

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KAREN R. DENVIR  
Deputy Attorney General  
4 State Bar No. 197268  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5333  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4646

12 **CHANG F. SAECHAO**  
13 **4468 Starthmore Drive**  
**Redding, CA 96002**

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

14 **Original Pharmacy Technician Registration**  
15 **No. TCH 96584**

16 Respondent.

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 December 22, 2009, the Board of Pharmacy issued Original Pharmacy  
22 Technician Registration Number TCH 96584 to Chang F. Saechao (Respondent). The Original  
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on August 31, 2013, unless renewed.

25 **JURISDICTION**

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

...

5. 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 or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

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

...

(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.

...

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

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

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

///

1 (b) Any device that bears the statement: "Caution: federal law restricts this device to sale by  
2 or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled in  
3 with the designation of the practitioner licensed to use or order use of the device.

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

6 7. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
7 suspension of a board-issued license by operation of law or by order or decision of the board or a  
8 court of law, the placement of a license on a retired status, or the voluntary surrender of a license  
9 by a licensee shall not deprive the board of jurisdiction to commence or proceed with any  
10 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision  
11 suspending or revoking the license.

#### 12 **COST RECOVERY**

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

#### 17 **DRUGS**

18 9. Marijuana is a Schedule I controlled substance as designated by Health and Safety  
19 Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions  
20 Code section 4022. It is a hallucinogenic drug.

21 10. "Ecstasy" is the street name for MDMA (3,4-methylenedioxy methamphetamine).  
22 MDMA is a Schedule I controlled substances as designated by Health and Safety Code section  
23 11054, subdivision (d)(6).

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

##### 25 **(Use of Controlled Substances or Dangerous Drugs in a Dangerous Manner)**

26 11. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
27 that he self-administered controlled substances and dangerous drugs to the extent or in a manner  
28 as to be dangerous or injurious to himself and the public. The circumstances are as follows:

1 a. On or about May 26, 2012, Redding police officers were dispatched to respond to a  
2 call regarding an adult creating a disturbance. When officers arrived at the location they observed  
3 Respondent seated in the middle of the roadway, without a shirt on, punching the ground and  
4 yelling profanities. The officers attempted several times to establish a verbal dialogue with  
5 Respondent but he would not respond in a manner that was understandable. Respondent's eyes  
6 were glassy and watery, and he was speaking in a rapid manner and not making sense. The  
7 temperature was cool and overcast, yet Respondent was sweating profusely. Respondent was  
8 blocking the roadway and the officers ordered him to lie on the ground. Respondent refused to  
9 follow commands multiple times and challenged the officers to come get him. When the officers  
10 approached Respondent he began to struggle and continued to disobey commands, to the extent  
11 that one of the officers had to deploy his taser three times. Respondent admitted that he had used  
12 Ecstasy and smoked marijuana that day, and his blood tested positive for marijuana.

13 b. On or about June 5, 2012, Redding police officers were dispatched to respond to a  
14 call regarding a male subject who was acting under the influence or had mental health issues.  
15 The caller stated that the subject was standing in the middle of the street screaming profanities at  
16 passing motorists, was nearly hit by several cars, and had started taking off his clothes. When the  
17 officers arrived, Respondent was identified as the subject of the call and when contacted by the  
18 officers, Respondent appeared disoriented and kept repeating the same sentence over and over.  
19 Respondent appeared to be hallucinating and was talking about things that were not present, and  
20 was yelling about being a samurai, a rapper, and a singer. Respondent continued to chant about  
21 being a samurai, spoke like a robot, and growled and whispered. Respondent's blood tested  
22 positive for marijuana.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Violation of Statutes Regulating Controlled Substances)**

25 12. Respondent is subject to disciplinary action under section 4301, subdivision (j), in  
26 that he violated state statutes regulating controlled substances by being under the influence of a  
27 controlled substance, in violation of Health and Safety Code section 11550, subdivision (a), as set  
28 forth in paragraph 11, above.

