

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

In the Matter of the Accusation Against:

NEANA ERLINDA MORENO, Respondent

Pharmacy Technician Registration No. TCH 181848

Agency Case No. 7476

OAH No. 2023060159

DECISION AND ORDER

The attached Stipulated Surrender of License 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 October 5, 2023.

It is so ORDERED on September 5, 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 gray rectangular background.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

14 **NEANA ERLINDA MORENO**
15 **35638 Sunflower Way**
16 **Wildomar, CA 92595**

17 **Pharmacy Technician License No. TCH**
18 **181848**

19 Respondent.

Case No. 7476

OAH No. 2023060159

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Rob Bonta, Attorney General of the State of California, by Nicole R. Trama, Deputy Attorney
25 General.

26 2. Neana Erlinda Moreno (Respondent) is representing herself in this proceeding and
27 has chosen not to exercise her right to be represented by counsel.

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3. On or about April 27, 2021, the Board issued Pharmacy Technician License No. TCH 181848 to Neana Erlinda Moreno (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7476 and will expire on October 31, 2024, unless renewed.

JURISDICTION

4. Accusation No. 7476 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 July 5, 2023. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 7476 is attached as Exhibit A and incorporated by reference. On June 27, 2023, the Office of Administrative Hearings issued a Decision and Order in the case entitled *In the Matter of the Interim Suspension Order Against Neana Erlinda Moreno*, OAH No. 2023060159, suspending Respondent's Pharmacy Technician License No. TCH 181848 pursuant to Business and Professions Code section 494.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 7476. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. 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 be represented by counsel, at her own expense; 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.

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

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 7476, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
4 License No. TCH 181848 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation she enables the Board to issue
6 an order accepting the surrender of her Pharmacy Technician License without further process.

7 **CONTINGENCY**

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

17 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
19 thereto, shall have the same force and effect as the originals.

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

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

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 181848, issued to Respondent Neana Erlinda Moreno, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a pharmacy technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 7476 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$5,467.50 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 7476 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for or petitioning for reinstatement of any license before the Board for three (3) years from the effective date of this decision and order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____ NEANA ERLINDA MORENO
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____ Respectfully submitted,
ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

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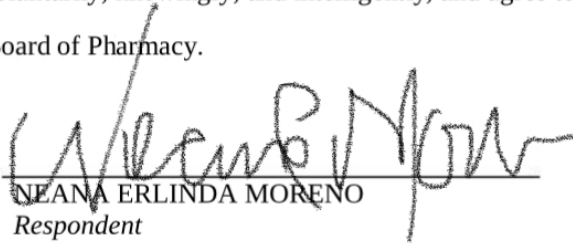
ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

7/20/23

NEANA ERLINDA MORENO
Respondent



ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____ NEANA ERLINDA MORENO
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 7/27/23 _____ Respectfully submitted,
ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General
Nicole R. Trama
NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

SD2023801803

Exhibit A

Accusation No. 7476

1 ROB BONTA
Attorney General of California
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Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
4 State Bar No. 263607
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6 San Diego, CA 92186-5266
Telephone: (619) 738-9441
7 Facsimile: (619) 645-2061
E-mail: Nicole.Trama@doj.ca.gov
8 *Attorneys for Complainant*

9
10 **BEFORE THE**
BOARD OF PHARMACY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13
14 In the Matter of the Accusation Against:

Case No. 7476

15 **NEANA ERLINDA MORENO**
35638 Sunflower Way
16 **Wildomar, CA 92595**

ACCUSATION

17 **Pharmacy Technician License No. TCH**
181848

18 Respondent.
19

20
21 **PARTIES**

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

24 2. On or about April 27, 2021, the Board issued Pharmacy Technician License Number
25 TCH 181848 to Neana Erlinda Moreno (Respondent). The Pharmacy Technician License was in
26 full force and effect at all times relevant to the charges brought herein and will expire on October
27 31, 2024, unless renewed.
28

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. Code section 4300, subdivision (a) provides that every license issued by the Board may be suspended or revoked.

6. Code section 4300.1 states:

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 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 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

7. Code section 4022 states, in pertinent part:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a -----," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

8. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician . . . pursuant to Section 3640.7

....

1 Benzodiazepines belong to the group of medicines called central nervous system (CNS)
2 depressants, which are medicines that slow down the nervous system.

3 **FACTUAL ALLEGATIONS**

4 13. From August 22, 2022 through November 18, 2022, Respondent was employed as a
5 pharmacy technician at Walmart Pharmacy No. 10-1747 (Walmart) located in Perris, California.
6 On November 21, 2022, the Board received notice that Walmart terminated Respondent for
7 suspected diversion of controlled substances. Walmart conducted their own internal investigation
8 which included review of pharmacy video surveillance. The video showed that on October 11,
9 2022 and November 11, 2022, while working as a pharmacy technician, Respondent placed
10 tablets of alprazolam 2 mg from the stock bottle into her pocket. When Walmart confronted
11 Respondent about their findings, she denied taking the drugs and declined to cooperate with the
12 internal investigation. Respondent also declined to cooperate with the investigation conducted by
13 law enforcement.

14 14. The Board initiated an investigation based on the information provided by Walmart,
15 which included an audit of alprazolam 2 mg. The results of the audit for the period of October
16 10, 2022 through November 17, 2022, were a shortage of 90 tablets of alprazolam 2 mg.
17 Accordingly, there were 90 tablets of alprazolam 2 mg that were unaccounted for.

18 15. During the course of the investigation, the Board Inspector made multiple attempts to
19 contact Respondent. On one attempt, Respondent answered the phone but stated she could not
20 talk as she was walking into work which she described as “regular retail.” After that, Respondent
21 would not answer the Board Inspector’s call, would not return voicemail, and would not respond
22 to Board communications.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

25 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
26 for commission of an act of dishonesty in that Respondent stole medication from her employer, as
27 set forth in paragraphs 13 through 15, incorporated herein.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unlawful Possession of a Controlled Substance)**

3 17. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
4 for violation of statutes regulating controlled substances, Respondent furnished to herself and
5 illegally possessed of a controlled substance, alprazolam 2 mg, in violation of Health and Safety
6 Code section 11170 and Business and Professions Code section 4060, as set forth in paragraphs
7 13 through 15, incorporated herein.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(General Unprofessional Conduct)**

10 18. Respondent is subject to disciplinary action under Code section 4301, for general
11 unprofessional conduct for stealing medication from her employer, as set forth in paragraphs 13
12 through 15, incorporated herein.

13 **PRAYER**

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

16 1. Revoking or suspending Pharmacy Technician License Number TCH 181848, issued
17 to Neana Erlinda Moreno;

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

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

22
23 DATED: 6/22/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.06.22 21:11:38 -07'00'

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

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