

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

In the Matter of the Accusation Against:

**STEPHANIE NICOLE SILVA
Pharmacy Technician Registration No. TCH 139491**

Respondent.

Agency Case No. 7564

OAH No. 2024010521

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 July 11, 2024.

It is so ORDERED on June 11, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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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 **STEPHANIE NICOLE SILVA**
14 2899 Coral Avenue
Morro Bay, CA 93442
15 Pharmacy Technician Registration No.
16 TCH 139491

17 Respondent.

Case No. 7564

OAH No. 2024010521

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

22 **PARTIES**

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

27 2. Respondent Stephanie Nicole Silva (“Respondent”) is representing herself in this
28 proceeding and has chosen not to exercise her right to be represented by counsel.

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 139491,
3 issued to Respondent Stephanie Nicole Silva, is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for three (3) years on the following terms and conditions:

5 **1. Obey All Laws**

6 Respondent shall obey all state and federal laws and regulations.

7 Respondent shall report any of the following occurrences to the Board, in writing, within
8 seventy- two (72) hours of such occurrence:

- 9 • an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy
10 Law, state and federal food and drug laws, or state and federal controlled substances laws
11 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or
12 federal criminal proceeding to any criminal complaint, information or indictment
13 • a conviction of any crime
14 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
15 administrative action filed by any state or federal agency which involves Respondent’s
16 license or which is related to the practice of pharmacy or the manufacturing, obtaining,
17 handling, distributing, billing, or charging for any drug, device or controlled substance.

18 Failure to timely report such occurrence shall be considered a violation of probation.

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20 **2. Report to the Board**

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

25 Failure to submit timely reports in a form as directed shall be considered a violation of
26 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
27 total period of probation. Moreover, if the final probation report is not made as directed,
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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
6 its designee. Failure to appear for any scheduled interview without prior notification to Board
7 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee
8 during 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 case number 7564 and the terms, conditions and restrictions imposed
19 on Respondent by the decision, as follows:

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

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

3 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
4 Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor,
5 (b) her 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
8 number 7564, and terms and conditions imposed thereby. If one person serves in more than one
9 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
10 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the
11 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
12 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in
13 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
14 in case number 7564, and the terms and conditions imposed thereby.

15 If Respondent works for or is employed by or through an employment service, Respondent
16 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board
17 of the decision in case number 7564, and the terms and conditions imposed thereby in advance of
18 Respondent commencing work at such licensed entity. A record of this notification must be
19 provided to the Board upon request.

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

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

4 "Employment" within the meaning of this provision includes any full-time, part-time,
5 temporary, relief, or employment/management service position as a Pharmacy Technician, or any
6 position for which a Pharmacy Technician is a requirement or criterion for employment, whether
7 the Respondent is an employee, independent contractor or volunteer.

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

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

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

13 **7. Reimbursement of Board Costs**

14 As a condition precedent to successful completion of probation, Respondent shall pay to the
15 Board its costs of investigation and prosecution in the amount of \$8,932.50. Respondent shall be
16 permitted to pay these costs in a payment plan approved by the Board or its designee, so long as
17 full payment is completed no later than one (1) year prior to the end date of probation.

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

21 **8. Probation Monitoring Costs**

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

26 **9. Status of License**

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

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

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

7 **10. License Surrender While on Probation/Suspension**

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

16 Upon acceptance of the surrender, Respondent shall relinquish her pocket and/or wall
17 license, including any indicia of licensure not previously provided to the Board within ten (10)
18 days of notification by the Board that the surrender is accepted if not already provided.
19 Respondent may not reapply for any license from the Board for three (3) years from the effective
20 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
21 of the date the application for that license is submitted to the Board, including any outstanding
22 costs.

23 **11. Certification Prior to Resuming Work**

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

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

6 Respondent shall not do any act involving drug selection, selection of stock, manufacturing,
7 compounding or dispensing; nor shall Respondent manage, administer, or assist any licensee of
8 the Board. Respondent shall not have access to or control the ordering, distributing,
9 manufacturing or dispensing of dangerous drugs and/or dangerous devices or controlled
10 substances.

11 During this suspension, Respondent shall not engage in any activity that requires licensure
12 as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of
13 pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or
14 dangerous devices, or controlled substances.

15 Failure to comply with any such suspension shall be considered a violation of probation.

16 **12. Practice Requirement – Extension of Probation**

17 Except during periods of suspension, Respondent shall, at all times while on probation, be
18 employed as a Pharmacy Technician in California for a minimum of 100 hours per calendar
19 month. Any month during which this minimum is not met shall extend the period of probation by
20 one month. During any such period of insufficient employment, Respondent must nonetheless
21 comply with all terms and conditions of probation, unless Respondent receives a waiver in
22 writing from the Board or its designee.

23 If Respondent does not practice as a Pharmacy Technician in California for the minimum
24 number of hours in any calendar month, for any reason (including vacation), Respondent shall
25 notify the Board in writing within ten (10) days of the conclusion of that calendar month. This
26 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)
27 for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will
28 resume practice at the required level. Respondent shall further notify the Board in writing within

1 ten (10) days following the next calendar month during which Respondent practices as a
2 Pharmacy Technician in California for the minimum of hours. Any failure to timely provide such
3 notification(s) shall be considered a violation of probation.

4 It is a violation of probation for Respondent's probation to be extended pursuant to the
5 provisions of this condition for a total period, counting consecutive and non-consecutive months,
6 exceeding thirty-six (36) months. The Board or its designee may post a notice of the extended
7 probation period on its website.

8 13. **Violation of Probation**

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

15 If Respondent violates probation in any respect, the Board, after giving Respondent notice
16 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
17 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
18 probation, or the preparation of an accusation or petition to revoke probation is requested from
19 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of
20 probation shall be automatically extended until the petition to revoke probation or accusation is
21 heard and decided.

22 14. **Completion of Probation**

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

25 15. **Psychotherapy**

26 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
27 Board or its designee, for prior approval, the name and qualifications of a licensed mental health
28 practitioner of Respondent's choice. Within thirty (30) days of approval thereof, Respondent

1 shall submit documentation to the Board demonstrating the commencement of psychotherapy
2 with the approved licensed mental health practitioner. Should Respondent, for any reason, cease
3 treatment with the approved licensed mental health practitioner, Respondent shall notify the
4 Board immediately and, within thirty (30) days of ceasing treatment, submit the name of a
5 replacement psychotherapist or licensed mental health practitioner of Respondent's choice to the
6 Board for its prior approval. Within thirty (30) days of approval thereof, Respondent shall submit
7 documentation to the Board demonstrating the commencement of psychotherapy with the
8 approved replacement. Failure to comply with any requirement or deadline stated by this
9 paragraph shall be considered a violation of probation.

10 Upon approval of the initial or any subsequent licensed mental health practitioner,
11 Respondent shall undergo and continue treatment with that therapist, at Respondent's own
12 expense, until the therapist recommends in writing to the Board, and the Board or its designee
13 agrees by way of a written notification to Respondent, that no further psychotherapy is necessary.
14 Upon receipt of such recommendation from the treating therapist, and before determining whether
15 to accept or reject said recommendation, the Board or its designee may require Respondent to
16 undergo, at Respondent's own expense, a mental health evaluation by a Board-appointed or
17 Board-approved psychiatrist or psychologist. If the approved evaluator recommends that
18 Respondent continue psychotherapy, the Board or its designee may require Respondent to
19 continue psychotherapy.

20 Psychotherapy shall be at least once a week unless otherwise approved by the Board.
21 Respondent shall provide the therapist with a copy of the Board's accusation and decision no later
22 than the first therapy session. Respondent shall take all necessary steps to ensure that the treating
23 therapist submits written quarterly reports to the Board concerning Respondent's fitness to
24 practice, progress in treatment, and such other information required by the Board or its designee.

25 If at any time the treating therapist determines that Respondent cannot practice safely or
26 independently, the therapist shall notify the Board immediately by telephone and follow up by
27 written letter within three (3) working days. Upon notification from the Board or its designee of
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1 this determination, Respondent shall be automatically suspended and shall not resume practice
2 until notified by the Board that practice may be resumed.

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

8 Respondent shall not practice pharmacy nor do any act involving drug selection, selection
9 of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Respondent
10 manage, administer, or be a consultant to any licensee of the Board, or have access to or control
11 the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous
12 devices or controlled substances. Respondent shall not resume practice until notified by the
13 Board.

14 During any suspension, Respondent shall not engage in any activity that requires the
15 professional judgment of and/or licensure as a Pharmacy Technician. Respondent shall not direct
16 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,
17 wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

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

20 **16. Medical Evaluation**

21 Within thirty (30) days of the effective date of this decision, and on a periodic basis
22 thereafter as may be required by the Board or its designee, Respondent shall undergo a medical
23 evaluation, at Respondent's own expense, by a Board-appointed or Board-approved physician
24 who shall furnish a medical report to the Board. The approved physician shall be provided with a
25 copy of the Board's Accusation and decision. A record of this notification must be provided to
26 the Board upon request. Respondent shall sign a release authorizing the physician to furnish the
27 Board with a current diagnosis and a written report regarding the Respondent's ability to function
28 independently as Pharmacy Technician with safety to the public. If the physician recommends

1 restrictions or conditions on Respondent's practice, including but not limited to other terms and
2 conditions listed in these guidelines (e.g., required psychotherapy, inpatient treatment,
3 prescription coordination and monitoring, restricted practice), the Board or its designee may by
4 written notice to Respondent adopt any such restrictions or conditions as additional probation
5 terms and conditions, violation of which shall be considered a violation of probation.

6 If the physician recommends, and the Board or its designee directs, that Respondent
7 undergo medical treatment, Respondent shall, within thirty (30) days of written notice from the
8 Board, submit to the Board or its designee, for prior approval, the name and qualifications of a
9 licensed physician of Respondent's choice. Within thirty (30) days of approval thereof,
10 Respondent shall submit documentation to the Board demonstrating the commencement of
11 treatment with the approved physician. Should Respondent, for any reason, cease treatment with
12 the approved physician, Respondent shall notify the Board immediately and, within thirty (30)
13 days of ceasing treatment, submit the name of a replacement physician of Respondent's choice to
14 the Board or its designee for prior approval. Within thirty (30) days of approval thereof,
15 Respondent shall submit documentation to the Board demonstrating the commencement of
16 treatment with the approved replacement. Failure to comply with any deadline stated by this
17 paragraph shall be considered a violation of probation.

18 Upon approval of the initial or any subsequent physician, Respondent shall undergo and
19 continue treatment with that physician, at Respondent's own expense, until the treating physician
20 recommends in writing to the Board, and the Board or its designee agrees by way of a written
21 notification to Respondent, that no further treatment is necessary. Upon receipt of such
22 recommendation from the treating physician, and before determining whether to accept or reject
23 said recommendation, the Board or its designee may require Respondent to undergo, at
24 Respondent's own expense, a medical evaluation by a separate Board-appointed or Board-
25 approved physician. If the approved evaluating physician recommends that Respondent continue
26 treatment, the Board or its designee may require Respondent to continue treatment.

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1 Respondent shall take all necessary steps to ensure that any treating physician submits
2 written quarterly reports to the Board concerning Respondent's fitness to practice, progress in
3 treatment, and other such information as may be required by the Board or its designee.

4 If at any time an approved evaluating physician or Respondent's approved treating
5 physician determines that Respondent is unable to practice safely or independently as a Pharmacy
6 Technician, the evaluating or treating physician shall notify the Board immediately by telephone
7 and follow up by written letter within three (3) working days. Upon notification from the Board
8 or its designee of this determination, Respondent shall be automatically suspended and shall not
9 resume practice until notified by the Board that practice may be resumed.

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

15 Respondent shall not practice pharmacy nor do any act involving drug selection, selection
16 of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Respondent
17 manage, administer, or be a consultant to any licensee of the Board, or have access to or control
18 the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous
19 devices or controlled substances.

20 During any suspension, Respondent shall not engage in any activity that requires the
21 professional judgment of and/or licensure as a Pharmacy Technician. Respondent shall not direct
22 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,
23 wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

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

26 17. **Drug and Alcohol Testing**

27 Respondent, at her own expense, shall participate in testing as directed by the Board or its
28 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or

1 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
2 breathalyzer, hair follicle testing, or other testing protocols as directed by the Board or its
3 designee. All testing must be pursuant to an observed testing protocol, unless Respondent is
4 informed otherwise in writing by the Board or its designee. Respondent may be required to
5 participate in testing for the entire probation period and frequency of testing will be determined
6 by the Board or its designee.

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

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

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

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

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

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

3 During any such suspension, Respondent shall not engage in any activity that requires the
4 professional judgment of and/or licensure as a Pharmacy Technician. Respondent shall not direct
5 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,
6 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

7 Failure to comply with any such suspension shall be considered a violation of probation.
8 Failure to comply with any requirement or deadline stated by this term shall be considered a
9 violation of probation.

10 **18. Notification of Departure**

11 Prior to leaving the probationary geographic area designated by the Board or its designee
12 for a period greater than twenty-four (24) hours, Respondent shall notify the Board verbally and
13 in writing of the dates of departure and return. Failure to comply with this provision shall be
14 considered a violation of probation.

15 **19. Abstain from Drugs and Alcohol**

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

25 **20. Prescription Coordination and Monitoring of Prescription Use**

26 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
27 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
28 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the

1 Respondent's history with the use of illicit drugs, controlled substances, and/or dangerous drugs,
2 and/or of mental illness, and who will coordinate and monitor any prescriptions for Respondent
3 for dangerous drugs and/or dangerous devices, controlled substances or mood-altering drugs. The
4 approved practitioner shall be provided with a copy of the Board's Accusation and decision. A
5 record of this notification must be provided to the Board or its designee upon request.

6 Respondent shall sign a release authorizing the practitioner to communicate with the Board or its
7 designee about Respondent's treatment(s). The coordinating physician, nurse practitioner,
8 physician assistant, or psychiatrist shall report to the Board on a quarterly basis for the duration of
9 probation regarding Respondent's compliance with this condition. If any substances considered
10 addictive have been prescribed, the report shall identify a program for the time limited use of any
11 such substances. The Board or its designee may require that the single coordinating physician,
12 nurse practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or
13 consult a specialist in addictive medicine. Should Respondent, for any reason, cease supervision
14 by the approved practitioner, Respondent shall notify the Board or its designee immediately and,
15 within thirty (30) days of ceasing supervision, submit the name of a replacement physician, nurse
16 practitioner, physician assistant, or psychiatrist of Respondent's choice to the Board or its
17 designee for its prior approval. Failure to timely submit the selected practitioner or replacement
18 practitioner to the Board or its designee for approval, or to ensure the required quarterly reporting
19 thereby, shall be considered a violation of probation.

20 If at any time an approved practitioner determines that Respondent is unable to practice
21 safely or independently as a Pharmacy Technician, the practitioner shall notify the Board or its
22 designee immediately by telephone and follow up by written letter within three (3) working days.
23 Upon notification from the Board or its designee of this determination, Respondent shall be
24 automatically suspended and shall not resume practice as a Pharmacy Technician until notified by
25 the Board or its designee that practice may be resumed.

26 During any suspension, Respondent shall not enter any pharmacy area or any portion of the
27 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
28 retailer, or any other distributor of drugs which is licensed by the Board, or any manufacturer, or

1 any area where dangerous drugs and/or dangerous devices or controlled substances are
2 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
3 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
4 Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to
5 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
6 dangerous devices and controlled substances. Respondent shall not resume practice until notified
7 by the Board.

8 During any suspension, Respondent shall not engage in any activity that requires the
9 professional judgment and/or licensure as a Pharmacy Technician. Respondent shall not direct or
10 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,
11 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

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

14 **21. No Ownership or Management of Licensed Premises**

15 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
16 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
17 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
18 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
19 days following the effective date of this decision and shall immediately thereafter provide written
20 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
21 documentation thereof shall be considered a violation of probation.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. 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: _____
STEPHANIE NICOLE SILVA
Respondent

ENDORSEMENT

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

DATED: _____
Respectfully submitted,
ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

VIVIAN CHO
Deputy Attorney General
Attorneys for Complainant

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DATED: 4/25/2024

STEPHANIE NICOLE SILVA
Respondent

ENDORSEMENT

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DATED: 4/25/2025

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VIVIAN CHO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7564

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7564

13 **STEPHANIE NICOLE SILVA**
14 **2899 Coral Avenue**
Morro Bay, CA 93442

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **139491**

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 April 3, 2014, the Board issued Pharmacy Technician Registration
23 Number TCH 139491 to Stephanie Nicole Silva (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 September 30, 2025, unless renewed.

26 **JURISDICTION**

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.

1 (e) The proceedings under this article shall be conducted in accordance with
2 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
3 Government Code, and the board shall have all the powers granted therein. The
4 action shall be final, except that the propriety of the action is subject to review by the
5 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

6 6. Section 4300.1 of the Code states:

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

13 7. Section 4301 of the Code states, in pertinent part:

14 The board shall take action against any holder of a license who is guilty of
15 unprofessional conduct or whose license has been issued by mistake. Unprofessional
16 conduct includes, but is not limited to, any of the following:

17

18 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
19 deceit, or corruption, whether the act is committed in the course of relations as a
20 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

21

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

27 **REGULATORY PROVISIONS**

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

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

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

(1) The nature and gravity of the offense;

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

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

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

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

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

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

13 (4) Involve dishonesty, fraud, deceit, or corruption related to money, items,
14 documents, or personal information.

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

16 **COST RECOVERY**

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

21 **DANGEROUS DRUG**

22 10. "Cannabinoids" are substances derived from the cannabis plant and include both the
23 psychoactive and non-psychoactive compounds known as THC and CBD as well as compounds
24 called terpenes. Cannabis is a Schedule I controlled substance pursuant to Health and Safety Code
25 section 11054 (d)(13) and is categorized as a dangerous drug pursuant to Business and
26 Professions Code section 4022.

27 **FACTS ALLEGED**

28 11. On or about November 5, 2019, Morro Bay police officers responded to a request for
a welfare check received from Respondent's 60+ year old father (victim). Upon arrival, officers
observed Respondent sitting on the ground and waving her hands in the air from side to side and
ran into her house when officers introduced themselves. With permission from the victim, officers

1 entered the residence, after which Respondent began screaming and hit the victim several times
2 on his upper thigh while also attempting to kick the officers. As a result, Respondent was arrested
3 for domestic violence battery and suspicion of being under the influence of a controlled
4 substance. A blood sample subsequently taken from Respondent revealed the presence
5 Cannabinoids in her system.

6 12. On or about November 7, 2019, Morro Bay Police officers received another report
7 concerning Respondent whereby it was reported that she was walking in the middle of the
8 highway in addition to standing in front of vehicles in a parking lot and preventing them from
9 moving. Upon contact with Respondent, officers observed her mumbling, not responding to their
10 questions in a coherent manner, and displaying other objective symptoms of intoxication. As a
11 result, she was arrested and charged with being under the influence of a controlled substance.
12 Respondent subsequently provided a urine sample which revealed the presence of Cannabinoids
13 in her system.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Dangerous Use of Alcohol and/or Dangerous Drug)**

16 13. Respondent is subject to disciplinary action under Code sections 4300 and 4301,
17 subdivision (h), on the grounds of unprofessional conduct, in that on or about November 5, 2019
18 and November 7, 2019, Respondent used dangerous drugs to the extent or in a manner as to be
19 dangerous or injurious to herself, another person, or to the public. Complainant refers to and by
20 this reference incorporates, the allegations set forth above in paragraphs 11 through 12, as though
21 set forth fully.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**

24 14. Respondent is subject to disciplinary action under Code section 4300, 4301, and
25 4301, subdivision (f), on the grounds of unprofessional conduct, in that she committed domestic
26 battery against an elderly victim. Complainant refers to and by this reference incorporates, the
27 allegations set forth above in paragraph 11, as though set forth fully.

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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 139491, issued to Stephanie Nicole Silva;
2. Ordering Stephanie Nicole Silva 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.

DATED: 12/13/2023

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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