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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4973

11 **WILLIAM J. AMADOR GOMEZ**  
12 **39150 Sundale Drive # 20**  
13 **Fremont, CA 94538**

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

14 **Pharmacy Technician License No. TCH 61343**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about March 21, 2005, the Board of Pharmacy issued Pharmacy Technician  
21 License No. TCH 61343 to William J. Amador Gomez (Respondent). The Pharmacy Technician  
22 License was in full force and effect at all times relevant to the charges brought herein and will  
23 expire on September 30, 2014, unless renewed.

24 JURISDICTION

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

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1 10. Health and Safety Code section 11170 provides that no person shall prescribe,  
2 administer, or furnish a controlled substance for himself or herself.

3 11. Health and Safety Code section 11173, subdivision (a), provides that no person shall  
4 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
5 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
6 or subterfuge; or (2) by the concealment of a material fact.

7 12. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
8 any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
9 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

10 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
11 administrative law judge to direct a licentiate found to have committed a violation of the licensing  
12 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

13 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

14 14. Section 4021 of the Code states:

15 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
16 11053) of Division 10 of the Health and Safety Code.”

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

18 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,  
19 except veterinary drugs that are labeled as such, and includes the following:

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

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

24 16. **Norco, Vicodin, Vicodin ES, Lortab, and Lorcet** are among the brand names for  
25 compounds of varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III  
26 controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous  
27 drug as designated by Business and Professions Code section 4022. The varying compounds are  
28 also known generically as **Hydrocodone with APAP**. These are all narcotic drugs.



1 e. Audit(s) of the pharmacy stock of **Hydrocodone with APAP 10/325** for the  
2 period from April 25, 2012 to April 1, 2013 revealed a total shortage of sixty-four (64) tablets.  
3

4 FIRST CAUSE FOR DISCIPLINE

5 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

6 21. Respondent is subject to discipline under section 4301(f) of the Code, in that  
7 Respondent, as described in paragraphs 18 to 20 above, committed acts involving moral turpitude,  
8 dishonesty, fraud, deceit, or corruption.  
9

10 SECOND CAUSE FOR DISCIPLINE

11 (Furnishing of Dangerous Drug(s))

12 22. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
13 4059 of the Code, in that Respondent, as described in paragraphs 18 to 20 above, furnished to  
14 himself or another without a valid prescription, and/or conspired to furnish, and/or assisted or  
15 abetted furnishing of, a dangerous drug.  
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17 THIRD CAUSE FOR DISCIPLINE

18 (Furnishing of Controlled Substance(s))

19 23. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
20 and/or Health and Safety Code section 11170, in that Respondent, as described in paragraphs 18  
21 to 20 above, furnished to himself or another without a valid prescription, and/or conspired to  
22 furnish, and/or assisted or abetted furnishing of, a controlled substance.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Possession of Controlled Substance(s))

3 24. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
4 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described  
5 in paragraphs 18 to 20 above, possessed, conspired to possess, and/or assisted in or abetted  
6 possession of, a controlled substance, without a prescription.

7  
8 FIFTH CAUSE FOR DISCIPLINE

9 (Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

10 25. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
11 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs  
12 18 to 20 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a  
13 controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

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15 SIXTH CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct)

17 26. Respondent is subject to discipline under section 4301 of the Code in that  
18 Respondent, as described in paragraphs 18 to 25 above, engaged in unprofessional conduct.

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24 PRAYER

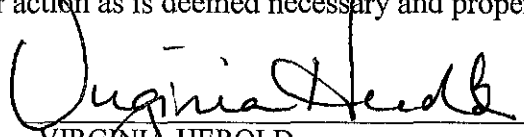
25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Board of Pharmacy issue a decision:

27 1. Revoking or suspending Pharmacy Technician License No. TCH 61343, issued to  
28 William J. Amador Gomez (Respondent);

1           2.    Ordering Respondent to pay the Board the reasonable costs of the investigation and  
2 enforcement of this case, pursuant to Business and Professions Code section 125.3;

3           3.    Taking such other and further action as is deemed necessary and proper.

4           DATED: 5/8/14



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

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