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

11 In the Matter of the Accusation Against:

Case No. 3294

12 **RON L. INGERSOLL**  
13 **33673 Beech Street**  
14 **Winchester, CA 92596**

**A C C U S A T I O N**

15 **Original Pharmacy Technician**  
**Registration No. TCH 26095**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about June 22, 1998, the Board of Pharmacy issued Original Pharmacy  
23 Technician Registration Number TCH 26095 to Ron L. Ingersoll (Respondent). The Original  
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on July 31, 2011, unless renewed.

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1 **JURISDICTION**

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

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

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the  
8 board, whose default has been entered or whose case has been heard by the board and  
found guilty, by any of the following methods:

9 (1) Suspending judgment.

10 (2) Placing him or her upon probation.

11 (3) Suspending his or her right to practice for a period not exceeding  
12 one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as  
the board in its discretion may deem proper.

15 . . . .

16 5. Section 118 of the Code provides, in pertinent part, that the expiration of a license  
17 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
18 licensee or to render a decision imposing discipline on the license.

19 **STATUTORY PROVISIONS**

20 6. Section 4059 of the Code provides, in pertinent part, that a person may not furnish  
21 any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,  
22 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

23 7. Section 4060 of the Code states, in pertinent part:

24 No person shall possess any controlled substance, except that furnished to  
25 a person upon the prescription of a physician, dentist, podiatrist, optometrist,  
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant  
26 to a drug order issued by a certified nurse midwife pursuant to Section 2746.51, a  
nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to  
27 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist. . .  
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8. Section 4301 of the Code states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

...

(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, or 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. Section 4306 of the Code provides that it shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, . . . any provision or term of this article. . .

10. Section 4327 of the Code states:

Any person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor.

11. Health and Safety Code section 11170 states:

No person shall prescribe, administer, or furnish a controlled substance for himself.

12. Health and Safety Code section 11173 states, in pertinent part:

(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

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13. Health and Safety Code section 11350 states, in pertinent part:

(a) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison.

**COST RECOVERY**

14. Section 125.3 of the Code provides 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.

**DRUGS**

15. Hydrocodone/Acetaminophen (Hydrocodone/APAP) is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4), and is a dangerous drug pursuant to Business and Professions Code section 4022.

**FACTUAL BACKGROUND**

16. Respondent worked as a pharmacy technician for Wal-Mart Pharmacy #10-2077 located at 31700 Grape Street in Lake Elsinore, California. Controlled substance losses were discovered at Wal-Mart Pharmacy #10-2077 in Lake Elsinore. Mandatory drug testing was completed by all employees. Respondent tested positive for opiates on May 23, 2008. Respondent admitted taking at least 2,372 tablets of the controlled substance, Hydrocodone/APAP 10-325 from the pharmacy for approximately one year starting in May of 2007. Respondent was terminated from the pharmacy for gross misconduct for theft on June 12, 2008.

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**FIRST CAUSE FOR DISCIPLINE**

(Furnishing Controlled Substances to Himself)

17. Respondent is subject to disciplinary action for unprofessional conduct under Code section 4301 (j) in that from at least on or about May 1, 2007 through May 28, 2008, while working as a pharmacy technician at Wal-Mart Pharmacy #10-2077 located at 31700 Grape Street in Lake Elsinore, California, Respondent furnished at least 2,372 tablets of Hydrocodone/APAP, a controlled substance under Health and Safety Code section 11056(e)(4), to himself without a prescription or authorization from a prescriber in violation of Code section 4059(a) and Health and Safety Code section 11170, as set forth in paragraph 16, above.

**SECOND CAUSE FOR DISCIPLINE**

(Obtained Controlled Substances by Fraud, Deceit, and Subterfuge)

18. Respondent is subject to disciplinary action for unprofessional conduct under Code section 4301 (f) in that from at least on or about May 1, 2007 through May 28, 2008, while working as a pharmacy technician at Wal-Mart Pharmacy #10-2077 located at 31700 Grape Street in Lake Elsinore, California, Respondent obtained by fraud, deceit, and subterfuge, for personal use, at least 2,372 tablets of Hydrocodone/APAP, a controlled substance under Health and Safety Code section 11056(e)(4), in violation of Health and Safety Code section 11173(a), as set forth in paragraph 16, above.

**THIRD CAUSE FOR DISCIPLINE**

(Possession of a Controlled Substance Without a Prescription)

19. Respondent is subject to disciplinary action for unprofessional conduct under Code section 4301 (j) in that from at least on or about May 1, 2007 through May 28, 2008, while working as a pharmacy technician at Wal-Mart Pharmacy #10-2077 located at 31700 Grape Street in Lake Elsinore, California, Respondent possessed and took at least 2,372 tablets of Hydrocodone/APAP, a controlled substance under Health and Safety Code section 11056(e)(4), without a prescription or authorization from a prescriber, in violation of Code section 4060 and Health and Safety Code section 11350 (a), as set forth in paragraph 16, above.

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**FORTH CAUSE FOR DISCIPLINE**

(Performing Duties While Under the Influence)

20. Respondent is subject to disciplinary action for unprofessional conduct under Code section 4301 (o) in that on or about May 23, 2008, Respondent tested positive for Hydrocodone and Hydromorphone, while he was on duty as a pharmacy technician at Wal-Mart Pharmacy #10-2077 located at 31700 Grape Street in Lake Elsinore, California in violation of Code section 4327, as set forth in paragraph 16, above.

**PRAYER**

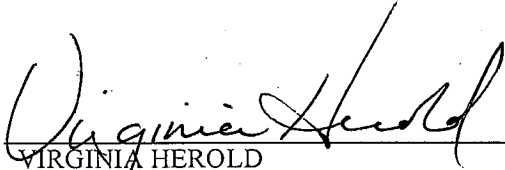
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1.1. Revoking or suspending Original Pharmacy Technician Registration Number TCH 26095, issued to Ron L. Ingersoll.

1.2. Ordering Ron L. Ingersoll 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;

1.3. Taking such other and further action as deemed necessary and proper.

DATED: 10/29/09

  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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