth fully.

19 **SIXTH CAUSE FOR DISCIPLINE**

20 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

21 22. Respondent is subject to disciplinary action under section 4301, subdivision (f), on
22 the grounds of unprofessional conduct, in that she committed acts involving moral turpitude,
23 dishonesty, fraud, deceit, or corruption. Specifically, while Respondent was employed at Rite
24 Aid #5818, located in Long Beach, California, she created fraudulent prescriptions and refill
25 authorizations of prescriptions for herself, which she received. Complainant refers to and by this
26 reference incorporates the allegations set forth above in paragraphs 17 through 21, inclusive, as
27 though set forth fully.

PRAYER

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

3 1. Revoking or suspending Pharmacy Technician Registration Number TCH 69335,
4 issued to Leticia Irma Ramirez;

5 2. Ordering Leticia Irma Ramirez to pay the Board of Pharmacy the reasonable costs of
6 the investigation and enforcement of this case, pursuant to Business and Professions Code section
7 125.3; and,

8 3. Taking such other and further action as deemed necessary and proper.
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12 DATED: May 28, 2019

Anne Sodergren

13 ANNE SODERGREN
14 Interim Executive Officer
15 Board of Pharmacy
16 Department of Consumer Affairs
17 State of California
18 Complainant

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