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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5458

13 **MYCHAEL LOUIS CAMACHO LOPEZ**
13807 Mayport Ave.
Norwalk, CA 90650

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 131980

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 31, 2013, the Board of Pharmacy (Board) issued Pharmacy
22 Technician Registration No. TCH 131980 to Mychael Louis Camacho Lopez (Respondent). The
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, 2017, unless renewed.

25 **JURISDICTION**

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

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STATUTORY PROVISIONS

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2 4. Section 4060 provides in pertinent part, that no person shall possess any controlled
3 substance, except that furnished to a person upon the prescription of a physician, dentist,
4 podiatrist, optometrist, veterinarian, or other authorized prescriber.

5 5. Section 4300 provides, in pertinent part, that every license issued by the Board is
6 subject to discipline, including suspension or revocation.

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

13 7. Section 4301 states, in pertinent part:
14 "The board shall take action against any holder of a license who is guilty of unprofessional
15 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
16 Unprofessional conduct shall include, but is not limited to, any of the following:

17
18 “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
19 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
20 whether the act is a felony or misdemeanor or not.

21
22 “(h) The administering to oneself, of any controlled substance, or the use of any
23 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
24 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
25 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
26 the public the practice authorized by the license.

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

3 8. Health and Safety Code section 11170 states:

4 “No person shall prescribe, administer, or furnish a controlled substance for himself.”

5 **COST RECOVERY**

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

10 **CONTROLLED SUBSTANCES**

11 10. “Hydrocodone/APAP 5-325,” is a Schedule II controlled substance as designated by
12 Health and Safety Code section 11055, subdivision (b)(1)(I) and is categorized as a dangerous
13 drug pursuant to section 4022.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Obtained or Possessed a Controlled Substance)**

16 11. Respondent is subject to disciplinary action under section 4301, subdivision (j), as
17 defined in section 4060, in that while employed as a pharmacy technician at CVS #9852,
18 Respondent stole items from the store, including controlled substances. On or about September 9,
19 2014, a CVS Regional Loss Prevention Manager (RLPM) and a Pharmacy Supervisor received
20 information that Respondent was consuming products from the store without paying. When
21 confronted by RLPM, Respondent admitted that between March 30, 2014 and September 9, 2014,
22 he stole items which included: Monsters, beef jerky, chips, \$15.00 from the cash register, 6-10
23 tablets of Hydrocodone/APAP 5-325 for personal consumption, and a knee brace (\$58.51).
24 Respondent was suspended on September 9, 2014 and terminated from employment on
25 September 15, 2014.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Self Administration of a Controlled Substance)**

3 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), as
4 defined in Health and Safety Code section 11170, in that Respondent self administered a
5 controlled substance to himself without a prescription. Complainant refers to, and by this
6 reference incorporates, the allegations set forth above in paragraph 11, as though set forth fully.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Dishonest Acts)**

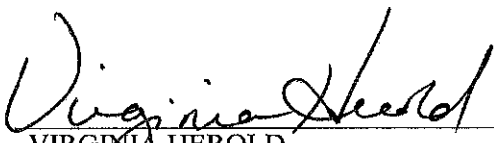
9 13. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
10 that Respondent committed dishonest acts, by stealing and self administering a controlled
11 substance from his employer, without a prescription. Complainant refers to, and by this reference
12 incorporates, the allegations set forth above in paragraphs 11 and 12, as though set forth fully.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration No. TCH 131980, issued
17 to Mychael Louis Camacho Lopez;
- 18 2. Ordering Mychael Louis Camacho Lopez to pay the Board of Pharmacy the
19 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20 Professions Code section 125.3; and
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 10/20/15

24 
25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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