/-	<u> </u>
	1
·	
	- 4 -

1	EDMUND G. BROWN JR. Attorney General of California JAMES M. LEDAKIS	
3	Supervising Deputy Attorney General MARICHELLE S. TAHIMIC	
4	Deputy Attorney General State Bar No. 147392	
5	110 West "A" Street, Suite 1100 San Diego, CA 92101	
6	P.O. Box 85266	
. 7	San Diego, CA 92186-5266 Telephone: (619) 645-3154 Facsimile: (619) 645-2061	
8	Attorneys for Complainant	
9	BEFORI BOARD OF P	
10	DEPARTMENT OF CO STATE OF CA	INSUMER AFFAIRS
11		
12	In the Matter of the Petition to Revoke Probation Against:	Case No. 3717
13	MARGARIE SAUCEDO	
14	7712 Craig Avenue Buena Park, California 90621	PETITION TO REVOKE PROBATION
15	Pharmacy Technician License No. TCH 40762	
16	Respondent.	
17		
19	Complainant alleges:	
20	PART	TES
21		this Petition to Revoke Probation solely in her
22	official capacity as Executive Officer, Board of Ph	
23		oard of Pharmacy issued Pharmacy Technician
24	License Number TCH 40762 to Margarie Saucedo	
25	license was in effect at all times relevant to the cha	
. 26	December 31, 2011, unless renewed.	
27	111	
28		
	1	
	PE	TITION TO REVOKE PROBATION (Case No. 3717)

3. In a disciplinary action entitled "In the Matter of the Accusation Against Margarie 1 Saucedo." Case No. 3265, the Board of Pharmacy issued a decision, effective February 18, 2010, 2 revoking Respondent's Pharmacy Technician License. Revocation was stayed and Respondent 3 was placed on probation for a period of three (3) years with certain terms and conditions. A copy 4 of that decision is attached as exhibit A and is incorporated by reference. 5 JURISDICTION 6 4. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board), 7 Department of Consumer Affairs, under the authority of the following laws. All section 8 references are to the Business and Professions Code unless otherwise indicated. 9 Section 4300(a) of the Code provides that every license issued by the Board may be 5. 10

11 suspended or revoked.

12

FACTS

Effective February 18, 2010, pursuant to a Proposed Decision and Order adopted by 6. 13 the Board in prior Case No. 3265, Respondent's Pharmacy Technician License No. TCH 40762 14 was revoked. Revocation was stayed, and the License was placed on probation for a period of 15 three (3) years, subject to Terms and Conditions (T&Cs) 1 through 19. These Terms and 16 Conditions included the requirements that Respondent notify all present and prospective 17 employers of the Decision (T&C #5); that Respondent provide documentation of attendance at a 18 minimum of one Alcoholics Anonymous or Narcotics Anonymous recovery group per week 19 (T&C #6); that Respondent report daily to the contracted laboratory services vendor for random 20 drug screening requirements and submit to drug screening when scheduled (T&C #7); that 21 Respondent identify and submit a work site monitor for Board approval (T&C #8); and, that 22 23 Respondent submit monthly payments to reimburse the Board's costs of investigation and 24 prosecution (T&C #12). 25 ///

2

26 || ///

27 || ///

28 ///

PETITION TO REVOKE PROBATION (Case No. 3717)

1	FIRST CAUSE TO REVOKE PROBATION	
2	(Failure to Timely Submit Proof of Notification to Employer of Probation)	
3	7. At all times after the effective date (February 18, 2010) of the Decision and Order	
4	imposing probation on Respondent's License, Term and Condition #5 of that Order required in	
5	pertinent part:	
6 7	5. Notice to Employers. During the period of probation, Respondent shall notify all present and prospective employers of the Decision in case number 3265 and the terms and conditions imposed on her by the Decision, as follows:	
8	• Within 30 days of the effective date of this Decision, and within 15 days of	
9	Respondent undertaking new employment, she shall cause her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge	
10	employed during Respondent's tenure of employment) and owner to report to the Board, in writing, acknowledging that the individual(s) has/have read the	
11 12	Decision in case number 3265 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the Board.	
13	8. Respondent's probation is subject to revocation because she failed to comply with	
14	Term and Condition #5 in that Respondent failed to timely notify her present employer or submit	
15	acknowledgement to the Board of her employer's knowledge of the Decision.	
16	SECOND CAUSE TO REVOKE PROBATION	
17	(Failure to Submit Proof of Attendance in Alcoholics/Narcotics Anonymous Prevention and	
18	Support Group)	
19	9. At all times after the effective date (February 18, 2010) of the Decision and Order	ł
20	imposing probation on Respondent's License, Term and Condition #6 of that Order required:	
21	6. Attend Substance Abuse and Relapse Prevention and Support Groups. Within 30 days of the effective date of this Decision, Respondent shall begin regular	1
22	attendance at a recognized and established substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been	
23	approved by the Board or its designee. Respondent must attend at least one group	
24	meeting per week unless otherwise directed by the Board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation	
25	confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation	
26	J	
27		
28		
	3	
	PETITION TO REVOKE PROBATION (Case No. 3717	Ţ

1	10. Respondent's probation is subject to revocation because she failed to comply with
2	Term and Condition #6 in that Respondent failed to submit signed and dated proof of attendance
3	in at least one Alcoholics/Narcotics Anonymous recovery group per week.
4	THIRD CAUSE TO REVOKE PROBATION
5	(Failure to Report and Submit to Random Drug Screening)
6	11. At all times after the effective date (February 18, 2010) of the Decision and Order
7	imposing probation on Respondent's License, Term and Condition #7 of that Order required in
8	pertinent part:
9	7. Random Drug Screening. At her expense, Respondent shall participate in random testing, including but not limited to biological fluid testing (urine, blood),
11	breathalyzer, hair follicle testing, or other drug screening program as directed by the Board or its designee. Respondent may be required to participate in testing for the
12	entire probationary period and the frequency of testing will be determined by the Board or its designee. Respondent shall fully cooperate with the Board or its designee.
13	When directed by the Board or its designee, Respondent shall submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other
14	controlled substances as the Board or its designee may direct. Failure to timely submit to testing as directed shall be considered a violation of probation.
15	12. Respondent's probation is subject to revocation because she failed to comply with
16	Term and Condition #7 in that Respondent failed to call in to the contracted laboratory services
17	vendor for random drug screening requirements and failed to submit to drug screening when
18	scheduled. The circumstances are as follows:
19	13. Upon enrollment with the random drug screening vendor, Respondent was instructed
20	to call or log into the FirstLab website daily beginning on March 10, 2010. On March 11, 2010,
21	Respondent called in as required and was instructed to conduct testing on that day. Respondent
22	did not complete testing as required on March 11, 2010 and failed to call or log onto the FirstLab
23	system from March 12, 2010 through April 6, 2010.
24	FOURTH CAUSE TO REVOKE PROBATION
25	(Failure to Submit Work Site Monitor)
26	14. At all times after the effective date (February 18, 2010) of the Decision and Order
27	imposing probation on Respondent's License, Term and Condition #8 of that Order required in
28	pertinent part:
	4
	PETITION TO REVOKE PROBATION (Case No. 3717)

1	8. Work Site Monitor. Within 10 days of the effective date of this Decision, Respondent shall identify a work site monitor, who must be approved by the
2	Board. The work site monitor shall be responsible for supervising Respondent during working hours.
3	
4	
5	Failure to identify an acceptable initial or replacement work site monitor or to ensure quarterly reports are submitted by the work site monitor to the Board in a timely manner shall be constitute a violation of probation.
6 7	15. Respondent's probation is subject to revocation because she failed to comply with
	Term and Condition #8 in that Respondent failed to timely identify and submit a work site
8 9	monitor to the Board for approval.
10	FIFTH CAUSE TO REVOKE PROBATION
11	(Failure to Submit Cost Recovery Payments)
12	16. At all times after the effective date (February 18, 2010) of the Decision and Order
13	imposing probation on Respondent's License, Term and Condition #12 of that Order required in
14	pertinent part:
15	12. Reimbursement of Board Costs. As a condition precedent to successful
16	completion of probation, Respondent shall pay the Board's costs of investigation and prosecution in the amount of \$6,030.00. No later than thirty (30) days of the
17	effective date of this Decision, Respondent shall commence making equal monthly payments of the foregoing. There shall be no deviation from this schedule without
18	prior written approval by the Board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.
19 20	The filing of bankruptcy by Respondent shall not relieve her obligation to reimburse the Board's costs of investigation and prosecution.
21	17. Respondent's probation is subject to revocation because she failed to comply with
22	Term and Condition #12 in that Respondent failed to timely make cost recovery payments.
23	PRAYER
24	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25	and that following the hearing, the Board of Pharmacy issue a decision:
26	1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3265
27	and imposing the disciplinary order that was stayed, thereby revoking Pharmacy Technician
28	License No. TCH 40762, issued to Margarie Saucedo (Respondent);
	5
	PETITION TO REVOKE PROBATION (Case No. 3717)

Taking such other and further action as is deemed necessary and proper. 2. DATED: 5/28/10 VIRG A HER C Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant 80465299.docx PETITION TO REVOKE PROBATION (Case No. 3717)