

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

In the Matter of the Accusation Against:

NADINE CECELIA CASTILLO
4875 Titan Street
Santa Maria, CA 93455

Pharmacy Technician Registration No.
TCH 76096

Respondent.

Case No. 4351

OAH No. 2014010569

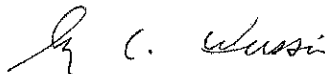
DECISION AND ORDER

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 2, 2014.

It is so ORDERED on May 28, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
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7

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

10 In the Matter of the Accusation Against:

Case No. 4351

11 **NADINE CECELIA CASTILLO**
12 **4875 Titan Street**
13 **Santa Maria, CA 93455**
14 **Pharmacy Technician Registration No. TCH**
15 **76096**

OAH No. 2014010569

STIPULATED SURRENDER OF
LICENSE AND ORDER

Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by M. Travis Peery, Deputy Attorney
23 General.

24 2. Nadine Cecelia Castillo (Respondent) is representing herself in this proceeding and
25 has chosen not to exercise her right to be represented by counsel.

26 3. On or about June 15, 2007, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 76096 to Nadine Cecelia Castillo (Respondent). The Pharmacy Technician
28

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 4351 and will expire on December 31, 2014, unless renewed.

3 JURISDICTION

4 4. Accusation No. 4351 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 August 1, 2013.
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 4351 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 4351. 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 her 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 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and 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. 4351, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
25 Registration No. TCH 76096 for the Board's formal acceptance.

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

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CONTINGENCY

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

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 76096, issued to Respondent Nadine Cecelia Castillo, is surrendered and accepted by the Board of Pharmacy.

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

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

3 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
4 issued, her wall certificate within ten (10) days of the effective date of the Decision and Order.

5 4. If she ever applies for licensure or petitions for reinstatement in the State of
6 California, the Board shall treat it as a new application for licensure. Respondent may not apply
7 for any license, permit, or registration from the Board for three (3) years from the effective date
8 of this decision. Respondent must comply with all the laws, regulations and procedures for
9 licensure in effect at the time the application or petition is filed, and all of the charges and
10 allegations contained in Accusation No. 4351 shall be deemed to be true, correct and admitted by
11 Respondent when the Board determines whether to grant or deny the application or petition.
12 Respondent shall satisfy all requirements applicable to that license as of the date the application is
13 submitted to the Board, including, but not limited to certification by a nationally recognized body
14 prior to the issuance of a new license. Respondent is required to report this surrender as
15 disciplinary action.

16 5. Respondent shall pay the agency its costs of investigation and enforcement in the
17 amount of \$7,148.00 prior to issuance of a new or reinstated license.

18 6. If Respondent should ever apply or reapply for a new license or certification, or
19 petition for reinstatement of a license, by any other health care licensing agency in the State of
20 California, all of the charges and allegations contained in Accusation, No. 4351 shall be deemed
21 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
22 other proceeding seeking to deny or restrict licensure.

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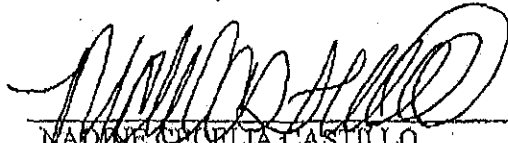
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ACCEPTANCE

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 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:

4/30/14



NADINE CECILIA 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:

5-1-14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



M. TRAVIS PEERY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4351

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case.No. 4351

13 **NADINE CECELIA CASTILLO**
4875 Titan Street
Santa Maria, CA 93455

ACCUSATION

14 Pharmacy Technician Registration No. TCH
76096

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 June 15, 2007, the Board issued Pharmacy Technician Registration No.
23 TCH 76096 to Nadine Cecelia Castillo (Respondent). The Pharmacy Technician Registration
24 was in full force and effect at all times relevant to the charges brought herein and expired on
25 December 31, 2012, and has not been 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 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
2 pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not apply to the
3 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
4 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
5 midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled
6 with the name and address of the supplier or producer."

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

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

15 10. Section 4301 states, in pertinent part:

16 "The board shall take action against any holder of a license who is guilty of unprofessional
17 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
18 Unprofessional conduct shall include, but is not limited to, any of the following:

19 "....

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

23 "(g) Knowingly making or signing any certificate or other document that falsely
24 represents the existence or nonexistence of a state of facts.

25 "....

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

28 "....

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

6 16. Health and Safety Code section 11377, subdivision (a), states:

7 “Except as authorized by law and as otherwise provided in subdivision (b) or Section
8 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the
9 Business and Professions Code, every person who possess any controlled substance which is (1)
10 classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision
11 (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified
12 in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of
13 subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,
14 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice
15 in this state, shall be punished by imprisonment in a county jail for a period of not more than one
16 year or in the state prison.”

17 COST RECOVERY

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

22 CONTROLLED SUBSTANCE/DANGEROUS DRUG

23 18. **Hydrocodone**, is a Schedule II controlled narcotic substance pursuant to Health and
24 Safety Code section 11055(b)(j) and a dangerous drug pursuant to Business and Professions Code
25 section 4022.

26 19. **Norco**, is the brand name for the combination narcotic, Hydrocodone and
27 Acetaminophen, and is a Schedule III controlled substance pursuant to Health and Safety Code
28 section 11056(e) and is categorized as a dangerous drug pursuant to Business and Professions.

1 Code section 4022.

2 20. **Xanax**, a brand name for alprazolam, is an anti-anxiety benzodiazepin and is a
3 Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(1)
4 and is categorized as a dangerous drug pursuant to section 4022(c) of the Code.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Unlawful Possession of a Controlled Substance)**

7 21. Respondent is subject to disciplinary action under section 4060, in conjunction with
8 section 4301, subdivision (o), on the grounds of unprofessional conduct, in that Respondent was
9 in possession of a controlled substance and dangerous drug, without a valid prescription as
10 follows:

11 a. On or about November 11, 2011, the Von's Pharmacy Manager, in the city of Santa
12 Maria, California, notified their Loss Prevention Department alerting them of a possible theft by a
13 Pharmacy Technician, employed by them, stealing controlled substances, i.e, Norco and Xanax.
14 A video surveillance camera from October 28, 2011, was reviewed by Von's Loss Prevention
15 Department Investigator, and revealed the Respondent taking two bottles of controlled substances
16 and handing them to a male suspect. On November 11, 2011, the Respondent was observed on
17 the store surveillance camera, giving three vials of drugs to the same male identified in the tape
18 on October 28, 2011. On November 11, 2011, Santa Maria Police Officers, were contacted to
19 investigate the theft of the drugs and interviewed the Respondent. The officers obtained a search
20 warrant to search Respondent's home. The officers recovered two bottles of prescription strength
21 narcotics that were mislabeled (with medication information of Patient "C.S." and Patient "B.L.")
22 from Respondent's residence, containing 113 pills of Hydrocodone/apap in each bottle.
23 Respondent admitted to the officers that she stole two bottles of generic Norco and passed them
24 to a male suspect. Respondent also admitted to the officers that she had stolen one vial of generic
25 Norco and one vial of generic Xanax on October 28, 2011, by passing them to the same male
26 suspect. Respondent admitted that she began taking drugs prior to May 2010, and stopped for a
27 couple of months. Respondent admitted to the officers that she took an estimated amount of
28 \$5,600 worth of drugs from Von's while employed as a Pharmacy Technician. Respondent was

1 subsequently charged for violating Penal Code section 503, a felony, [embezzlement] and Health
2 and Safety Code section 11352, subdivision (a), a felony, [unlawful sales, furnish, and / or
3 administering controlled substances]. On February 21, 2012, in the criminal proceeding entitled
4 *The People of the State of California v. Gabriel Antonio Ramos* (Super. Ct. Santa Barbara
5 County, 2011, No. 1357158), the court ordered Respondent's sentencing to be deferred for three
6 years and ordered her to complete a substance abuse treatment program.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Obtaining Medications through Fraudulent Representation)**

9 22. Respondent is subject to disciplinary action under sections 4300 and 4301,
10 subdivision (f), on the grounds of unprofessional conduct, and Health and Safety Code section
11 11173, subdivision (a), in that Respondent obtained medication through fraudulent representation
12 when she used patient's name on stolen prescriptions, on November 11, 2011, while employed as
13 a Pharmacy Technician at Von's Pharmacy. Complainant refers to, and by this reference
14 incorporates, the allegations set forth above in paragraph 20, subparagraph (a), inclusive, as
15 though set forth fully.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unauthorized Disclosure of Patients' Confidential Information)**

18 23. Respondent is subject to disciplinary action under Civil Code section 56.10,
19 subdivision (a), in conjunction with section 4301, subdivision (o), in that Respondent disclosed
20 medical information regarding patient's information while employed at Von's Pharmacy, as a
21 Pharmacy Technician, when she used patient's names on unauthorized prescriptions.
22 Complainant refers to, and by this reference incorporates, the allegations set forth above in
23 paragraph 20, subparagraph (a), inclusive, as though set forth fully.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Violating Drug Statutes)**

26 24. Respondent is subject to disciplinary action under sections 4300 and 4301,
27 subdivision (j), on the grounds of unprofessional conduct, for violating provisions of the Health
28 and Safety Code as follows:

1 a. Health and Safety Code section 11377, subdivision (a), by possessing controlled
2 substances without a valid prescription.

3 Complainant refers to, and by this reference incorporates, the allegations set forth above in
4 paragraph 20, subparagraph (a), inclusive, as though set forth fully.

5 **FIFTH CAUSE FOR DISCIPLINE**

6 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit and / or Corruption)**

7 25. Respondent is subject to disciplinary action under sections 4300 and 4301,
8 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts
9 involving moral turpitude, dishonesty, fraud, deceit, and / or corruption when she was caught
10 stealing controlled substances from Von's Pharmacy on November 11, 2011, while employed as a
11 Pharmacy Technician. Complainant refers to, and by this reference incorporates, the allegations
12 set forth above in paragraph 20, subparagraph (a), inclusive, as though set forth fully.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 **(False Statement on Application for Licensure)**

15 26. Respondent is subject to disciplinary action under sections 480, subdivisions (a)(2),
16 4301, and 4301, subdivisions (f), (g), (o), and (p), on the grounds of unprofessional conduct, in
17 that on or about March 21, 2007, Respondent, under penalty of perjury, made a false statement on
18 her application for licensure. Respondent answered "No" to question 6 indicating that she had
19 never been convicted of or pled no contest to a violation of any law of a foreign country, the
20 United States or any state laws or local ordinances. Contrary to that statement, Respondent had
21 been convicted on or about June 13, 1994, after pleading no contest, of one misdemeanor count of
22 violating Penal Code section 484, subdivision (a) [petty theft], in the criminal proceeding entitled
23 *The People of the State of California v. Nadine Cecelia Castillo* (Super. Ct. San Luis Obispo
24 County, 1994, No. M214832).

25 **SEVENTH CAUSE FOR DISCIPLINE**

26 **(Violation of Pharmacy Act)**

27 27. Respondent is subject to disciplinary action under section 4301, subdivision (o), on
28 the grounds of unprofessional conduct, in that Respondent violated provisions of the Pharmacy

1 Act. Complainant refers to, and by this reference incorporates, the allegations set forth above in
2 paragraphs 20 through 25, inclusive, as though set forth fully.

3 **DISCIPLINARY CONSIDERATION**

4 28. To determine the degree of discipline, if any to be imposed on Respondent,
5 Complainant alleges the following:

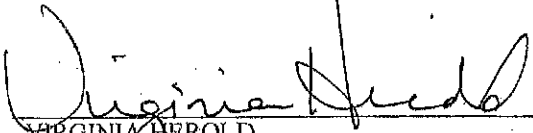
6 On or about June 13, 1994, Respondent was convicted of one misdemeanor count of
7 violating Penal Code section 484, subdivision (a) [grand theft], in the criminal proceeding entitled
8 *The People of the State of California v. Nadine Cecelia Castillo* (Super. Ct. San Luis Obispo
9 County, 1994, No. M214832.) The court sentenced Respondent to serve 2 days in jail, placed her
10 on probation for a period of 24 months, and fined her. The circumstances surrounding the
11 conviction are that between on or about February 1, 1994, and May 13, 1994, Respondent
12 feloniously stole, took, or drove away with personal property of another without their permission.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration No. TCH 76096, issued
17 to Nadine Cecelia Castillo;
- 18 2. Ordering Nadine Cecelia Castillo to pay the Board the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3; and
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 7/22/13


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

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