

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

In the Matter of the Accusation Against:

Case No. 3294

RON INGERSOLL
33673 Beech Street
Winchester, CA 92596

Original Pharmacy Technician
Registration No. TCH 26095

Respondent.

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 June 23, 2010.

It is so ORDERED on May 24, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Kenneth H. Schell

KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 JIM LEDAKIS
Supervising Deputy Attorney General
3 KAREN L. GORDON
Deputy Attorney General
4 State Bar No. 137969
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2073
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12
13 **RON L. INGERSOLL**
33673 Beech Street
14 Winchester, CA 92596
15 **Original Pharmacy Technician**
Registration No. TCH 26095
16 Respondent.

Case No. 3294

**STIPULATED SURRENDER
OF LICENSE AND ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:
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21 PARTIES

- 22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Edmund
24 G. Brown Jr., Attorney General of the State of California, by Karen L. Gordon, Deputy Attorney
25 General.
26 2. Ron L. Ingersoll (Respondent) is representing himself in this proceeding and has
27 chosen not to exercise his right to be represented by counsel.
28 3. On or about June 22, 1998, the Board of Pharmacy issued Original Pharmacy
Technician Registration No. TCH 26095 to Ron L. Ingersoll (Respondent). The registration was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 3294 and
2 will expire on July 31, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3294 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on November 3, 2009.
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3294 is attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 3294. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 3294, agrees that cause exists for discipline and hereby surrenders his Original Pharmacy
25 Technician Registration No. TCH 26095 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Original Pharmacy Technician Registration without
28 further process.

CONTINGENCY

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2 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and surrender, without notice to or
5 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
6 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
7 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
8 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

11 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of
12 License and Order, including facsimile signatures thereto, shall have the same force and effect as
13 the originals.

14 12. This Stipulated Surrender of License and Order is intended by the parties to be an
15 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
18 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
19 executed by an authorized representative of each of the parties.

20 13. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the (Board) may, without further notice or formal proceeding, issue and enter the following

22 Order:

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ORDER

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2 IT IS HEREBY ORDERED that Original Pharmacy Technician Registration No. TCH
3 26095, issued to Respondent Ron L. Ingersoll is surrendered and accepted by the Board of
4 Pharmacy.

5 14. The surrender of Respondent's Original Pharmacy Technician Registration and the
6 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
7 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
8 of Respondent's license history with the Board.

9 15. Respondent shall lose all rights and privileges as a pharmacy technician in California
10 as of the effective date of the Board's Decision and Order.

11 16. Respondent shall cause to be delivered to the Board both his wall license certificate
12 and, if one was issued, pocket license on or before the effective date of the Decision and Order.

13 17. If he ever applies for licensure or petitions for reinstatement in the State of California,
14 the Board shall treat it as a new application for licensure. Respondent must comply with all the
15 laws, regulations and procedures for licensure in effect at the time the application or petition is
16 filed, and all of the charges and allegations contained in Accusation No. 3294 shall be deemed to
17 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
18 the application or petition.

19 18. Should Respondent ever apply or reapply for a new license or certification, or petition
20 for reinstatement of a license, by any other health care licensing agency in the State of California,
21 all of the charges and allegations contained in Accusation No. 3294 shall be deemed to be true,
22 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
23 proceeding seeking to deny or restrict licensure.

24 19. Respondent must wait three years before applying for a new license or before
25 applying for reinstatement of a license.

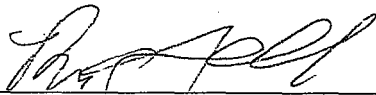
26 20. Respondent shall pay the Board its costs of investigation and enforcement in the
27 amount of \$2,224.50 prior to issuance of a new or reinstated license.

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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 Original Pharmacy Technician Registration. 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.

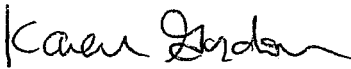
DATED: 1/8/10 
RON L. INGERSOLL
Respondent

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: January 4, 2010

Respectfully submitted,
EDMUND G. BROWN JR.
Attorney General of California
JIM LEDAKIS
Supervising Deputy Attorney General


KAREN L. GORDON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3294

1 EDMUND G. BROWN JR.
Attorney General of California
2 JIM LEDAKIS
Supervising Deputy Attorney General
3 KAREN L. GORDON
Deputy Attorney General
4 State Bar No. 137969
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2073
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9 BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 3294

12 RON L. INGERSOLL
13 33673 Beech Street
14 Winchester, CA 92596

ACCUSATION

15 Original Pharmacy Technician
Registration No. TCH 26095

16 Respondent.

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.

22 2. On or about June 22, 1998, the Board of Pharmacy issued Original Pharmacy
23 Technician Registration Number TCH 26095 to Ron L. Ingersoll (Respondent). The Original
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on July 31, 2011, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Code states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

5. Section 118 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

STATUTORY PROVISIONS

6. Section 4059 of the Code provides, in pertinent part, that a person may not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

7. Section 4060 of the Code 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. . .

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8. Section 4301 of the Code states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

(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.

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

9. Section 4306 of the Code provides that it shall constitute unprofessional conduct and a violation of this chapter for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, . . . any provision or term of this article. . .

10. Section 4327 of the Code states:

Any person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor.

11. Health and Safety Code section 11170 states:

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

12. Health and Safety Code section 11173 states, in pertinent part:

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

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1 13. Health and Safety Code section 11350 states, in pertinent part:

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

7 COST RECOVERY

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

11 DRUGS

12 15. Hydrocodone/Acetaminophen (Hydrocodone/APAP) is a Schedule III controlled
13 substance as designated by Health and Safety Code section 11056, subdivision (e)(4), and is a
14 dangerous drug pursuant to Business and Professions Code section 4022.

15 FACTUAL BACKGROUND

16 16. Respondent worked as a pharmacy technician for Wal-Mart Pharmacy #10-2077
17 located at 31700 Grape Street in Lake Elsinore, California. Controlled substance losses were
18 discovered at Wal-Mart Pharmacy #10-2077 in Lake Elsinore. Mandatory drug testing was
19 completed by all employees. Respondent tested positive for opiates on May 23, 2008.
20 Respondent admitted taking at least 2,372 tablets of the controlled substance.
21 I-hydrocodone/APAP 10-325 from the pharmacy for approximately one year starting in May of
22 2007. Respondent was terminated from the pharmacy for gross misconduct for theft on June 12,
23 2008.

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FIRST CAUSE FOR DISCIPLINE

(Furnishing Controlled Substances to Himself)

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17. Respondent is subject to disciplinary action for unprofessional conduct under Code section 4301 (j) in that from at least on or about May 1, 2007 through May 28, 2008, while working as a pharmacy technician at Wal-Mart Pharmacy #10-2077 located at 31700 Grape Street in Lake Elsinore, California, Respondent furnished at least 2,372 tablets of Hydrocodone/APAP, a controlled substance under Health and Safety Code section 11056(e)(4), to himself without a prescription or authorization from a prescriber in violation of Code section 4059(a) and Health and Safety Code section 11170, as set forth in paragraph 16, above.

SECOND CAUSE FOR DISCIPLINE

(Obtained Controlled Substances by Fraud, Deceit, and Subterfuge)

18. Respondent is subject to disciplinary action for unprofessional conduct under Code section 4301 (f) in that from at least on or about May 1, 2007 through May 28, 2008, while working as a pharmacy technician at Wal-Mart Pharmacy #10-2077 located at 31700 Grape Street in Lake Elsinore, California, Respondent obtained by fraud, deceit, and subterfuge, for personal use, at least 2,372 tablets of Hydrocodone/APAP, a controlled substance under Health and Safety Code section 11056(e)(4), in violation of Health and Safety Code section 11173(a), as set forth in paragraph 16, above.

THIRD CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance Without a Prescription)

19. Respondent is subject to disciplinary action for unprofessional conduct under Code section 4301 (j) in that from at least on or about May 1, 2007 through May 28, 2008, while working as a pharmacy technician at Wal-Mart Pharmacy #10-2077 located at 31700 Grape Street in Lake Elsinore, California. Respondent possessed and took at least 2,372 tablets of Hydrocodone/APAP, a controlled substance under Health and Safety Code section 11056(e)(4), without a prescription or authorization from a prescriber, in violation of Code section 4060 and Health and Safety Code section 11350 (a), as set forth in paragraph 16, above.

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2 FORTH CAUSE FOR DISCIPLINE

3 (Performing Duties While Under the Influence)

4 20. Respondent is subject to disciplinary action for unprofessional conduct under Code
5 section 4301 (o) in that on or about May 23, 2008, Respondent tested positive for Hydrocodone
6 and Hydromorphone, while he was on duty as a pharmacy technician at Wal-Mart Pharmacy #10-
7 2077 located at 31700 Grape Street in Lake Elsinore, California in violation of Code section
8 4327, as set forth in paragraph 16, above.

9
10 PRAYER

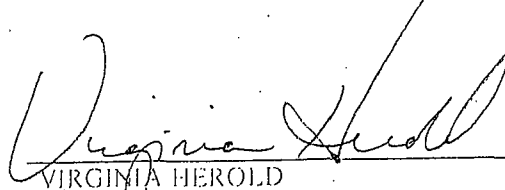
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board of Pharmacy issue a decision:

13 1.1. Revoking or suspending Original Pharmacy Technician Registration Number TCH
14 26095, issued to Ron L. Ingersoll.

15 1.2. Ordering Ron L. Ingersoll to pay the Board of Pharmacy the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3;

18 1.3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 10/29/09


21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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26 70210369.doc