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8	BEFOR	
9	BOARD OF P DEPARTMENT OF C	ONSUMER AFFAIRS
10	STATE OF CA	ALIFORNIA
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12	In the Matter of the Accusation Against:	Case No. 7205
13	BIANCA IBARRA 6209 Rimbank Ave	DEFAULT DECISION AND ORDER
14	Pico Rivera, CA 90660	[Gov. Code, §11520]
15	Pharmacy Technician Registration No. TCH 87178	
16	Respondent.	
17		
18	FINDINGS	OF FACT
19 20		ainant Anne Sodergren, in her official capacity
20	as the Executive Officer of the Board of Pharmac	
21		
22 23	Accusation No. 7205 against Bianca Ibarra (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)	
23 24	2. On or about October 24, 2008, the Board of Pharmacy (Board) issued Pharmacy	
24	Technician Registration No. TCH 87178 to Respondent. The Pharmacy Technician Registration	
23 26	was in full force and effect at all times relevant to the charges brought in Accusation No. 7205	
20 27	and will expire on May 31, 2022, unless renewed.	
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	(BIANCA IB	ARRA) DEFAULT DECISION & ORDER Case No. 7205

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 Rimbank 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 12	files a notice of defense and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.	
13	6. The Board takes official notice of its records and the fact that Respondent failed to	
14	file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore	
15	waived her right to a hearing on the merits of Accusation No. 7205.	
16	7. California Government Code section 11520(a) states, in pertinent part:	
17 18 19	(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent	
20	8. Pursuant to its authority under Government Code section 11520, the Board finds	
21	Respondent is in default. The Board will take action without further hearing and, based on the	
22	relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,	
23	as well as taking official notice of all the investigatory reports, exhibits and statements contained	
24	therein on file at the Board's offices regarding the allegations contained in Accusation No. 7205,	
25	finds that the charges and allegations in Accusation No. 7205, are separately and severally, found	
26	to be true and correct by clear and convincing evidence.	
27	9. The Board finds that the actual costs for Investigation and Enforcement are \$1,607.50	
28	as of February 1, 2022.	
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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 (1) 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	<u>ORDER</u>	
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.	
	(BIANCA IBARRA) DEFAULT DECISION & ORDER Case No. 7205	

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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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5	Seung W. Oh, Pharm.D. Board President
6	FOR THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
7	64852179.DOCX DOJ Matter ID:LA2021603929
8	Attachment:
9	Exhibit A: Accusation
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	4 (BIANCA IBARRA) DEFAULT DECISION & ORDER Case No. 7205

Exhibit A

Accusation

Rob Bonta	
Attorney General of California KIM KASRELIOVICH	
Supervising Deputy Attorney General THOMAS L. RINALDI	
Supervising Deputy Attorney General State Bar No. 206911	
300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
Facsimile: (916) 731-2126	
Attorneys for Complainant	
STATE OF C	ALIFORNIA
In the Matter of the Accusation Against	Case No. 7205
BIANCA IBARRA 6209 Rimbank Ave	ACCUSATION
Pico Rivera, CA 90660	
Pharmacy Technician Registration No. TCH 87178	
Respondent.	
Number TCH 87178 to Bianca Ibarra (Respondent). The Pharmacy Technician Registration was	
in full force and effect at all times relevant to the charges brought herein and will expire on May	
<u>URISDICTION</u>	
aws. All section references are to the Business a	
	1 (BIANCA IBARRA) ACCUSATION
	Attorney General of California KIM KASRELIOVICH Supervising Deputy Attorney General THOMAS L. RINALDI Supervising Deputy Attorney General State Bar No. 206911 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 269-6310 Facsimile: (916) 731-2126 Attorneys for Complainant BEFOR BOARD OF I DEPARTMENT OF C STATE OF C In the Matter of the Accusation Against BIANCA IBARRA 6209 Rimbank Ave Pico Rivera, CA 90660 Pharmacy Technician Registration No. TCH 87178 Respondent. <u>PAR</u> 1. Anne Sodergren (Complainant) bring as the Executive Officer of the Board of Pharmac 2. On or about October 24, 2008, the Bo Number TCH 87178 to Bianca Ibarra (Responder in full force and effect at all times relevant to the 31, 2022, unless renewed. <u>URISD</u>

	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 doem proper	
	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	5. Section 4300.1 states:	
2	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	
3	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	
4	investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.	
5	STATUTORY PROVISIONS	
6	6. Section 490 provides, in pertinent part, that a board may suspend or revoke a license	
7	on the ground that the licensee has been convicted of a crime substantially related to the	
8	qualifications, functions, or duties of the business or profession for which the license was issued.	
9	7. Section 4301 states, in pertinent part:	
10	The board shall take action against any holder of a license who is guilty of	
11	unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:	
12		
13	(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	
14	dangerous drug or of alconolic beverages to the extent of 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	
15	the person to conduct with safety to the public the practice authorized by the license.	
16		
17	(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage,	
18	or any combination of those substances.	
19	(1) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a	
20	violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this	
21	state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall	
22	be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to	
23	fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense	
24	substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo	
25	contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of	
26	conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under	
27	Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or	
28	dismissing the accusation, information, or indictment.	
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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 Professions Code, a crime or act shall be considered substantially related to the	
5 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	<u>COST RECOVERY</u>	
8	9. Section 125.3 states, in pertinent part, that the Board may request the administrative	
9	law judge to direct a licentiate 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	Citi Sbt ti Rt Ci	
14	10. Respondent is subject to disciplinary action under sections 4301, subdivision (1) 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. hen officers arrived on the	
26	scene, they observed several open containers of alcohol and a marijuana labeled bag inside of	
27	Respondent s vehicle. hen 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	
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	(BIANCA IBARRA) ACCUSATION	

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	AhRt Citi	
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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1	PRAYER	
2	HEREFORE, Complains	ant requests that a hearing be held on the matters herein alleged,
3	and that following the hearing, the	ne Board of Pharmacy issue a decision:
4	1. Revoking or suspend	ling Pharmacy Technician Registration Number TCH 87178,
5	issued to Bianca Ibarra;	
6	2. Ordering Bianca Iba	rra to pay the Board of Pharmacy the reasonable costs of the
7	investigation and enforcement of	f this case, pursuant to Business and Professions Code section
8	125.3; and,	
9	3. Taking such other an	nd further action as deemed necessary and proper.
10		
11		
12	10/23/2021 DATED:	Signature of File ANNE SODERGREN
13		Executive Officer Board of Pharmacy
14		Department of Consumer Affairs State of California
15		Complainant
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		6 (BIANCA IBARRA) ACCUSATION