

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

In the Matter of the Accusation Against:

DEBRA MARIE INFERRERA, Respondent

Pharmacy Technician Registration No. TCH 482

Agency Case No. 7354

OAH No. 2023020342

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order 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 June 29, 2023.

It is so ORDERED on May 30, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light blue rectangular background.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 GREGORY TUSS
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7

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

12 In the Matter of the Accusation Against:

13 **DEBRA MARIE INFERRERA**
14 **60 Bayport Court**
San Carlos, CA 94070

15 **Pharmacy Technician Registration No.**
16 **TCH 482,**

17 Respondent.
18

Case No. 7354
OAH No. 2023020342

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19
20 IT IS STIPULATED AND AGREED by and between the parties to these proceedings that
21 the following matters are true:

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board), Department of Consumer Affairs. She brought this action solely in her official capacity
25 and is represented in this matter by Rob Bonta, Attorney General of the State of California, and
26 by Gregory Tuss, deputy attorney general.

27 2. Debra Marie Inferrera (Respondent) is represented in this proceeding by attorney
28 Iustina G. Mignea, whose address is 2550 9th Street, Ste. 101, Berkeley, CA 94710.

3. On October 6, 1992, the Board issued Pharmacy Technician Registration No. TCH 482 to Respondent. This pharmacy technician registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7354 and will expire on June 30, 2024, unless renewed.

JURISDICTION

4. Accusation No. 7354 was filed before the Board and is currently pending against Respondent. The accusation and all other statutorily required documents were properly served on Respondent on November 14, 2023. Respondent timely filed her notice of defense contesting the accusation.

5. A copy of Accusation No. 7354 is attached as exhibit 1 and incorporated by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 7354. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 7354, if proven at a hearing, constitute cause for imposing discipline upon her pharmacy technician registration.

10. For the purpose of resolving the accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the accusation, and that Respondent gives up her right to contest those charges.

11. Respondent agrees that her pharmacy technician registration is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that portable document format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following

Disciplinary Order:

DISCIPLINARY ORDER

IT IS ORDERED that Pharmacy Technician Registration No. TCH 482 issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for four years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within 72 hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
 - a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
 - a conviction of any crime
 - the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.
- Failure to timely report such occurrence shall be considered a violation of probation.

2. Report to the Board

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

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the 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 **3. Interview with the Board**

4 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
5 with the Board or its designee at such intervals and locations as are determined by the Board or its
6 designee. Failure to appear for any scheduled interview without prior notification to Board staff,
7 or failure to appear for two or more scheduled interviews with the Board or its designee during
8 the period of probation, shall be considered a violation of probation.

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the Board's inspection program and with the
11 Board's monitoring and investigation of Respondent's compliance with the terms and conditions
12 of her probation, including but not limited to: timely responses to requests for information by
13 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 **5. Reporting of Employment and Notice to Employers**

17 During the period of probation, Respondent shall notify all present and prospective
18 employers of the decision in Accusation No. 7354 and the terms, conditions, and restrictions
19 imposed on Respondent by the decision as follows:

20 Within 30 days of the effective date of this decision and within 10 days of undertaking
21 any new employment, Respondent shall report to the Board in writing the name, physical address,
22 and mailing address of each of her employer(s), and the name(s) and telephone number(s) of all
23 of her direct supervisor(s), as well as any pharmacist(s)-in- charge, designated representative(s)-
24 in-charge, responsible manager, or other compliance supervisor(s) and the work schedule, if
25 known. Respondent shall also include the reason(s) for leaving the prior employment.
26 Respondent shall sign and return to the Board a written consent authorizing the Board or its
27 designee to communicate with all of Respondent's employer(s) and supervisor(s), and authorizing
28 those employer(s) or supervisor(s) to communicate with the Board or its designee concerning

1 Respondent's work status, performance, and monitoring. Failure to comply with the requirements
2 or deadlines of this condition shall be considered a violation of probation.

3 Within 30 days of the effective date of this decision and within 15 days of Respondent
4 undertaking any new employment, Respondent shall cause (a) her direct supervisor, (b) her
5 pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
6 compliance supervisor, and (c) the owner or owner representative of her employer to report to the
7 Board in writing acknowledging that the listed individual(s) has/have read the decision in case no.
8 7354 and terms and conditions imposed. If one person serves in more than one role described in
9 (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's responsibility to
10 ensure that these acknowledgment(s) are timely submitted to the Board. In the event of a change
11 in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation,
12 Respondent shall cause the person(s) taking over the role(s) to report to the Board in writing
13 within 15 days of the change acknowledging that he or she has read the decision in case number
14 7354 and the terms and conditions imposed.

15 If Respondent works for or is employed by or through an employment service,
16 Respondent must notify the person(s) described in (a), (b), and (c) above at every entity licensed
17 by the Board of the decision in case number 7354 and the terms and conditions imposed in
18 advance of Respondent commencing work at such licensed entity. A record of this notification
19 must be provided to the Board upon request.

20 Furthermore, within 30 days of the effective date of this decision and within 15 days of
21 Respondent undertaking any new employment by or through an employment service, Respondent
22 shall cause the person(s) described in (a), (b), and (c) above at the employment service to report
23 to the Board in writing acknowledging that he or she has read the decision in case number 7354
24 and the terms and conditions imposed. It shall be Respondent's responsibility to ensure that these
25 acknowledgment(s) are timely submitted to the Board.

26 Failure to timely notify present or prospective employer(s) or failure to cause the
27 identified person(s) with that/those employer(s) to submit timely written acknowledgments to the
28 Board shall be considered a violation of probation.

“Employment” within the meaning of this provision includes any full-time, part-time, temporary, relief, or employment/management service position as a pharmacy technician or any position for which a pharmacy technician registration is a requirement or criterion for employment, whether Respondent is an employee, independent contractor or volunteer.

6. Notification of Change(s) in Name, Address(es), or Phone Number(s)

Respondent shall further notify the Board in writing within 10 days of any change in name, residence address, mailing address, e-mail address or phone number.

Failure to timely notify the Board of any change in employer, name, address, or phone number shall be considered a violation of probation.

7. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$4,065.00. 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 year prior to the end date of probation. There shall be no deviation from this schedule absent prior written approval by the Board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

8. 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.

9. 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 probation is tolled. Failure to maintain an active, current pharmacy technician registration shall be considered a violation of probation.

If Respondent’s pharmacy technician registration expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions due to

tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

10. License Surrender While on Probation/Suspension

Following the effective date of this decision, should Respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may relinquish her license, including any indicia of licensure issued by the Board, along with a request to surrender the license. The Board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board.

Upon acceptance of the surrender, Respondent shall relinquish her pocket and/or wall license, including any indicia of licensure not previously provided to the Board within 10 days of notification by the Board that the surrender is accepted if not already provided. Respondent may not reapply for any license from the Board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

11. Certification Prior to Resuming Work

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

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

Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent manage, administer, or assist any licensee of the Board. Respondent shall not have access to or control the ordering, distributing, manufacturing or 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.

12. Practice Requirement – Extension of Probation

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 80 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, Respondent must nonetheless comply with all terms and conditions of probation, unless Respondent receives a waiver in writing from the Board or its designee.

If Respondent does not practice as a pharmacy technician in California for the minimum number of hours in any calendar month, for any reason (including vacation), Respondent shall notify the Board in writing within 10 days of the conclusion of that calendar month. This notification shall include at least the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume practice at the required level. Respondent shall further notify the Board in writing within 10 days following the next calendar month during which Respondent practices as a pharmacy technician in California for the minimum of hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for Respondent's probation to be extended pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months,

1 exceeding 36 months. The Board or its designee may post a notice of the extended probation
2 period on its website.

3 **13. Violation of Probation**

4 If Respondent has not complied with any term or condition of probation, the Board shall
5 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent
6 that probation shall automatically be extended until all terms and conditions have been satisfied
7 or the Board has taken other action as deemed appropriate to treat the failure to comply as a
8 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
9 Board or its designee may post a notice of the extended probation period on its website.

10 If Respondent violates probation in any respect, the Board, after giving Respondent notice
11 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
12 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
13 probation, or the preparation of an accusation or petition to revoke probation is requested from
14 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of
15 probation shall be automatically extended until the petition to revoke probation or accusation is
16 heard and decided, and the charges and allegations in First Amended Accusation No. 6232 shall
17 be deemed true and correct.

18 **14. Completion of Probation**

19 Upon written notice by the Board or its designee indicating successful completion of
20 probation, Respondent's license will be fully restored.

21 **15. Drug and Alcohol Testing**

22 Respondent, at her own expense, shall participate in testing as directed by the Board or its
23 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
24 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
25 breathalyzer, hair follicle testing, or other testing protocols as directed by the Board or its
26 designee. All testing must be pursuant to an observed testing protocol unless Respondent is
27 informed otherwise in writing by the Board or its designee. Respondent may be required to
28 participate in testing for the entire probation period and frequency of testing will be determined

1 by the Board or its designee.

2 No later than 30 days after the effective date of this decision, Respondent shall have
3 completed all of the following tasks: enrolled and registered with an approved drug and alcohol
4 testing vendor; provided that vendor with any documentation, and any information necessary for
5 payment by Respondent; commenced testing protocols, including all required contacts with the
6 testing vendor to determine testing date(s); and begun testing. At all times, Respondent shall
7 fully cooperate with the testing vendor, and with the Board or its designee, with regard to
8 enrollment, registration, and payment for, and compliance with, testing. Any failure to cooperate
9 timely shall be considered a violation of probation.

10 Respondent may be required to test on any day, including weekends and holidays.
11 Respondent is required to make daily contact with the testing vendor to determine if a test is
12 required, and if a test is required must submit to testing on the same day.

13 Prior to any vacation or other period of absence from the area where the approved testing
14 vendor provides services, Respondent shall seek and receive approval from the Board or its
15 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,
16 Respondent shall enroll and register with the approved alternate drug testing vendor, provide to
17 that alternate vendor any documentation required by the vendor, including any necessary payment
18 by Respondent. During the period of absence of the area, Respondent shall commence testing
19 protocols with the alternate vendor, including required daily contacts with the testing vendor to
20 determine if testing is required, and required testing. Any failure to timely seek or receive
21 approval from the Board or its designee, or to timely enroll and register with, timely commence
22 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
23 considered a violation of probation.

24 Upon detection of an illicit drug, controlled substance or dangerous drug, the Board or its
25 designee may require Respondent to timely provide documentation from a licensed practitioner
26 authorized to prescribe the detected substance demonstrating that the substance was administered
27 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such
28 documentation shall be provided by Respondent within 10 days of being requested.

1 Any of the following shall be considered a violation of probation and shall result in
2 Respondent being immediately suspended from practice as a pharmacy technician until notified
3 by the Board in writing that she may resume practice: failure to timely complete all of the steps
4 required for enrollment/registration with the drug testing vendor, including making arrangements
5 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing
6 vendor as required to determine testing date(s); failure to test as required; failure to timely supply
7 documentation demonstrating that a detected substance was taken pursuant to a legitimate
8 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
9 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
10 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
11 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
12 controlled substance or dangerous drug absent documentation that the detected substance was
13 taken pursuant to a legitimate prescription and a necessary treatment, the Board or its designee
14 shall inform Respondent of the suspension and inform her to immediately leave work, and shall
15 notify Respondent's employer(s) and work site monitor(s) of the suspension.

16 During any such suspension, Respondent shall not enter any pharmacy area or any portion
17 of the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal
18 drug retailer, or any other distributor of drugs which is licensed by the Board or any
19 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled
20 substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug
21 selection, selection of stock, manufacturing, compounding, dispensing, or patient consultation;
22 nor shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have
23 access to or control the ordering, distributing, manufacturing, or dispensing of dangerous drugs
24 and/or dangerous devices and controlled substances.

25 During any such suspension, Respondent shall not engage in any activity that requires the
26 professional judgment of and/or licensure as a pharmacy technician. Respondent shall not direct
27 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,
28 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

1 Failure to comply with any such suspension shall be considered a violation of probation.
2 Failure to comply with any requirement or deadline stated by this term shall be considered a
3 violation of probation.

4 **16. Notification of Departure**

5 Prior to leaving the probationary geographic area designated by the Board or its designee
6 for a period greater than twenty-four hours, Respondent shall notify the Board verbally and in
7 writing of the dates of departure and return. Failure to comply with this provision shall be
8 considered a violation of probation.

9 **17. Abstain from Drugs and Alcohol**

10 Respondent shall completely abstain from the possession or use of alcohol, controlled
11 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
12 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
13 necessary part of treatment. Respondent shall ensure that she is not in the same physical location
14 as individuals who are using illicit substances even if Respondent is not personally ingesting the
15 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled
16 substances, or their associated paraphernalia for which a legitimate prescription has not been
17 issued as a necessary part of treatment, or any physical proximity to persons using illicit
18 substances, shall be considered a violation of probation.

19 **18. Prescription Coordination and Monitoring of Prescription Use**

20 Within 30 days of the effective date of this decision, Respondent shall submit to the Board
21 for its prior approval the name and qualifications of a single physician, nurse practitioner,
22 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
23 Respondent's history with the use of alcohol and who will coordinate and monitor any
24 prescriptions for Respondent for dangerous drugs and/or dangerous devices, controlled
25 substances, or mood-altering drugs. The approved practitioner shall be provided with a copy of
26 the Board's accusation and decision. A record of this notification must be provided to the Board
27 or its designee upon request. Respondent shall sign a release authorizing the practitioner to
28 communicate with the Board or its designee about Respondent's treatment(s). The coordinating

1 physician, nurse practitioner, physician assistant, or psychiatrist shall report to the Board on a
2 quarterly basis for the duration of probation regarding Respondent's compliance with this
3 condition. If any substances considered addictive have been prescribed, the report shall identify a
4 program for the time-limited use of any such substances. The Board or its designee may require
5 that the single coordinating physician, nurse practitioner, physician assistant, or psychiatrist be a
6 specialist in addictive medicine, or consult a specialist in addictive medicine. Should
7 Respondent, for any reason, cease supervision by the approved practitioner, Respondent shall
8 notify the Board or its designee immediately and, within 30 days of ceasing supervision, submit
9 the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of
10 Respondent's choice to the Board or its designee for its prior approval. Failure to timely submit
11 the selected practitioner or replacement practitioner to the Board or its designee for approval, or
12 to ensure the required quarterly reporting, shall be considered a violation of probation.

13 If at any time an approved practitioner determines that Respondent is unable to practice
14 safely or independently as a pharmacy technician, the practitioner shall notify the Board or its
15 designee immediately by telephone and follow up by written letter within three working days.
16 Upon notification from the Board or its designee of this determination, Respondent shall be
17 automatically suspended and shall not resume practice as a pharmacy technician until notified by
18 the Board or its designee that practice may be resumed.

19 During any suspension, Respondent shall not enter any pharmacy area or any portion of
20 the licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
21 retailer, or any other distributor of drugs which is licensed by the Board or any manufacturer, or
22 any area where dangerous drugs and/or dangerous devices or controlled substances are
23 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
24 selection of stock, manufacturing, compounding, dispensing, or patient consultation; nor shall
25 Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to
26 or control the ordering, distributing, manufacturing, or dispensing of dangerous drugs and/or
27 dangerous devices and controlled substances. Respondent shall not resume practice until notified
28 by the Board.

1 During any suspension, Respondent shall not engage in any activity that requires the
2 professional judgment and/or licensure as a pharmacy technician. Respondent shall not direct or
3 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,
4 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

5 Failure to comply with any requirement or deadline stated by this term shall be considered
6 a violation of probation.

7 **19. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

8 Within 30 days of the effective date of this decision, Respondent shall begin regular
9 attendance at a recognized and established substance abuse recovery support group in California
10 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board
11 or its designee. Respondent must attend the number of group meetings per week or month
12 directed by the Board or its designee, which shall typically be at least one per week. Respondent
13 shall continue regular attendance and submit signed and dated documentation confirming
14 attendance with each quarterly report for the duration of probation. Failure to attend or submit
15 documentation thereof shall be considered a violation of probation.

16 **20. No Ownership or Management of Licensed Premises**

17 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
18 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
19 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
20 or transfer any legal or beneficial interest in any entity licensed by the Board within 90 days
21 following the effective date of this decision and shall immediately thereafter provide written
22 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
23 documentation thereof shall be considered a violation of probation.

24 ///

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Iustina Migneia. I understand the stipulation and the effect it will have on my pharmacy technician registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

DEBRA MARIE INFERRERA
Respondent

I have read and fully discussed with Respondent Debra Marie Inferrera the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

IUSTINA MIGNEA
Attorney for Respondent

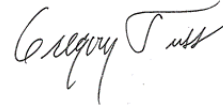
ENDORSEMENT

This Stipulated Settlement and Disciplinary Order is respectfully submitted for consideration by the Board of Pharmacy.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General



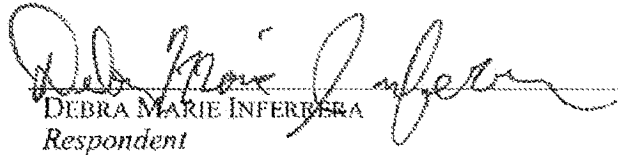
GREGORY TUSS
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

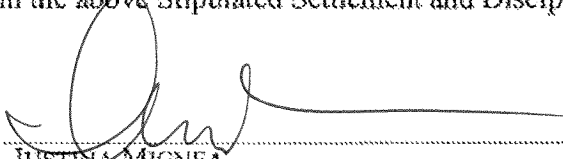
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Iustina Migneu. I understand the stipulation and the effect it will have on my pharmacy technician registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 4-28-2023


DEBRA MARIE INFERRERA
Respondent

I have read and fully discussed with Respondent Debra Marie Inferrera the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 4/28/2023

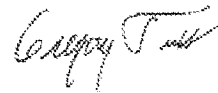

IUSTINA MIGNEU
Attorney for RespondentENDORSEMENT

This Stipulated Settlement and Disciplinary Order is respectfully submitted for consideration by the Board of Pharmacy.

DATED: 4-28-23

Respectfully submitted,

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Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General



GREGORY TUSS
Deputy Attorney General
Attorneys for Complainant

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Exhibit 1

Accusation No. 7354

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

12 In the Matter of the Accusation Against:

Case No. 7354

13 **DEBRA MARIE INFERRERA**

ACCUSATION

14 60 Bayport Ct.
San Carlos, CA 94070

15 **Pharmacy Technician Registration Number**
16 **TCH 482**

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 (Board), Department of Consumer Affairs.

22 2. On or about October 6, 1992, the Board issued Pharmacy Technician Registration
23 Number TCH 482 to Debra Marie Inferrera (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 June 30, 2024, unless renewed.

26 ///

JURISDICTION

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

4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300 of the Code states, in relevant part:

“(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.

...

“(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.”

6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, the 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

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

3 **STATUTORY PROVISIONS**

4 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
5 revoke a license on the ground that the licensee has been convicted of a crime substantially
6 related to the qualifications, functions, or duties of the business or profession for which the
7 license was issued.

8 8. Section 4301 of the Code states:

9 “The board shall take action against any holder of a license who is guilty of unprofessional
10 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is
11 not limited to, any of the following:

12 “. . . .

13 “(h) The administering to oneself, of any controlled substance, or the use of any dangerous
14 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
15 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
16 to the extent that the use impairs the ability of the person to conduct with safety to the public the
17 practice authorized by the license.

18 “. . . .

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

22 “(l) The conviction of a crime substantially related to the qualifications, functions, and
23 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
24 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
25 substances or of a violation of the statutes of this state regulating controlled substances or
26 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
27 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
28 The board may inquire into the circumstances surrounding the commission of the crime, in order

1 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
2 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
3 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
4 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
5 of this provision. The board may take action when the time for appeal has elapsed, or the
6 judgment of conviction has been affirmed on appeal or when an order granting probation is made
7 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
8 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
9 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
10 indictment.”

11 **REGULATORY PROVISIONS**

12 9. California Code of Regulations, title 16, section 1770, states:

13 “(a) For the purpose of denial, suspension, or revocation of a personal or facility license
14 pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and
15 Professions Code, a crime, professional misconduct, or act shall be considered substantially
16 related to the qualifications, functions or duties of the practice, profession, and occupation that
17 may be performed under the license type sought or held if to a substantial degree it evidences
18 present or potential unfitness of an applicant or licensee to perform the functions authorized by
19 the license in a manner consistent with the public health, safety, or welfare.

20 “(b) In making the substantial relationship determination required under subdivision (a) for
21 a crime, the board will consider the following criteria:

22 “(1) The nature and gravity of the offense;

23 “(2) The number of years elapsed since the date of the offense; and

24 “(3) The nature and duties of the practice, profession, or occupation that may be performed
25 under the license type sought or held.

26 “(c) For purposes of subdivision (a), substantially related crimes, professional misconduct,
27 or acts shall include, but are not limited to, those which:
28

1 “(1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate,
2 any provision of law of this state, or any other jurisdiction, governing the practice of pharmacy.

3 “(2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate,
4 any provision of Chapter 13 (commencing with Section 801) of Title 21 of the United States
5 Code regulating controlled substances or any law of this state, or any other jurisdiction, relating to
6 controlled substances or dangerous drugs.

7 “(3) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate,
8 any provision of law of this state, or any other jurisdiction, relating to government provided or
9 government supported healthcare.

10 “(4) Involve dishonesty, fraud, deceit, or corruption related to money, items, documents, or
11 personal information.

12 “(5) Involve a conviction for driving under the influence of drugs or alcohol.”

13 **COST RECOVERY**

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

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of Substantially Related Crime)**

20 11. Respondent is subject to disciplinary action under Code sections 490 and/or 4301,
21 subdivision (l), in that Respondent was convicted of a crime substantially related to the
22 qualifications, functions, or duties of a Pharmacy Technician. On or about March 30, 2021, in a
23 criminal matter titled *The People of the State of California v. Debra Marie Inferrera*, San Mateo
24 County Superior Court Case Number 21-SM-001235-A, Respondent pled no contest to, and was
25 convicted of, driving under the influence (DUI) of alcohol (Veh. Code, § 23152 (a)), a
26 misdemeanor. Imposition of sentence was suspended and Respondent was placed on probation
27 for 3 years with terms and conditions including 4 days in jail, a nine-month First Offender
28 Program, driving restrictions, a fine and fees.

12. The underlying offense occurred on or about November 13, 2020. At approximately 8:12 p.m., police officers responded to a request for assistance with a DUI investigation regarding a possibly intoxicated driver who had been involved in a single vehicle traffic collision. Upon contact with the driver, identified as the Respondent, the officer observed objective symptoms of alcohol intoxication. Respondent admitted to having consumed one 12-ounce cup of "Coca-Cola and Jack Daniels whiskey" between 6:30 p.m. and 7:20 p.m. The officer also noted that an empty bottle of Jack Daniels whiskey and an open bottle of Coca-Cola were found inside the vehicle. Respondent declined to say whether she had been drinking, but when the officer instructed her to exit the vehicle, she nearly fell to the ground. The officer administered a series of field sobriety tests but Respondent failed to perform as explained and demonstrated. At 8:53 p.m. and 8:55 p.m., Respondent submitted to a preliminary alcohol screening test which showed a BAC of 0.183% and 0.208%. At 10:02 p.m. Respondent submitted to a chemical blood test which showed a BAC of 0.243%.

SECOND CAUSE FOR DISCIPLINE

(Conviction Involving Consumption of Alcoholic Beverage)

13. Respondent is subject to disciplinary action under Code section 4301, subdivision (k), in that Respondent was convicted of a crime involving the use, consumption, or self-administration of alcohol. The circumstances are described in paragraphs 11 and 12, above

THIRD CAUSE FOR DISCIPLINE

(Use of Alcoholic Beverages in a Dangerous Manner)

14. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), in that Respondent used alcohol to an extent or in a manner dangerous to herself, to others, or to the public. The circumstances are described in paragraphs 11 and 12, above.

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 or suspending Pharmacy Technician Registration Number TCH 482, issued to Respondent;

1 2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of the
2 investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; and,

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

5
6 DATED: 11/3/2022

Sodergren,
Anne@DCA

 Digitally signed by Sodergren,
Anne@DCA
Date: 2022.11.03 22:30:31 -07'00'

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

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