

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

In the Matter of the Accusation Against:

ERIN RENEE RAZO

Pharmacy Technician Registration No. TCH 59517

Respondent

Agency Case No. 6984

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 March 26, 2021.

It is so ORDERED on February 24, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 MARIO CUAHUTLE
Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **ERIN RENEE RAZO**
14 **11404 Revolution Rd.**
Bakersfield, CA 93312
15 **Pharmacy Technician Registration No. TCH**
59517

16 Respondent.

Case No. 6984

OAH No. 2020120248
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL

[Bus. & Prof. Code § 495]

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
22 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Xavier Becerra, Attorney General of the State of California, by Mario Cuahutle, Deputy Attorney
24 General.

25 2. Respondent Erin Renee Razo (Respondent) is represented in this proceeding by
26 attorney Adam B. Brown, whose address is: 3848 W. Carson Street, Suite 206, Torrance, CA
27 90503.

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1 **JURISDICTION**

2
3 3. On or about November 17, 2004, the Board issued Pharmacy Technician Registration
4 No. TCH 59517 to Erin Renee Razo (Respondent). The Pharmacy Technician Registration was
5 in full force and effect at all times relevant to the charges brought in Accusation No. 6984 and
6 will expire on December 31, 2022, unless renewed.

7 4. Accusation No. 6984 was filed before the Board of Pharmacy (Board), Department of
8 Consumer Affairs and is currently pending against Respondent. The Accusation and all other
9 statutorily required documents were properly served on Respondent on October 5, 2020.
10 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
11 No. 6984 is attached as exhibit A and incorporated herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 6984. Respondent has also carefully read, fully
15 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
16 Order for Public Repeval.

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

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

26 **CULPABILITY**

27 8. Respondent admits the truth of each and every charge and allegation in Accusation
28 No. 6984.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Repeval and have fully discussed it with my attorney, Adam B. Brown. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____
ERIN RENEE RAZO
Respondent

I have read and fully discussed with Respondent Erin Renee Razo the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.

DATED: _____
ADAM B. BROWN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____
Respectfully submitted,
XAVIER BECERRA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

/S/MARIO CUAHUTLE
MARIO CUAHUTLE
Deputy Attorney General
Attorneys for Complainant

1 ACCEPTANCE


2 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
3 Repeval and have fully discussed it with my attorney, Adam B. Brown. I understand the
4 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
5 Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and
6 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

7
8 DATED: 1-28-2021


9 ERIN RENEE RAZO
Respondent

10 I have read and fully discussed with Respondent Erin Renee Razo the terms and conditions
11 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
12 Repeval. I approve its form and content.

13 DATED: 1-28-21


14 ADAM B. BROWN
Attorney for Respondent

15
16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby
18 respectfully submitted for consideration by the Board of Pharmacy of the Department of
19 Consumer Affairs.

20 DATED: 1/28/2021

21 Respectfully submitted,

22 XAVIER BECERRA
Attorney General of California
23 SHAWN P. COOK
Supervising Deputy Attorney General

24
25 /s/MARIO CUAHUTLE
26 MARIO CUAHUTLE
27 Deputy Attorney General
28 Attorneys for Complainant

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Exhibit A

Accusation No. 6984

1 XAVIER BECERRA
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Supervising Deputy Attorney General
3 MARIO CUAHUTLE
Deputy Attorney General
4 State Bar No. 305067
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12 In the Matter of the Accusation Against:

Case No. 6984

13 **ERIN RENEE RAZO**
14 **11404 Revolution Rd.**
Bakersfield, CA 93312

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **59517**

17 Respondent.

18
19 **PARTIES**

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

22 2. On or about November 17, 2004, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 59517 to Erin Renee Razo (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on December 31, 2020, unless renewed.

26 ///

27 ///

28 ///

1 **JURISDICTION**

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

5 4. Section 4300 provides, in pertinent part, that every license issued by the Board is
6 subject to discipline, including suspension or revocation.

7 5. Section 4300.1 states:

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

13 **STATUTORY PROVISIONS**

14 6. Section 4300 of the Code states:

15 (a) Every license issued may be suspended or revoked.

16 (b) The board shall discipline the holder of any license issued by the board,
17 whose default has been entered or whose case has been heard by the board and found
guilty, by any of the following methods:

18 (1) Suspending judgment.

19 (2) Placing him or her upon probation.

20 (3) Suspending his or her right to practice for a period not exceeding one year.

21 (4) Revoking his or her license.

22 (5) Taking any other action in relation to disciplining him or her as the board in
23 its discretion may deem proper.

24 (c) The board may refuse a license to any applicant guilty of unprofessional
conduct. The board may, in its sole discretion, issue a probationary license to any
25 applicant for a license who is guilty of unprofessional conduct and who has met all
other requirements for licensure. The board may issue the license subject to any
26 terms or conditions not contrary to public policy, including, but not limited to, the
following:

27 (1) Medical or psychiatric evaluation.

28 (2) Continuing medical or psychiatric treatment.

- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs.
- (7) Compliance with laws and regulations governing the practice of pharmacy.

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

7. 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 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

- (a) Procurement of a license by fraud or misrepresentation.
- (b) Incompetence.
- (c) Gross negligence.

(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining whether the furnishing of controlled substances is clearly excessive shall include, but not be limited to, the amount of controlled substances furnished, the previous ordering pattern of the customer (including size and frequency of orders), the type and size of the customer, and where and to whom the customer distributes its product.

(f) The commission of any act involving moral turpitude, dishonesty, fraud, 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.

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

(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.

1 (i) Except as otherwise authorized by law, knowingly selling, furnishing, giving
2 away, or administering, or offering to sell, furnish, give away, or administer, any
3 controlled substance to an addict.

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

6 (k) The conviction of more than one misdemeanor or any felony involving the
7 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,
8 or any combination of those substances.

9 (l) The conviction of a crime substantially related to the qualifications,
10 functions, and duties of a licensee under this chapter. The record of conviction of a
11 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
12 States Code regulating controlled substances or of a violation of the statutes of this
13 state regulating controlled substances or dangerous drugs shall be conclusive
14 evidence of unprofessional conduct. In all other cases, the record of conviction shall
15 be conclusive evidence only of the fact that the conviction occurred. The board may
16 inquire into the circumstances surrounding the commission of the crime, in order to
17 fix the degree of discipline or, in the case of a conviction not involving controlled
18 substances or dangerous drugs, to determine if the conviction is of an offense
19 substantially related to the qualifications, functions, and duties of a licensee under this
20 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
21 contendere is deemed to be a conviction within the meaning of this provision. The
22 board may take action when the time for appeal has elapsed, or the judgment of
23 conviction has been affirmed on appeal or when an order granting probation is made
24 suspending the imposition of sentence, irrespective of a subsequent order under
25 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
26 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
27 dismissing the accusation, information, or indictment.

28 (m) The cash compromise of a charge of violation of Chapter 13 (commencing
with Section 801) of Title 21 of the United States Code regulating controlled
substances or of Chapter 7 (commencing with Section 14000) of Part 3 of Division 9
of the Welfare and Institutions Code relating to the Medi-Cal program.

(n) The revocation, suspension, or other discipline by another state of a license
to practice pharmacy, operate a pharmacy, or do any other act for which a license is
required by this chapter that would be grounds for revocation, suspension, or other
discipline under this chapter. Any disciplinary action taken by the board pursuant to
this section shall be coterminous with action taken by another state, except that the
term of any discipline taken by the board may exceed that of another state, consistent
with the board's enforcement guidelines. The evidence of discipline by another state
is conclusive proof of unprofessional conduct.

(o) Violating or attempting to violate, directly or indirectly, or assisting in or
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,
including regulations established by the board or by any other state or federal
regulatory agency.

(p) Actions or conduct that would have warranted denial of a license.

(q) Engaging in any conduct that subverts or attempts to subvert an
investigation of the board.

1 (r) The selling, trading, transferring, or furnishing of drugs obtained pursuant to
2 Section 256b of Title 42 of the United States Code to any person a licensee knows or
reasonably should have known, not to be a patient of a covered entity, as defined in
paragraph (4) of subsection (a) of Section 256b of Title 42 of the United States Code.

3 (s) The clearly excessive furnishing of dangerous drugs by a wholesaler to a
4 pharmacy that primarily or solely dispenses prescription drugs to patients of long-
term care facilities. Factors to be considered in determining whether the furnishing of
5 dangerous drugs is clearly excessive shall include, but not be limited to, the amount
of dangerous drugs furnished to a pharmacy that primarily or solely dispenses
6 prescription drugs to patients of long-term care facilities, the previous ordering
7 pattern of the pharmacy, and the general patient population to whom the pharmacy
distributes the dangerous drugs. That a wholesaler has established, and employs, a
8 tracking system that complies with the requirements of subdivision (b) of Section
4164 shall be considered in determining whether there has been a violation of this
9 subdivision. This provision shall not be interpreted to require a wholesaler to obtain
personal medical information or be authorized to permit a wholesaler to have access
10 to personal medical information except as otherwise authorized by Section 56 and
following of the Civil Code. For purposes of this section, long-term care facility shall
have the same meaning given the term in Section 1418 of the Health and Safety Code.

11 **COST RECOVERY**

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

18 **FACTUAL ALLEGATIONS**

19 9. At all times relevant herein, Respondent was employed as a Pharmacy Technician
20 with the California Correctional Institution (CCI), located in the city of Tehachapi, CA.

21 10. On or about October 15, 2019, the Board received a complaint stating that CCI
22 pharmacy staff viewed health information for a high profile inmate without a legitimate reason, a
23 violation according to the Health Insurance Portability and Accountability Act (HIPPA), which
24 protects the privacy of a person's health information. Specifically, Respondent looked up CM's
25 health information via prison profile on a central system within California's State Prison System
26 after his death. Respondent's log in name was included on a state-wide list of all employees that
27 violated his protected health information. CM never stayed at CCI in Tehachapi, CA. The Board
28 conducted an investigation of the complaint.

1 11. The Board investigation revealed that on or about November 16, 2017, Respondent
2 while working at CCI accessed protected health information for a high profile inmate, CM, for no
3 legitimate medical reason. High profile inmate, CM, was not an inmate of CCI in Tehachapi, CA.

4 12. In a written statement to the Board investigator dated April 10, 2020, Respondent
5 acknowledged the claim in the complaint but could not explain why she accessed the person's
6 personal health information. She further stated that she made the mistake of making the improper
7 access as a distraction and idle curiosity of some sort.

8 **CAUSE FOR DISCIPLINE**

9 (Unprofessional Conduct)

10 13. Respondent is subject to disciplinary action under Business and Professions Code
11 section 4301, subdivision (f) in that her conduct was unprofessional, as described in paragraphs 9-
12 12, which is herein incorporated by reference.

13 **PRAYER**

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

16 1. Revoking or suspending Pharmacy Technician Registration Number TCH 59517,
17 issued to Erin Renee Razo;

18 2. Ordering Erin Renee Razo to pay the Board of Pharmacy the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3; and,

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

22
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24 DATED: 9/26/2020 _____

Signature on File

25 ANNE SODERGREN
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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