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8	BEFORE THE BOARD OF PHARMACY
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 5198
12	NIDIA E. ARAGON 13117 Graystone Ave.
13	Norwalk, CA 90650 ACCUSATION
14	Pharmacy Technician Registration No. TCH 22252
15	Respondent.
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18	Complainant alleges:
19	PARTIES
20	1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
21	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs ("Board").
22	2. On or about May 7, 1997, the Board issued Pharmacy Technician Registration No.
23	TCH 22252 to Nidia E. Aragon ("Respondent"). The Pharmacy Technician Registration was in
24	full force and effect at all times relevant to the charges brought herein and will expire on
25	December 31, 2014, unless renewed.
26	JURISDICTION
27	3. This Accusation is brought before the Board, under the authority of the following
28	laws. All section references are to the Business and Professions Code unless otherwise indicated.
	1
	Accusation

4. Section 4300.1 of the Code states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."

5. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or revoked."

STATUTORY PROVISIONS

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Section 4060 states, in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon 11 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor 12 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified 13 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a 14 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, 15 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of 16 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not 17 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, 18 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified 19 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly 20 labeled with the name and address of the supplier or producer. 21

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7. Section 4301 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:

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"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

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 8. Health and Safety Code section 11170 states, "[n]o person shall prescribe, administer,
13 or furnish a controlled substance for himself."

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9. Health and Safety Code section 11350, subdivision (a), states:

"Except as otherwise provided in this division, every person who possesses (1) any 15 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of 16 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or 17 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 18 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic 19 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian 20 licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of 21 Section 1170 of the Penal Code." 22

COST RECOVERY

10. Section 125.3 provides that the Board may request the administrative law judge to
direct a licentiate found to have committed a violation or violations of the licensing act to pay a
sum not to exceed the reasonable costs of the investigation and enforcement of the case,

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CONTROLLED SUBSTANCE/DANGEROUS DRUG 1 Norco, a trade name for the narcotic substance hydrocodone or dihydrocodeinone 11. 2 with the non-narcotic substance acetaminophen, is a Schedule III controlled substance pursuant to 3 Health and Safety Code section 11056, subdivision (e)(4), and is a dangerous drug pursuant to 4 Code section 4022. 5 FIRST CAUSE FOR DISCIPLINE 6 (Unlawful Possession of Controlled Substances) 7 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (o), 8 in conjunction with Code section 4060, on the grounds of unprofessional conduct in that between 9 approximately February 23, 2012 and August 2013, Respondent violated the Pharmacy Law by 10 unlawfully possessing no less than 120 Norco pills. Respondent obtained the pills while working 11 as a pharmacy technician at Kaiser Permanente Montebello Pharmacy by falsely indicating in the 12 pharmacy's computer system that the pills were being "returned to stock" but instead, Respondent 13 kept the pills for herself for her own personal use. 14 SECOND CAUSE FOR DISCIPLINE 15 (Violating Drug Statutes) 16 Respondent is subject to disciplinary action under Code section 4301, subdivision (i), 17 13. in conjunction with Health and Safety Code sections 11350, subdivision (a) and 11170, on the 18 grounds of unprofessional conduct in that between approximately February 23, 2012 and August 19 2013, Respondent, who was working as a pharmacy technician at Kaiser Permanente Montebello 20 Pharmacy, violated California rules regulating controlled substances when she unlawfully 21possessed and unlawfully administered to herself a controlled substance, to wit, 120 Norco pills. 22 Complainant incorporates by reference Paragraph 12 as though fully set forth herein. 23 THIRD CAUSE FOR DISCIPLINE 24 (Dishonest Acts) 25 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (f), 26 on the grounds of unprofessional conduct, in that Respondent committed dishonest acts. 27 Complainant incorporates by reference Paragraph 12 as though fully set forth herein. 28 4

Accusation

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 22252, issued t
5	Nidia E. Aragon;
5	2. Ordering Nidia E. Aragon to pay the Board the reasonable costs of the investigation
7	and 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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	DATED: 0/19/19 VIRGINIA HEROLD
2	Executive Officer Board of Pharmacy
,	Department of Consumer Affairs State of California
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