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

11 In the Matter of the Accusation Against:
12 **REBECCA CASTILLO**
370 Dolores Way
13 South San Francisco, CA 94080
14 **Pharmacy Technician Registration**
No. TCH 105516
15
16 Respondent.

Case No. 5008
A C C U S A T I O N

17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
21 2. On or about August 19, 2010, the Board issued Pharmacy Technician Registration
22 Number TCH 105516 to Rebecca Castillo (Respondent). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 September 30, 2015, unless renewed.

25 JURISDICTION

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

1 4. Code section 4011 provides that the Board shall administer and enforce both the
2 Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act
3 [Health & Safety Code, § 11000 et seq.].

4 5. Code section 4300(a) provides that every license issued by the Board may be
5 suspended or revoked.

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

11 STATUTORY AND REGULATORY PROVISIONS

12 7. Code section 4301 provides, in pertinent part, that the Board shall take action against
13 any holder of a license who is guilty of “unprofessional conduct,” defined to include, but not be
14 limited to, any of the following:

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

20 ...

21 (l) The conviction of a crime substantially related to the qualifications,
22 functions, and duties of a licensee under this chapter. The record of conviction of a
23 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
24 States Code regulating controlled substances or of a violation of the statutes of this
25 state regulating controlled substances or dangerous drugs shall be conclusive evidence
26 of unprofessional conduct. In all other cases, the record of conviction shall be
27 conclusive evidence only of the fact that the conviction occurred. The board may
28 inquire into the circumstances surrounding the commission of the crime, in order to fix
the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

1 8. Code section 490 provides, in pertinent part, that the Board may suspend or revoke a
2 license when it finds that the licensee has been convicted of a crime substantially related to the
3 qualifications, functions or duties of the license.

4 9. California Code of Regulations, title 16, section 1770, provides in pertinent part that,
5 for the purpose of denial, suspension, or revocation of a personal or facility license, a crime or act
6 shall be considered substantially related to the qualifications, functions or duties of a licensee or
7 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or
8 registrant to perform the functions authorized by her license or registration in a manner consistent
9 with the public health, safety, or welfare.

10 COST RECOVERY

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

15 FIRST CAUSE FOR DISCIPLINE

16 **(Conviction of a Substantially Related Crime)**

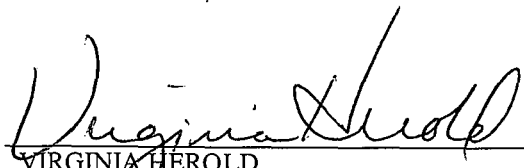
17 11. Respondent is subject to discipline under Code sections 4301, subdivision (I), and/or
18 490, for unprofessional conduct in that she was convicted of a crime or crimes substantially related
19 to the qualifications, functions and duties of a pharmacy technician, as follows:

20 a. On or about May 1, 2013, in San Mateo County Superior Court, case number
21 SC0777368A, Respondent was convicted of having violated Penal Code section 245(a)(4) (assault
22 by means of force causing great bodily injury), a felony. Imposition of sentence was suspended
23 and Respondent was placed on supervised probation for a period of three years under conditions
24 including, but not limited to: payment of fines and restitution; treatment, counseling or therapy as
25 directed by her probation officer; abstention from the use and possession of intoxicating beverages
26 and controlled substances; and submission to chemical testing. Respondent was also ordered to
27 stay away from her victim and to serve 117 days in county jail with credit for 59 days actually
28 served, plus credit for 58 days for good behavior/work.

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

DATED: 11/15/14



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

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