

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

In the Matter of the Accusation Against:

YESSICA SALDANA, Respondent

Pharmacy Technician Registration No. TCH 143838

Agency Case No. 6720

DECISION AND ORDER

The attached Stipulated Surrender of License Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on July 29, 2020.

It is so ORDERED on June 29, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name.

By

Greg Lippe
Board President

XAVIER BECERRA
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General
HELENE E. ROUSE
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Attorneys for Complainant

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

In the Matter of the Accusation Against:

**YESSICA SALDANA
13987 Del Sur Street
Pacoima, CA 91331**

**Pharmacy Technician Registration No. TCH
143838**

Respondent.

Case No. 6720

OAH No. 2020010217

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

PARTIES

1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Helene E. Rouse, Deputy Attorney General.

2. Yessica Saldana (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

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1 3. On or about December 18, 2014, the Board issued Pharmacy Technician Registration
2 No. TCH 143838 to Yessica Saldana (Respondent). The Pharmacy Technician Registration
3 expired on March 31, 2020, has not been renewed, and is now delinquent.

4 **JURISDICTION**

5 4. Accusation No. 6720 was filed before the Board, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on October 14, 2019. Respondent timely filed her Notice of Defense contesting
8 the Accusation. A copy of Accusation No. 6720 is attached as Exhibit A and incorporated by
9 reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, and understands the charges and allegations in
12 Accusation No. 6720. Respondent also has carefully read, and understands the effects of this
13 Stipulated Surrender of License and Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

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

23 **CULPABILITY**

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 6720, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
26 Registration No. TCH 143838 for the Board's formal acceptance.

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

CONTINGENCY

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

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

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

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

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 143838, issued to Respondent Yessica Saldana, is surrendered and accepted by the Board.

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

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

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

4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent may not apply for any license, permit, or registration from the board for three (3) years from the effective date of this stipulation. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6720 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$20,008.50 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 6720 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

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

DATED: _____
YESSICA SALDANA
Respondent

ENDORSEMENT

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

DATED: _____2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General

HELENE E. ROUSE
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

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

DATED: 05/20/2020


YESSICA SALDANA
Respondent

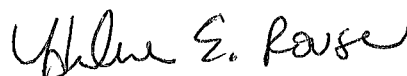
ENDORSEMENT

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

DATED: May 20, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General



HELENE E. ROUSE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6720

1 XAVIER BECERRA
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 HELENE E. ROUSE
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4 State Bar No. 130426
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5 Los Angeles, CA 90013
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Attorneys for Complainant
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:

Case No. 6720

13 **YESSICA SALDANA**
14 **13987 Del Sur Street**
Pacoima, CA 91331

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **143838**

Respondent.

17
18 **PARTIES**

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

22 2. On or about December 18, 2014, the Board issued Pharmacy Technician Registration
23 Number TCH 143838 to Yessica Saldana (Respondent). The Pharmacy Technician Registration
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 March 31, 2020, 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 (Code) unless otherwise

1 indicated.

2 4. Section 4300, subdivision (a), of the Code states: "Every license issued may be
3 suspended or revoked."

4 5. Section 4300.1 of the Code states:

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

11 **STATUTORY PROVISIONS**

12 6. Section 4022 of the Code states, in relevant part:

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

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

17 . . .

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

20 7. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
21 controlled substance, except that furnished to a person upon the prescription of a physician,
22 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. . .

23 8. Section 4301 of the Code states:

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

27 . . .

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

. . .

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

. . .

(o) Violating or attempting to violate, directly or indirectly, or assisting in or

abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

...

9. Health and Safety Code section 11158, subdivision (a), states:

Except as provided in Section 11159 or in subdivision (b) of this section, no controlled substance classified in Schedule II shall be dispensed without a prescription meeting the requirements of this chapter. Except as provided in Section 11159 or when dispensed directly to an ultimate user by a practitioner, other than a pharmacist or pharmacy, no controlled substance classified in Schedule III, IV, or V may be dispensed without a prescription meeting the requirements of this chapter.

10. Health and Safety Code section 11170 states: "No person shall prescribe, administer, or furnish a controlled substance for himself."

11. Health and Safety Code section 11171 provides that no person shall prescribe, administer, or furnish a controlled substance except under the conditions and in the manner provided by this division.

12. Code of Federal Regulations, title 21, section 843, states:

(a) It shall be unlawful for any person knowingly or intentionally –

...

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge. . .

COST RECOVERY

13. Section 125.3 of the Code provides, 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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1 **Respondent:** “I only have 20 left.”

2 **Respondent:** “Who are they for?”

3 19. The Board began an investigation related to the theft of the Alprazolam 2 mg from
4 Medical Center Pharmacy, on or about 08/31/16. During the course of the investigation, L.D.
5 prepared a written statement for the Board, dated 09/08/16, which confirmed Respondent’s text
6 messages to L.D. that she took the Alprazolam 2 mg tablets.

7 20. Furthermore, the Board obtained records from the pharmacy and its wholesalers
8 related to the pharmacy’s acquisition and disposition of Alprazolam 2 mg, as well as the
9 pharmacy’s inventory records for this controlled substance. The pharmacy conducted an audit of
10 Alprazolam 2 mg, for the time period from 11/27/15 through 09/12/16, which showed that
11 approximately 2,322 tablets of Alprazolam 2 mg were unaccounted for. An audit of records
12 performed by the Board’s Inspector showed that approximately 2,431 tablets of Alprazolam 2 mg
13 were unaccounted for, between 11/27/15 and 09/07/17.

14 21. On or about 09/14/18, the Board’s Inspector interviewed Pharmacy Technician L.D.,
15 who stated that she had observed Respondent pull the Alprazolam off the shelf. Then L.D.
16 stepped out for lunch and Respondent had already left when L.D. returned. The manager, D.B.,
17 had L.D. send Respondent text messages to find out what happened to the bottle of medication.
18 L.D. prepared a handwritten statement regarding the theft for the Board.

19 22. On or about 09/25/18, the Board’s Inspector interviewed Respondent by telephone.
20 Respondent denied knowing anything about the theft of Alprazolam and denied taking anything
21 from the pharmacy without authorization or payment. The Board’s Inspector sent Respondent a
22 written statement to complete, and followed up with her about it. However, Respondent never
23 returned a written statement to the Board.

24 23. On or about 10/03/18, the Board’s Inspector spoke with Manager/Pharmacy Tech
25 D.B. at the pharmacy. D.B. indicated that L.D. came over with her phone and stated it was
26 Respondent who took the Alprazolam 2 mg, since Respondent was responding to text messages
27 L.D. had sent to her about the medication. D.B. saw Respondent place the bottle of Alprazolam 2
28 mg on the chair, and then turn the chair and/or bottle to the left.

24. L.D. sent a screenshot of the text messages to D.B.'s cell phone. D.B. took pictures of the text messages between Respondent and L.D. about the medication and provided them to the Board's Inspector.

FIRST CAUSE FOR DISCIPLINE
**(Unprofessional Conduct - Commission of Acts Involving
Moral Turpitude, Dishonesty and Deceit)**

25. Respondent Saldana has subjected her pharmacy technician registration to discipline under Code section 4301, subdivision (f) and Code of Federal Regulations, title 21, section 843, subdivision (a)(3), for unprofessional conduct, as follows:

a. On or about 08/15/16, Respondent Saldana committed acts involving moral turpitude, dishonesty and deceit, when she stole controlled substances/dangerous drugs, Alprazolam 2 mg, from her employer, Medical Center Pharmacy, without her employer's knowledge or authorization, as described in greater detail in Paragraphs 15-24, above, which are incorporated herein by reference.

SECOND CAUSE FOR DISCIPLINE
**(Illegal Possession of Dangerous Drugs/
Controlled Substances Without a Prescription)**

26. Respondent Saldana has subjected her pharmacy technician registration to discipline under Code section 4301, subdivisions (j) and/or (o), in conjunction with Health and Safety Code sections 11158, subdivision (a), 11170 and 11171, in that, on or about 08/15/16, while employed with Medical Center Pharmacy, Respondent illegally possessed Alprazolam 2 mg tablets, dangerous drugs/controlled substances, without a prescription, in violation of Code section 4060, as described in greater detail in Paragraphs 15-24, above, which are incorporated herein by reference.

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 143838, issued to Yessica Saldana;

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2. Ordering Yessica Saldana 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: October 11, 2019

Anne Sodergren

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

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