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

12 In the Matter of the Petition to Revoke
13 Probation Against:

14 **MARIBEL MARTINEZ RODRIGUEZ**
15 **280 Stephens Avenue**
16 **Riverside, CA 92501**

17 **Pharmacy Technician Registration No. TCH**
18 **127502**

19 Respondent.

Case No. 7170

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

20 **FINDINGS OF FACT**

21 1. On or about October 3, 2021, Complainant Anne Sodergren, in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
23 Petition to Revoke Probation No. 7170 against Maribel Martinez Rodriguez (Respondent) before
24 the Board of Pharmacy. (Petition to Revoke Probation attached as Exhibit A.)

25 2. On or about October 26, 2012, the Board of Pharmacy (Board) issued Pharmacy
26 Technician Registration No. TCH 127502 to Respondent. The Pharmacy Technician Registration
27 expired on June 30, 2020, and has not been renewed.
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1 3. On or about October 12, 2021, Respondent was served by Certified and First Class
2 Mail copies of the Petition to Revoke Probation No. 7170, Statement to Respondent, Notice of
3 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
4 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
5 Professions Code section 4100, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is: 280 Stephens Avenue Riverside, CA 92501.

7 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
8 provisions of Government Code section 11505(c) and/or Business and Professions Code section
9 124.

10 5. Government Code section 11506(c) states, in pertinent part:

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

16 6. The Board takes official notice of its records and the fact that Respondent failed to
17 file a Notice of Defense within 15 days after service upon her of the Petition to Revoke Probation,
18 and therefore waived her right to a hearing on the merits of Petition to Revoke Probation No.
19 7170.

20 7. California Government Code section 11520(a) states, in pertinent part:

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

25 8. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
28 as well as taking official notice of all the investigatory reports, exhibits and statements contained
therein on file at the Board's offices regarding the allegations contained in Petition to Revoke
Probation No. 7170, finds that the charges and allegations in Petition to Revoke Probation No.
7170, are separately and severally, found to be true and correct by clear and convincing evidence.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Maribel Martinez Rodriguez has
3 subjected her Pharmacy Technician Registration No. TCH 127502 to discipline.

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

5 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
6 Registration based upon the following violations alleged in the Petition to Revoke Probation
7 which are supported by the evidence contained in the Default Decision Investigatory Evidence
8 Packet in this case:

9 a. Failure to Report to Board (Probation Term 2);

10 b. Failure to Cooperate with Board Staff (Probation Term 4);

11 c. Failure to Comply with Reimbursement of Board Costs (Probation Term 7);

12 d. Failure to Comply with Probation Monitoring Costs (Probation Term 8);

13 e. Failure to Comply with Status of License (Probation Term 9); and

14 f. Failure to Comply with Certification Prior to Resuming Work (Probation Term 11).

15 **ORDER**

16 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 127502, issued to
17 Respondent Maribel Martinez Rodriguez, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
19 written motion requesting that the Decision be vacated and stating the grounds relied on within
20 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
21 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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1 This Decision shall become effective at 5:00 p.m. on March 2, 2022.

2 It is so ORDERED on January 31, 2022.

3 FOR THE BOARD OF PHARMACY
4 DEPARTMENT OF CONSUMER AFFAIRS
5 STATE OF CALIFORNIA

6
7 By  _____

8
9 Seung W. Oh, Pharm.D.
10 Board President

11 Attachment:
12 Exhibit A: Petition to Revoke Probation
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Exhibit A

Petition to Revoke Probation

(MARIBEL MARTINEZ RODRIGUEZ)

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2 SHAWN P. COOK
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7 **BEFORE THE**
8 **BOARD OF PHARMACY**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. 7170

12 **MARIBEL MARTINEZ RODRIGUEZ**
280 Stephens Avenue
13 Riverside, CA 92501

PETITION TO REVOKE PROBATION

14 Pharmacy Technician Registration No. TCH
127502

15 Respondent.
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17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about October 26, 2012, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration Number TCH 127502 to Maribel Martinez Rodriguez (Respondent). The
24 Pharmacy Technician Registration expired on June 30, 2020, and has not been renewed. The
25 license is currently suspended pursuant to the terms and conditions of probation.

26 3. In a disciplinary action titled *In the Matter of Accusation Against: Maribel Martinez*
27 *Rodriguez*, Case No. 6429, the Board of Pharmacy, issued a decision, effective October 30, 2019,
28 in which Respondent's Pharmacy Technician Registration was revoked. However, the revocation

1 was stayed and Respondent's Pharmacy Technician Registration was placed on probation for a
2 period of three (3) years with certain terms and conditions. A copy of that decision is attached as
3 Exhibit A and is incorporated by reference.

4 **JURISDICTION**

5 4. Section 4300, subdivision of the Code states, in pertinent part:

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

7

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

12 5. Section 4300.1 of the Code states:

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

18 **FIRST CAUSE TO REVOKE PROBATION**

19 **(Failure to Report to Board)**

20 6. At all times after the effective date of Respondent's probation, Condition 2 stated:

21 **Report to the Board**

22 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
23 designee. The report shall be made either in person or in writing, as directed. Among other
24 requirements, respondent shall state in each report under penalty of perjury whether there has
25 been compliance with all the terms and conditions of probation.

26 Failure to submit timely reports in a form as directed shall be considered a violation of
27 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
28 total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted
2 by the board.

3 7. Respondent's probation is subject to revocation because she failed to comply with
4 Probation Condition 2, referenced above. Respondent began probation on October 30, 2019 and
5 has failed to submit any quarterly reports to date.

6 **SECOND CAUSE TO REVOKE PROBATION**

7 **(Failure to Cooperate with Board Staff)**

8 8. At all times after the effective date of Respondent's probation, Condition 4 stated:

9 **Cooperate with Board Staff**

10 Respondent shall timely cooperate with the board's inspection program and with the board's
11 monitoring and investigation of respondent's compliance with the terms and conditions of
12 respondent's probation, including but not limited to: timely responses to requests for information
13 by board staff; timely compliance with directives from board staff regarding requirements of any
14 term or condition of probation; and timely completion of documentation pertaining to a term or
15 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

16 9. Respondent's probation is subject to revocation because she failed to comply with
17 Probation Condition 4, referenced above. Respondent has failed to respond to Board inspector
18 calls and emails to date.

19 **THIRD CAUSE TO REVOKE PROBATION**

20 **(Failure to Comply with Reimbursement of Board Costs)**

21 10. At all times after the effective date of Respondent's probation, Condition 7 stated:

22 **Reimbursement of Board Costs**

23 As a condition precedent to successful completion of probation, respondent shall pay to the
24 board its costs of investigation and prosecution in the amount of \$5,785.00. Respondent shall
25 make said payments as follows:

26 There shall be no deviation from this schedule absent prior written approval by the board or
27 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
28 probation.

Respondent shall be permitted to pay these costs in a payment plan approved by the board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation.

11. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 7, referenced above. On or about November 15, 2019, during an office conference with the Board, Respondent requested and was approved to pay \$200.00 per month with her first payment to be received by December 10, 2019. Respondent has made one (1) payment for December 2019 and has failed to submit any further payments to date.

FOURTH CAUSE TO REVOKE PROBATION

(Failure to Comply with Probation Monitoring Costs)

12. At all times after the effective date of Respondent's probation, Condition 8 stated

Probation Monitoring Costs

Respondent shall pay any costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board on a schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

13. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 8, referenced above. A monitoring cost bill was sent to Respondent for the initial office conference with the Board dated November 19, 2020 in the amount of \$121.00. The bill stated that payment was due within 15 days. Respondent has failed to pay the probation monitoring costs to date.

FIFTH CAUSE TO REVOKE PROBATION

(Failure to Comply with Status of License)

14. At all times after the effective date of Respondent's probation, Condition 9 stated:

Status of License

Respondent shall, at all times while on probation, maintain an active, current Pharmacy Technician Registration with the board, including any period during which suspension or

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1 probation is tolled. Failure to maintain an active, current Pharmacy Technician Registration shall
2 be considered a violation of probation.

3 If respondent's Pharmacy Technician Registration expires or is cancelled by operation of
4 law or otherwise at any time during the period of probation, including any extensions thereof due
5 to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
6 terms and conditions of this probation not previously satisfied.

7 15. Respondent's probation is subject to revocation because she failed to comply with
8 Probation Condition 9, referenced above. Respondent has failed to maintain an active, current
9 Pharmacy Technician Registration. Respondent's Pharmacy Technician Registration expired on
10 June 30, 2020, and has not been renewed.

11 **FIFTH CAUSE TO REVOKE PROBATION**

12 **(Failure to Comply with Certification Prior to Resuming Work)**

13 16. At all times after the effective date of Respondent's probation, Condition 11 stated:

14 **Certification Prior to Resuming Work**

15 Respondent shall be suspended, and shall not work as a pharmacy technician, until she has
16 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has
17 submitted proof of certification to the board, and has been notified by the board or its designee
18 that she may begin work. Failure to achieve certification within six (6) months of the effective
19 date shall be considered a violation of probation.

20 During suspension, respondent shall not enter any pharmacy area or any portion of any
21 other board licensed premises of a wholesaler, third-party logistics provider, veterinary food-
22 animal drug retailer or any other distributor of drugs which is licensed by the board, or any
23 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled
24 substances are maintained.

25 Respondent shall not do any act involving drug selection, selection of stock, manufacturing,
26 compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the
27 board. Respondent shall not have access to or control the ordering, distributing, manufacturing or
28 dispensing of dangerous drugs and/or dangerous devices or controlled substances.

During this suspension, respondent shall not engage in any activity that requires licensure as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or dangerous devices, or controlled substances. Failure to comply with any such suspension shall be considered a violation of probation.

17. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 11, referenced above. Respondent has failed to submit proof of certification to the Board within six (6) months of the effective date of the decision.

PRAYER

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

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 6429 and imposing the disciplinary order that was stayed thereby revoking Pharmacy Technician Registration No. TCH 127502 issued to Maribel Martinez Rodriguez;
2. Revoking or suspending Pharmacy Technician Registration No. TCH 127502, issued to Maribel Martinez Rodriguez; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/3/2021 _____

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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Jz(9/13/21)