1 2 3 4 5 6 7 8 9	KAMALA D. HARRIS Attorney General of California MARC D. GREENBAUM Supervising Deputy Attorney General KIMBERLEY J. BAKER-GUILLEMET Deputy Attorney General State Bar No. 242920 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2533 Facsimile: (213) 897-2533 Facsimile: (213) 897-2804 Attorneys for Complainant BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 3821
12	JEREMY MARK SALAZAR A C C U S A T I O N 11143 Wildflower Road
13	Temple City, CA 91780
14	Pharmacy Technician Registration No. TCH 78868
15	Respondent.
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17	Complainant alleges:
18	PARTIES
19	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21	2. On or about October 4, 2007, the Board of Pharmacy (Board) issued Pharmacy
22	Technician Registration No. TCH 78868 to Jeremy Mark Salazar (Respondent). The Pharmacy
23	Technician Registration was in full force and effect at all times relevant to the charges brought
24	herein and will expire on November 30, 2012, unless renewed.
25	JURISDICTION
26	3. This Accusation is brought before the Board under the authority of the following
27	laws. All section references are to the Business and Professions Code unless otherwise indicated.
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1	STATUTORY PROVISIONS
2	4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license
3	shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period
4	within which the license may be renewed, restored, reissued or reinstated.
5	5. Section 4059 states, in pertinent part:
6	"A person may not furnish any dangerous drug, except upon the prescription of a physician,
7	dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
8	3640.7. A person may not furnish any dangerous device, except upon the prescription of a
9	physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to
10	Section 3640.7."
11	6. Section 4060 states, in pertinent part:
12	"No person shall possess any controlled substance, except that furnished to a person upon
-13	the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
14	pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
15	nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
16	physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
17	or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
18	subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
19	apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
20	pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
21	nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
22	labeled with the name and address of the supplier or producer."
23	7. Section 4300 provides, in pertinent part, that every license issued by the Board is
24	subject to discipline, including suspension or revocation.
25	8. Section 4301 states, in pertinent part:
26	"The board shall take action against any holder of a license who is guilty of unprofessional
27	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
28	Unprofessional conduct shall include, but is not limited to, any of the following:
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1	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
2	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
3	whether the act is a felony or misdemeanor or not.
4	·····
5	"(j) The violation of any of the statutes of this state, or any other state, or of the United
6	States regulating controlled substances and dangerous drugs.
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8	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
9	violation of or conspiring to violate any provision or term of this chapter or of the applicable
10	federal and state laws and regulations governing pharmacy, including regulations established by
11	the board or by any other state or federal regulatory agency.
12	····
13	"(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the
14	board."
15	9. Health and Safety Code section 11350, subdivision (a) states:
16	"Except as otherwise provided in this division, every person who possesses (1) any
17	controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
18	Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
19	specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
20	11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
21	drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
22	licensed to practice in this state, shall be punished by imprisonment in the state prison."
23	COST RECOVERY
24	10. Section 125.3 states, in pertinent part, that the Board may request the administrative
25	law judge to direct a licentiate found to have committed a violation or violations of the licensing
26	act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
27	case.
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1	CONTROLLED SUBSTANCES
2	11. "Vicodin 5 mg/500 mg," is the combination drug containing Hydrocodone Bitartrate
3	and Acetaminophen. It is a Schedule III controlled substance as defined in Health and Safety
4	Code section 11056, subdivision (e) and is categorized as a dangerous drug pursuant to section
5	4022.
6	12. "Vicodin ES 7.5 mg/750 mg," is the combination drug containing Hydrocodone
7	Bitartrate and Acetaminophen. It is a Schedule III controlled substance as defined in Health and
8	Safety Code section 11056, subdivision (e) and is categorized as a dangerous drug pursuant to
9	section 4022.
10	DANGEROUS DRUG
11	13. "Viagra," is the brand name for Sildenafil Citrate, for the treatment of erectile
12	dysfunction, and is categorized as a dangerous drug pursuant to section 4022.
13	FIRST CAUSE FOR DISCIPLINE
14	(Possession of Controlled Substances and Dangerous Drugs)
15	14. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
16	(o), for violating section 4060 and Health and Safety Code section 11350, subdivision (a), in that
17	Respondent was found to be in possession of controlled substances and dangerous drugs as
18	follows:
19	a. On or about December 10, 2009, Respondent was arrested during a narcotics
20	investigation by Monrovia Police Department officers at his residence in Temple City, California.
21	At the time of the arrest, Respondent had been employed as a pharmacy technician at CVS
22	Pharmacy #5834, in Temple City, California, for approximately two and a half years. During a
23	search of Respondent's bedroom, an officer discovered 74 Vicodin pills, which the officer
24	recognized by their markings. The pills were in three (3) separate unmarked, amber
25	pharmaceutical bottles. In addition, the officer found eight (8) miscellaneous narcotic bottles
26	with the labels scratched off, and still sealed with foil. The pills were non-narcotic. Respondent
27	admitted to the officer that the pills came from the CVS Pharmacy where Respondent worked.
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1	SECOND CAUSE FOR DISCIPLINE
2	(Furnishing Controlled Substances and Dangerous Drugs Without a Prescription)
3	15. Respondent is subject to disciplinary action under section 4301, subdivision (j), as
4	defined in section 4059, in that on or about December 19, 2009, during an interview with Loss
5	Prevention personnel from CVS, Respondent, admitted that he had stolen between five (5) and
6	seven (7) Viagra pills from CVS pharmacy over the course of 10 months and had stolen almost
7	100 Vicodin pills from CVS pharmacy over the course of three (3) months. Respondent stated
8	that he had been selling the pills to a person who he met through his step-father for a price of
9	\$5.00 per pill for Vicodin and \$10.00 per pill for Viagara. He stated that he had used the money
10	that he had gotten in exchange for the pills to pay for the car registration on his car.
11	THIRD CAUSE FOR DISCIPLINE
12	(Subverting a Board Investigation)
13	16. Respondent is subject to disciplinary action under section 4301, subdivision (q), in
14	that on or about March 22, 2010, and April 12, 2010, the Board sent a letter requesting
15	information regarding the investigation the Board was conducting to Respondent's address of
16	record by certified and regular mail with a return receipt request form. The return receipts were
17	signed on March 24, 2010 and April 15, 2010, respectively. Respondent failed to respond to the
18	Board's questions and requests for information.
19	FOURTH CAUSE FOR DISCIPLINE
20	(Dishonest Acts)
21	17. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
22	that Respondent committed dishonest acts, by stealing controlled substances and dangerous drugs
23	from his employer and selling them for a financial profit. Complainant refers to, and by this
24	reference incorporates, the allegations set forth above in paragraphs 14 and 15, inclusive, as
25	though fully set forth.
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1	PRAYER	
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
3	and that following the hearing, the Board issue a decision:	
4	1. Revoking or suspending Pharmacy Technician Registration No. TCH 78868, issued	
5	to Respondent;	
6	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and	
7	enforcement of this case, pursuant to section 125.3; and	
8	3. Taking such other and further action as deemed necessary and proper.	
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10	DATED: 12/1/11 / rigine feeld	_
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12	Department of Consumer Affairs State of California	
13	Complainant	
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