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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2698

12 KATHLEEN ANN CASTILLO  
13 807 Alonda Court  
Hayward, CA 94541

OAH No.

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Pharmacy Technician License No. TCH 11099

Respondent.

15  
16 In the interest of a prompt and speedy resolution of this matter, consistent with the  
17 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer  
18 Affairs, the parties hereby agree to the following Stipulated Surrender of License and Order  
19 which will be submitted to the Board for approval and adoption as the final disposition of the  
20 Accusation.

21  
22 PARTIES

23 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
24 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
25 by Bill Lockyer, Attorney General of the State of California, by Joshua A. Room, Deputy  
26 Attorney General.

27 2. Kathleen Ann Castillo (Respondent) is representing herself in this  
28 proceeding and has chosen not to exercise her right to be represented by counsel.





1           14.     Respondent shall lose all rights and privileges as a Pharmacy Technician  
2 in California as of the effective date of the Board's Decision and Order.

3           15.     Respondent shall cause to be delivered to the Board both her wall License  
4 and pocket renewal certificate on or before the effective date of this Decision and Order.

5           16.     Respondent may not apply or reapply for, or petition for reinstatement of,  
6 any license, permit, or registration from the Board for three (3) years from the effective date of  
7 this Decision and Order.

8           17.     Respondent understands and agrees that if she ever files an application for  
9 licensure or a petition for reinstatement in the State of California, the Board shall treat it as an  
10 application for licensure. Respondent shall satisfy all requirements applicable to that license as  
11 of the date the application is submitted to the Board, prior to the issuance of a new license.  
12 Respondent is obligated to report this surrender as disciplinary action.

13           18.     Respondent stipulates that should she apply for any license from the Board  
14 on or after the effective date of this decision, all of the charges and allegations contained in  
15 Accusation No. 2698 shall be deemed to be true, correct and admitted by Respondent when the  
16 Board determines whether to grant or deny the application.

17           19.     Should Respondent ever apply or reapply for a new license or certification,  
18 or petition for reinstatement of a license, by any other health care licensing agency in the State of  
19 California, all of the charges and allegations contained in Accusation No. 2698 shall be deemed  
20 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
21 other proceeding seeking to deny or restrict licensure.

22           20.     Respondent shall pay the Board its costs of investigation and enforcement  
23 in the amount of \$2,700.00 prior to issuance of a new or reinstated license by the Board.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 4-26-04

  
Kathleen Ann Castillo  
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 4/30/04

BILL LOCKYER, Attorney General  
of the State of California

  
JOSHUA A. ROOM  
Deputy Attorney General

Attorneys for Complainant

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

KATHLEEN ANN CASTILLO  
807 Alonda Court  
Hayward, CA 94541

Pharmacy Technician License No. TCH 11099

Respondent.

Case No. 2698

OAH No.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 3, 2004.

It is so ORDERED June 3, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
JOHN D. JONES  
Board President

**Exhibit A**  
**Accusation No. 2698**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOSHUA A. ROOM, State Bar No. 214663  
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7 **BEFORE THE**  
8 **BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:  
11 KATHLEEN ANN CASTILLO  
807 Alonda Court  
12 Hayward, California 94541  
13 Pharmacy Technician License No. TCH 11099  
14 Respondent.

Case No. 2698

OAH No.

**ACCUSATION**

15  
16 Complainant alleges:

17 PARTIES

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

21 2. On or about December 23, 1993, the Board of Pharmacy issued Pharmacy  
22 Technician License No. TCH 11099 to Kathleen Ann Castillo (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on October 31, 2005, unless renewed.

25 JURISDICTION

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



1  
2           “(l) The conviction of a crime substantially related to the qualifications, functions,  
3 and duties of a licensee under this chapter. . . .

4  
5           “(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
6 abetting the violation of or conspiring to violate any provision or term of this chapter or of the  
7 applicable federal and state laws and regulations governing pharmacy, including regulations  
8 established by the board.

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10           8.       California Code of Regulations, title 16, section 1770, states:

11           “For the purpose of denial, suspension, or revocation of a personal or facility  
12 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions  
13 Code, a crime or act shall be considered substantially related to the qualifications, functions or  
14 duties of a licensee or registrant if to a substantial degree it evidences present or potential  
15 unfitness of a licensee or registrant to perform the functions authorized by his license or  
16 registration in a manner consistent with the public health, safety, or welfare.”

17           9.       Section 4060 of the Code states:

18           “No person shall possess any controlled substance, except that furnished to a  
19 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished  
20 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse  
21 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This  
22 section shall not apply to the possession of any controlled substance by a manufacturer,  
23 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse  
24 practitioner, or physician assistant, when in stock in containers correctly labeled with the name  
25 and address of the supplier or producer.

26           “Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,  
27 or a physician assistant to order his or her own stock of dangerous drugs and devices.”

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1 10. Health and Safety Code section 11170 states:

2 "No person shall prescribe, administer, or furnish a controlled substance for  
3 [himself or herself]."

4 11. Health and Safety Code section 11173(a) states:

5 "(a) No person shall obtain or attempt to obtain controlled substances, or procure  
6 or attempt to procure the administration of or prescription for controlled substances, (1) by fraud,  
7 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

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

12 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

13 13. Section 4021 of the Code states:

14 "'Controlled substance' means any substance listed in Chapter 2 (commencing  
15 with Section 11053) of Division 10 of the Health and Safety Code."

16 14. Section 4022 of the Code states, in pertinent part

17 "'Dangerous drug' or 'dangerous device' means any drug or device unsafe for  
18 self-use, except veterinary drugs that are labeled as such, and includes the following:

19 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing  
20 without prescription,' 'Rx only,' or words of similar import.

21 ...

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

24 15. **Tylenol® with Codeine No. 4** ("Tylenol #4") is a brand name for a  
25 compound of 60 mg codeine and 300 mg acetaminophen, a narcotic and Schedule III controlled  
26 substance as designated by Health and Safety Code section 11056(e)(2) and a dangerous drug as  
27 designated by Business and Professions Code section 4022.

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1 c. On or about September 25, 2003, Respondent was sentenced as  
2 follows: 1 day in county jail (with credit for 1 day served); three years court probation; a \$100  
3 fine; restitution; and an order to stay away from Kaiser 141 except for medical purposes.  
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5 PRAYER

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

8 A. Revoking or suspending Pharmacy Technician License No. TCH 11099,  
9 issued to Kathleen Ann Castillo.

10 B. Ordering Kathleen Ann Castillo to pay the Board of Pharmacy the  
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
12 Professions Code section 125.3;

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

14 DATED: 3/8/04

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16 

17 PATRICIA F. HARRIS  
18 Executive Officer  
19 Board of Pharmacy  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant

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