

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA L. SUN  
Deputy Attorney General  
3 SYDNEY M. MEHRINGER  
Deputy Attorney General  
4 State Bar No. 245282  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2537  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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. 5198

12 **NIDIA E. ARAGON**  
13 13117 Graystone Ave.  
Norwalk, CA 90650

**ACCUSATION**

14 Pharmacy Technician Registration No. TCH 22252

15 Respondent.  
16

17  
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  
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 4300.1 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**

6. Section 4060 states, in pertinent part:

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

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:

.....



1 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

2 11. Norco, a trade name for the narcotic substance hydrocodone or dihydrocodeinone  
3 with the non-narcotic substance acetaminophen, is a Schedule III controlled substance pursuant to  
4 Health and Safety Code section 11056, subdivision (e)(4), and is a dangerous drug pursuant to  
5 Code section 4022.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Unlawful Possession of Controlled Substances)**

8 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),  
9 in conjunction with Code section 4060, on the grounds of unprofessional conduct in that between  
10 approximately February 23, 2012 and August 2013, Respondent violated the Pharmacy Law by  
11 unlawfully possessing no less than 120 Norco pills. Respondent obtained the pills while working  
12 as a pharmacy technician at Kaiser Permanente Montebello Pharmacy by falsely indicating in the  
13 pharmacy's computer system that the pills were being "returned to stock" but instead, Respondent  
14 kept the pills for herself for her own personal use.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Violating Drug Statutes)**

17 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),  
18 in conjunction with Health and Safety Code sections 11350, subdivision (a) and 11170, on the  
19 grounds of unprofessional conduct in that between approximately February 23, 2012 and August  
20 2013, Respondent, who was working as a pharmacy technician at Kaiser Permanente Montebello  
21 Pharmacy, violated California rules regulating controlled substances when she unlawfully  
22 possessed and unlawfully administered to herself a controlled substance, to wit, 120 Norco pills.  
23 Complainant incorporates by reference Paragraph 12 as though fully set forth herein.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Dishonest Acts)**

26 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),  
27 on the grounds of unprofessional conduct, in that Respondent committed dishonest acts.  
28 Complainant incorporates by reference Paragraph 12 as though fully set forth herein.

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

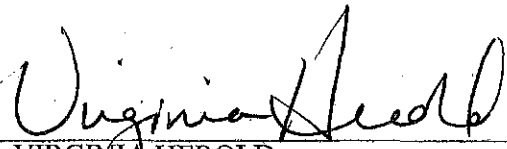
**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 22252, issued to Nidia E. Aragon;
2. Ordering Nidia E. Aragon to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

8/14/14



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

LA2014511777  
51552327.doc