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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 Accusation Against:

Case No. 7205

13 **BIANCA IBARRA**
14 6209 Rimbank Ave
Pico Rivera, CA 90660

DEFAULT DECISION AND ORDER

15 Pharmacy Technician Registration No. TCH
16 87178

[Gov. Code, §11520]

17 Respondent.

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19 **FINDINGS OF FACT**

20 1. On or about October 23, 2021, Complainant Anne Sodergren, in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
22 Accusation No. 7205 against Bianca Ibarra (Respondent) before the Board of Pharmacy.
23 (Accusation attached as Exhibit A.)

24 2. On or about October 24, 2008, the Board of Pharmacy (Board) issued Pharmacy
25 Technician Registration No. TCH 87178 to Respondent. The Pharmacy Technician Registration
26 was in full force and effect at all times relevant to the charges brought in Accusation No. 7205
27 and will expire on May 31, 2022, unless renewed.

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1 3. On or about November 1, 2021, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7205, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is: 6209 Rimbark Ave, Pico Rivera, CA 90660.

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

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

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

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
17 waived her right to a hearing on the merits of Accusation No. 7205.

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

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 7205,
28 finds that the charges and allegations in Accusation No. 7205, are separately and severally, found
to be true and correct by clear and convincing evidence.

 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,607.50
as of February 1, 2022.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Bianca Ibarra has subjected her
3 Pharmacy Technician Registration No. TCH 87178 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 Accusation which are supported
7 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Business and Professions Code sections 4301, subdivision (l) and 490, in conjunction
9 with California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a
10 crime substantially related to the qualifications, functions or duties of a pharmacy technician.
11 Specifically, on or about February 4, 2021, after pleading nolo contendere, Respondent was
12 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
13 [driving while having 0.08% or more, by weight, of alcohol in her blood] in the criminal
14 proceeding entitled *The People of the State of California v. Bianca Christina Ibarra* (Super. Ct.
15 L.A. County, 2021, No. 0EM03183).

16 b. Business and Professions Code section 4301, subdivision (k), on the grounds of
17 unprofessional conduct, in that, on or about February 4, 2021, Respondent sustained a second
18 alcohol related conviction.

19 c. Business and Professions Code section 4301, subdivision (h), on the grounds of
20 unprofessional conduct, in that, on or about April 21, 2020, Respondent used alcoholic beverages
21 to an extent or in a manner dangerous or injurious to herself, any person, or the public.

22 **ORDER**

23 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 87178, issued to
24 Respondent Bianca Ibarra, is revoked.

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

1 This Decision shall become effective at 5:00 p.m. on March 30, 2022.

2 It is so ORDERED on February 28, 2022.

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4 _____
5 Seung W. Oh, Pharm.D.
6 Board President
7 FOR THE BOARD OF PHARMACY
8 DEPARTMENT OF CONSUMER AFFAIRS

7 64852179.DOCX
8 DOJ Matter ID:LA2021603929

8 Attachment:
9 Exhibit A: Accusation

Exhibit A

Accusation

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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 Accusation Against

Case No. 7205

13 **BIANCA IBARRA**
6209 Rimbank Ave
14 Pico Rivera, CA 90660

ACCUSATION

15 Pharmacy Technician Registration
16 No. TCH 87178

Respondent.

17
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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 (Board), Department of Consumer Affairs.

22 2. On or about October 24, 2008, the Board issued Pharmacy Technician Registration
23 Number TCH 87178 to Bianca Ibarra (Respondent). The Pharmacy Technician Registration was
24 in full force and effect at all times relevant to the charges brought herein and will expire on May
25 31, 2022, unless renewed.

26 **URISDICTION**

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

STATUTORY PROVISIONS

4. Section 4300 states:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

(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 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 terms or conditions not contrary to public policy, including, but not limited to, the following:

(1) Medical or psychiatric evaluation.

(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.

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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770, states:

3 For the purpose of denial, suspension, or revocation of a personal or facility
4 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
5 Professions Code, a crime or act shall be considered substantially related to the
6 qualifications, functions or duties of a licensee or registrant if to a substantial degree
it evidences present or potential unfitness of a licensee or registrant to perform the
functions authorized by his license or registration in a manner consistent with the
public health, safety, or welfare.

7 **COST RECOVERY**

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

12 **FIRST CAUSE FOR DISCIPLINE**

13 **C i t i S b t t i R t C i**

14 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
15 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
16 Respondent was convicted of a crime substantially related to the qualifications, functions or
17 duties of a pharmacy technician. Specifically, on or about February 4, 2021, after pleading nolo
18 contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code
19 section 23152, subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in her
20 blood] in the criminal proceeding entitled *The People of the State of California v. Bianca*
21 *Christina Ibarra* (Super. Ct. L.A. County, 2021, No. 0EM03183). The court sentenced
22 Respondent to serve 96 hours in jail, ordered her to complete an 18-month second offender DUI
23 program, and placed her on 48 months probation, with terms and conditions. The circumstances
24 surrounding the conviction are that on or about April 21, 2020, Respondent was involved in a
25 traffic collision when she drove on the wrong side of the road. When officers arrived on the
26 scene, they observed several open containers of alcohol and a marijuana labeled bag inside of
27 Respondent's vehicle. When officers approached Respondent, they could smell the odor of an
28 alcoholic beverage coming from her breath and the odor of freshly burnt marijuana coming from

1 her person. Respondent was observed to have slurred, thick speech and she had red watery eyes.
2 Respondent agreed to submit to a series of field sobriety tests, which she was unable to perform
3 as indicated. During the booking procedure, Respondent submitted to a blood test that revealed a
4 blood alcohol content level of 0.26% and also tested positive for cannabinoids.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **A h R t C i t i**

7 11. Respondent is subject to disciplinary action under section 4301, subdivision (k), on
8 the grounds of unprofessional conduct, in that, on or about February 4, 2021, Respondent
9 sustained a second alcohol related conviction. Complainant refers to, and by this reference
10 incorporates, the allegations set forth above in paragraph 10 and 13 below, as though fully set
11 forth herein.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **D U h**

14 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), on
15 the grounds of unprofessional conduct, in that, on or about April 21, 2020, Respondent used
16 alcoholic beverages to an extent or in a manner dangerous or injurious to herself, any person, or
17 the public. Complainant refers to, and by this reference incorporates, the allegations set forth
18 above in paragraph 10, as though fully set forth herein.

19 **DISCIPLINE CONSIDERATIONS**

20 13. To determine the degree of discipline, if any, to be imposed on Respondent,
21 Complainant alleges as follows: On or about February 28, 2013, after pleading nolo contendere,
22 Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23152,
23 subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in her blood] in the
24 criminal proceeding entitled *The People of the State of California v. Bianca Christina Ibarra*
25 (Super. Ct. L.A. County, 2013, No. 3DY00299). The court ordered Respondent to complete a 6-
26 month first offender DUI program and placed her on 36 months probation, with terms and
27 conditions.

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PRAYER

HEREFORE, 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 or suspending Pharmacy Technician Registration Number TCH 87178, issued to Bianca Ibarra;
2. Ordering Bianca Ibarra to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

10/23/2021
DATED: _____

Signature of File

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

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