



California State Board of Pharmacy  
 2720 Gateway Oaks Drive, Suite 100  
 Sacramento, CA 95833  
 Phone: (916) 518-3100 Fax: (916) 574-8614  
 www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency  
 Department of Consumer Affairs  
 Gavin Newsom, Governor



**APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE**

**PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES:**

Name of Licensee: <u>Paula Rubalcaba TCH 173564</u>	Case No. <u>7751</u>
Address of Record: <u>2329 Walter St Huntington Park CA 90255</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 7751, I hereby request to surrender my pharmacy technician license, License No. TCH 173564. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I 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.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Paula Rubalcaba  
Applicant's Signature

11-27-2024  
Date

Paula Rubalcaba  
Applicant's Printed Name

TCH 173564  
Applicant's License Number

\_\_\_\_\_  
Executive Officer's Approval

\_\_\_\_\_  
Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 518-3100, 2720 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

**In the Matter of the Accusation Against:**

**PAULA MARGARITA RUBALCABA**

**Respondent.**

**Pharmacy Technician License No. TCH 173564**

**Agency Case No. 7751**

**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 November 20, 2024.

It is so ORDERED on October 21, 2024.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 NANCY A. KAISER  
Supervising Deputy Attorney General  
3 SHAWN P. COOK  
Supervising Deputy Attorney General  
4 State Bar No. 117851  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6291  
6 Facsimile: (916) 731-2126  
E-mail: Shawn.Cook@doj.ca.gov  
7 *Attorneys for Complainant*

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. 7751

13 **PAULA MARGARITA RUBALCABA**  
14 **2329 Walter Street**  
**Huntington Park, CA 90255**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 **Pharmacy Technician License No. TCH**  
16 **173564**

17 Respondent.

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

20 **PARTIES**

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

25 2. Respondent Paula Margarita Rubalcaba (Respondent) is represented in this  
26 proceeding by attorney Josef Sadat, Esq., whose address is: 9595 Wilshire Blvd., Suite 900  
27 Beverly Hills, 90210.  
28





1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 173564 issued to  
3 Respondent Paula Margarita Rubalcaba is revoked. However, the revocation is stayed and  
4 Respondent is placed on probation for four (4) 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
- 10 • an arrest or issuance of a criminal complaint for violation of any provision of the  
11 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
12 substances laws
  - 13 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal  
14 criminal proceeding to any criminal complaint, information or indictment
  - 15 • a conviction of any crime
  - 16 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another  
17 administrative action filed by any state or federal agency which involves  
18 respondent’s license or which is related to the practice of pharmacy or the  
19 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,  
20 device or controlled substance.

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

22 **2. Report to the Board**

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

27 Failure to submit timely reports in a form as directed shall be considered a violation of  
28 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 (2) 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 board's  
11 monitoring and investigation of respondent's compliance with the terms and conditions of her  
12 probation, including but not limited to: timely responses to requests for information by board  
13 staff; timely compliance with directives from board staff regarding requirements of any term or  
14 condition of probation; and timely completion of documentation pertaining to a term or condition  
15 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 7751 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), and  
28 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,

1 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
2 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, (b)  
5 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 7751, 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 7751, 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 7751, 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 service  
23 to report to the board in writing acknowledging that he or she has read the decision in case  
24 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
25 ensure that these acknowledgment(s) are timely submitted to the board.

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

1 "Employment" within the meaning of this provision includes any full-time, part-time,  
2 temporary, relief, or employment/management service position as a pharmacy technician, or any  
3 position for which a pharmacy technician is a requirement or criterion for employment, whether  
4 the respondent is an employee, independent contractor or volunteer.

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

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

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

10 **7. Reimbursement of Board Costs**

11 As a condition precedent to successful completion of probation, respondent shall pay to the  
12 board its costs of investigation and prosecution in the amount of \$2,135.00. Respondent shall  
13 make said payments as follows:

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

17 Respondent shall be permitted to pay these costs in a payment plan approved by the board  
18 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
19 date of probation.

20 **8. Probation Monitoring Costs**

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

25 **9. Status of License**

26 Respondent shall, at all times while on probation, maintain an active, current Pharmacy  
27 Technician License with the board, including any period during which suspension or probation is

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

3 If respondent's Pharmacy Technician License expires or is cancelled by operation of law or  
4 otherwise at any time during the period of probation, including any extensions thereof due to  
5 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 the  
8 board. Respondent shall not have access to or control the ordering, distributing, manufacturing or  
9 dispensing of dangerous drugs and/or dangerous devices or controlled substances.

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

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

#### 15 **12. Practice Requirement – Extension of Probation**

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

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

1 technician in California for the minimum of hours. Any failure to timely provide such  
2 notification(s) shall be considered a violation of probation.

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

### 7 **13. Violation of Probation**

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

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

### 21 **14. Completion of Probation**

22 Upon written notice by the board or its designee indicating successful completion of  
23 probation, respondent's license will be fully restored.

### 24 **15. Drug and Alcohol Testing**

25 Respondent, at her own expense, shall participate in testing as directed by the board or its  
26 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or  
27 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),  
28 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its

1 designee. All testing must be pursuant to an observed testing protocol, unless respondent is  
2 informed otherwise in writing by the board or its designee. Respondent may be required to  
3 participate in testing for the entire probation period and frequency of testing will be determined  
4 by the board or its designee.

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

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

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

27 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its  
28 designee may require respondent to timely provide documentation from a licensed practitioner

1 authorized to prescribe the detected substance demonstrating that the substance was administered  
2 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such  
3 documentation shall be provided by respondent within ten (10) days of being requested.

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

19 During any such 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.

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

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

#### 8 **16. Notification of Departure**

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

#### 13 **17. Abstain from Drugs and Alcohol**

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

#### 23 **18. Prescription Coordination and Monitoring of Prescription Use**

24 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
25 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
26 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
27 history with the use of alcohol, and who will coordinate and monitor any prescriptions for  
28 respondent for dangerous drugs and/or dangerous devices, controlled substances or mood-altering

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

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

23 During any suspension, respondent shall not enter any pharmacy area or any portion of the  
24 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
25 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
26 any area where dangerous drugs and/or dangerous devices or controlled substances are  
27 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
28 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall

1 respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
2 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
3 dangerous devices and controlled substances. Respondent shall not resume practice until notified  
4 by the board.

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

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

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

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

20 Where respondent is enrolled in the PRP, participation as required in a recovery group  
21 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any  
22 deviation from participation requirements for the PRP-approved group shall be considered a  
23 violation of probation.

24 **20. Work Site Monitor**

25 Within ten (10) days of the effective date of this decision, respondent shall identify a work  
26 site monitor, for prior approval by the board or its designee, who shall be responsible for  
27 supervising respondent during working hours. Respondent shall be responsible for ensuring that  
28 the work site monitor reports in writing to the board monthly or on another schedule as directed

1 by the board or its designee. Should the designated work site monitor suspect at any time during  
2 the probationary period that respondent has abused alcohol or drugs, he or she shall notify the  
3 board immediately.

4 In the event of suspected abuse, the monitor shall make at least oral notification within one  
5 (1) business day of the occurrence, and shall be followed by written notification within two (2)  
6 business days of the occurrence. If, for any reason, including change of employment, respondent  
7 is no longer able to be monitored by the approved work site monitor, within ten (10) days  
8 respondent shall designate a new work site monitor for approval by the board or its designee.  
9 Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure  
10 monthly reports are submitted to the board by the monitor, shall be considered a violation of  
11 probation.

12 Within thirty (30) days of being approved by the board or its designee, the work site  
13 monitor shall sign an affirmation that he or she has reviewed the terms and conditions of  
14 respondent's disciplinary order and agrees to monitor respondent. The work site monitor shall at  
15 least:

- 16 1) Have regular face-to-face contact with respondent in the work environment, at least  
17 once per week or with greater frequency if required by the board or its designee;
- 18 2) Interview other staff in the office regarding respondent's behavior, if applicable; and
- 19 3) Review respondent's work attendance.

20 The written reports submitted to the board or its designee by the work site monitor shall  
21 include at least the following information: respondent's name and license number; the monitor's  
22 name, license number (if applicable) and work site location; the date(s) the monitor had face-to-  
23 face contact with respondent; the staff interviewed, if applicable; an attendance report; notes on  
24 any changes in respondent's behavior or personal habits; notes on any indicators that may lead to  
25 substance abuse; and the work site monitor's signature.

26 Respondent shall complete the required consent forms and sign an agreement with the work  
27 site monitor and the board to allow the board to communicate with the work site monitor.

28 ///

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

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

9                   **22. Criminal Probation/Parole Reports**

10                  Within ten (10) days of the effective date of this decision, or within ten (10) days of the  
11 issuance or assignment/replacement of same, whichever is earlier, respondent shall provide the  
12 board or its designee in writing: a copy of the conditions of any criminal probation/parole  
13 applicable to respondent; and the name and contact information of any probation, parole or  
14 similar supervisory officer assigned to respondent. Respondent shall provide a copy of all  
15 criminal probation/parole reports to the board within ten (10) days after such report is issued.  
16 Failure to timely make any of the submissions required hereby shall be considered a violation of  
17 probation.

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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Josef Sadat. I understand the stipulation and the effect it will have on my Pharmacy Technician License. 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: \_\_\_\_\_  
PAULA MARGARITA RUBALCABA  
*Respondent*

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

DATED: \_\_\_\_\_  
JOSEF SADAT  
*Attorney for 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  
NANCY A. KAISER  
Supervising Deputy Attorney General

SHAWN P. COOK  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

LA2024600629  
Jz(6/19/24)

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Josef Sadat. I understand the stipulation and the effect it will have on my Pharmacy Technician License. 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: 7-5-2024

  
PAULA MARGARITA RUBALCABA  
*Respondent*

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

DATED: July 8, 2024

  
JOSEF SADAT  
*Attorney for Respondent*

ENDORSEMENT

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

DATED: 9/11/2024

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
NANCY A. KAISER  
Supervising Deputy Attorney General

**/s/ Shawn P. Cook**

SHAWN P. COOK -  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

LA2024600629  
Jz(6/19/24)

**Exhibit A**

**Accusation No. 7751**

1 ROB BONTA  
Attorney General of California  
2 NANCY A. KAISER  
Supervising Deputy Attorney General  
3 SHAWN P. COOK  
Supervising Deputy Attorney General  
4 State Bar No. 117851  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6291  
6 Facsimile: (916) 731-2126  
E-mail: Shawn.Cook@doj.ca.gov  
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. 7751

13 **PAULA MARGARITA RUBALCABA**  
**2329 Walter Street**  
14 **Huntington Park, CA 90255**

**ACCUSATION**

15 **Pharmacy Technician License No. TCH**  
**173564**

16 Respondent.  
17

18 **PARTIES**

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

21 2. On or about August 12, 2019, the Board issued Pharmacy Technician License  
22 Number TCH 173564 to Paula Margarita Rubalcaba (Respondent). The Pharmacy Technician  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on September 30, 2024, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender, or  
6 cancellation of a license shall not deprive the Board, Registrar, or Director of jurisdiction to  
7 proceed with a disciplinary action during the period within which the license may be renewed,  
8 restored, reissued or reinstated.

9 **STATUTORY PROVISIONS**

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

14 6. Section 493 states:

15 Notwithstanding any other provision of law, in a proceeding conducted by a  
16 board within the department pursuant to law to deny an application for a license or to  
17 suspend or revoke a license or otherwise take disciplinary action against a person who  
18 holds a license, upon the ground that the applicant or the licensee has been convicted  
19 of a crime substantially related to the qualifications, functions, and duties of the  
20 licensee in question, the record of conviction of the crime shall be conclusive  
21 evidence of the fact that the conviction occurred, but only of that fact, and the board  
22 may inquire into the circumstances surrounding the commission of the crime in order  
23 to fix the degree of discipline or to determine if the conviction is substantially related  
24 to the qualifications, functions, and duties of the licensee in question. As used in this  
25 section, "license" includes "certificate," "permit," "authority," and "registration."

26 7. Section 4301 of the Code states:

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

(a) Procurement of a license by fraud or misrepresentation.

(b) Incompetence.

(c) Gross negligence.

(d) The clearly excessive furnishing of controlled substances in violation of  
subdivision (a) of Section 11153 of the Health and Safety Code.

1 (e) The clearly excessive furnishing of controlled substances in violation of  
2 subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be  
3 considered in determining whether the furnishing of controlled substances is clearly  
4 excessive shall include, but not be limited to, the amount of controlled substances  
5 furnished, the previous ordering pattern of the customer (including size and frequency  
6 of orders), the type and size of the customer, and where and to whom the customer  
7 distributes its product.

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

11 (g) Knowingly making or signing any certificate or other document that falsely  
12 represents the existence or nonexistence of a state of facts.

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

18 (i) Except as otherwise authorized by law, knowingly selling, furnishing, giving  
19 away, or administering, or offering to sell, furnish, give away, or administer, any  
20 controlled substance to a person with substance use disorder.

21 (j) The violation of any of the statutes of this state, of any other state, or of the  
22 United States regulating controlled substances and dangerous drugs.

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

26 (l) The conviction of a crime substantially related to the qualifications,  
27 functions, and duties of a licensee under this chapter. The record of conviction of a  
28 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
States Code regulating controlled substances or of a violation of the statutes of this  
state regulating controlled substances or dangerous drugs shall be conclusive  
evidence of unprofessional conduct. In all other cases, the record of conviction shall  
be conclusive evidence only of the fact that the conviction occurred. The board may  
inquire into the circumstances surrounding the commission of the crime, in order to  
fix the degree of discipline or, in the case of a conviction not involving controlled  
substances or dangerous drugs, to determine if the conviction is of an offense  
substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw their plea of guilty  
and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing  
the accusation, information, or indictment.

(m) The cash compromise of a charge of violation of Chapter 13 (commencing  
with Section 801) of Title 21 of the United States Code regulating controlled  
substances or of Chapter 7 (commencing with Section 14000) of Part 3 of Division 9  
of the Welfare and Institutions Code relating to the Medi-Cal program.

1 (n) The revocation, suspension, or other discipline by another state of a license  
2 to practice pharmacy, operate a pharmacy, or do any other act for which a license is  
3 required by this chapter that would be grounds for revocation, suspension, or other  
4 discipline under this chapter. Any disciplinary action taken by the board pursuant to  
5 this section shall be coterminous with action taken by another state, except that the  
6 term of any discipline taken by the board may exceed that of another state, consistent  
7 with the board's enforcement guidelines. The evidence of discipline by another state  
8 is conclusive proof of unprofessional conduct.

9 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
10 abetting the violation of or conspiring to violate any provision or term of this chapter  
11 or of the applicable federal and state laws and regulations governing pharmacy,  
12 including regulations established by the board or by any other state or federal  
13 regulatory agency.

14 (p) Actions or conduct that would have warranted denial of a license.

15 (q) Engaging in any conduct that subverts or attempts to subvert an  
16 investigation of the board.

17 (r) The selling, trading, transferring, or furnishing of drugs obtained pursuant to  
18 Section 256b of Title 42 of the United States Code to any person a licensee knows or  
19 reasonably should have known, not to be a patient of a covered entity, as defined in  
20 Section 256b(a)(4) of Title 42 of the United States Code.

21 (s) The clearly excessive furnishing of dangerous drugs by a wholesaler to a  
22 pharmacy that primarily or solely dispenses prescription drugs to patients of long-  
23 term care facilities. Factors to be considered in determining whether the furnishing of  
24 dangerous drugs is clearly excessive shall include, but not be limited to, the amount  
25 of dangerous drugs furnished to a pharmacy that primarily or solely dispenses  
26 prescription drugs to patients of long-term care facilities, the previous ordering  
27 pattern of the pharmacy, and the general patient population to whom the pharmacy  
28 distributes the dangerous drugs. That a wholesaler has established, and employs, a  
tracking system that complies with the requirements of subdivision (b) of Section  
4164 shall be considered in determining whether there has been a violation of this  
subdivision. This provision shall not be interpreted to require a wholesaler to obtain  
personal medical information or be authorized to permit a wholesaler to have access  
to personal medical information except as otherwise authorized by Section 56 and  
following of the Civil Code. For purposes of this section, long-term care facility shall  
have the same meaning given the term in Section 1418 of the Health and Safety Code.

(t) The acquisition of a nonprescription diabetes test device from a person that  
the licensee knew or should have known was not the nonprescription diabetes test  
device's manufacturer or the manufacturer's authorized distributor as identified in  
Section 4160.5.

(u) The submission of a reimbursement claim for a nonprescription diabetes test  
device to a pharmaceutical benefit manager, health insurer, government agency, or  
other third-party payor when the licensee knew or reasonably should have known that  
the diabetes test device was not purchased either directly from the manufacturer or  
from the nonprescription diabetes test device manufacturer's authorized distributors as  
identified in Section 4160.5.

(v) Actions or conduct that would subvert the efforts of a pharmacist to comply  
with laws and regulations, or exercise professional judgment, including creating or  
allowing conditions that may interfere with a pharmacist's ability to practice with

1 competency and safety or creating or allowing an environment that may jeopardize  
2 patient care. This subdivision does not apply to facilities of the Department of  
3 Corrections and Rehabilitation.

4 (w) Actions or conduct that would subvert the efforts of a pharmacist-in-charge  
5 to comply with laws and regulations, exercise professional judgment, or make  
6 determinations about adequate staffing levels to safely fill prescriptions of the  
7 pharmacy or provide other patient care services in a safe and competent manner. This  
8 subdivision does not apply to facilities of the Department of Corrections and  
9 Rehabilitation.

10 (x) Actions or conduct that would subvert the efforts of a pharmacist intern or a  
11 pharmacy technician to comply with laws or regulations.

12 (y) Establishing policies and procedures related to time guarantees to fill  
13 prescriptions within a specified time unless those guarantees are required by law or to  
14 meet contractual requirements. This subdivision does not apply to facilities of the  
15 Department of Corrections and Rehabilitation.

### 16 **REGULATORY PROVISIONS**

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

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

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

28 (1) The nature and gravity of the offense;

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

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

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

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

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

(3) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
conspire to violate, any provision of law of this state, or any other jurisdiction,

relating to government provided or government supported healthcare.

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

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

#### **COST RECOVERY**

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

#### **FIRST CAUSE FOR DISCIPLINE**

##### **(Conviction of a Substantially Related Crime)**

10. Respondent is subject to disciplinary action under Code sections 490 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, subdivision (c)(5), in that Respondent was convicted of a crime substantially related to the qualifications, functions, and duties of pharmacy technician. Specifically, on or about July 3, 2023, after her guilty plea, Respondent was convicted of one (1) misdemeanor count for violating Vehicle Code section 23152, subdivision (b) (driving while having a 0.08%, or higher blood alcohol concentration (BAC)), with a special enhancement of Vehicle Code section 23578 (BAC of 0.15 percent or more, by weight), in the criminal proceeding titled: *The People of the State of California v. Paula Margarita Rubalcaba* (Super. Ct. Los Angeles County, 2022, No. 3DN00846). The court placed Respondent on 36 months of probation with terms and conditions. The circumstances surrounding the conviction are that on or about August 13, 2022, at approximately 12:01 A.M., Respondent was stopped at a DUI Checkpoint. South Gate police officers directed Respondent to enter into a secondary area and Respondent drove over several orange traffic cones while she was entering the checkpoint. Upon contact with the police officers, they noticed Respondent had bloodshot watery eyes, slurred speech, and there was an odor of an alcoholic beverage emitting from her breath and person. Respondent submitted to a blood test which revealed a BAC of 0.21%. Respondent admitted to drinking alcoholic beverages prior to driving.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
4 in that on or about August 13, 2022, Respondent used alcoholic beverages to the extent or in a  
5 manner as to be dangerous or injurious to herself, another person, or to the public. Complainant  
6 refers to, and by this reference incorporates, the allegations above in paragraph 10, as though set  
7 forth fully.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Technician License Number TCH 173564, issued  
12 to Paula Margarita Rubalcaba;
- 13 2. Ordering Paula Margarita Rubalcaba to pay the Board of Pharmacy the reasonable  
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
15 Code section 125.3; and, if placed on probation, the costs of probation monitoring; and,
- 16 3. Taking such other and further action as deemed necessary and proper.
- 17

18  
19 DATED: 4/15/2024

Sodergren, Digitally signed by  
Anne@DCA Sodergren, Anne@DCA  
Date: 2024.04.15  
18:59:11 -07'00'

20 ANNE SODERGREN  
21 Executive Officer  
22 Board of Pharmacy  
23 Department of Consumer Affairs  
24 State of California  
25 *Complainant*

26 LA2024600629