

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

In the Matter of the First Amended Accusation
Against:

Case No. 5008

**REBECCA CASTILO
370 Dolores Way
South San Francisco, CA 94080**

**Pharmacy Technician Registration
No. TCH 105516**

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 24, 2015.

It is so ORDERED on June 17, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

AMARYLIS GUTIERREZ
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

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

10 In the Matter of the First Amended Accusation
11 Against:

Case No. 5008

12 **REBECCA CASTILLO**
13 **370 Dolores Way**
South San Francisco, CA 94080

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician Registration**
15 **No. TCH 105516**

16 Respondent.

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

24 PARTIES

25 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
26 (Board), Department of Consumer Affairs. She brought this action solely in her official capacity
27 and is represented in this matter by Kamala D. Harris, Attorney General of the State of California,
28 by Leslie E. Brast, Deputy Attorney General.

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. 5008, agrees that cause exists for discipline, and hereby surrenders her
4 Pharmacy Technician Registration No. TCH 105516 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation, she enables the Board to
6 issue an order accepting the surrender of her Pharmacy Technician Registration without further
7 process.

8 CONTINGENCY

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

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

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

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

ORDER

1
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 105516,
3 issued to Respondent Rebecca Castillo, is surrendered and accepted by the Board of Pharmacy.

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

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

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

12 4. Respondent understands and agrees that if she ever files an application for licensure
13 or a petition for reinstatement in the State of California, the board shall treat it as a new
14 application for licensure.

15 5. Respondent may not apply for any license, permit, or registration from the board for
16 three (3) years from the effective date of this decision. Respondent stipulates that should he or she
17 apply for any license from the board on or after the effective date of this decision, all allegations
18 set forth in First Amended Accusation No. 5008 shall be deemed to be true, correct and admitted
19 by respondent when the board determines whether to grant or deny the application.

20 Respondent shall satisfy all requirements applicable to that license as of the date the
21 application is submitted to the board, including, but not limited to certification by a nationally
22 recognized body prior to the issuance of a new license. Respondent is required to report this
23 surrender as disciplinary action.

24 6. Respondent shall pay the agency its costs of investigation and enforcement in the
25 amount of \$2,152.50 prior to issuance of a new or reinstated license.

26 7. If Respondent should ever apply or reapply for a new license or certification, or
27 petition for reinstatement of a license, by any other health care licensing agency in the State of
28 California or any other state, all of the charges and allegations contained in First Amended

1 Accusation No. 5008 shall be deemed to be true, correct, and admitted by Respondent for the
2 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

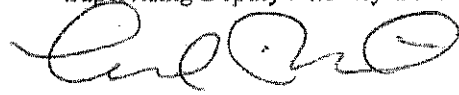
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4 ACCEPTANCE

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

9
10 DATED: 5/18/15 
11 REBECCA CASTILLO
12 Respondent

13 ENDORSEMENT

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

16 Dated: 5/22/15 Respectfully submitted,
17 KAMALA D. HARRIS
18 Attorney General of California
19 FRANK H. PACOE
20 Supervising Deputy Attorney General
21 
22 LESLIE E. BRAST
23 Deputy Attorney General
24 *Attorneys for Complainant*

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Exhibit A

First Amended Accusation No. 5008

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 5008

12 **REBECCA CASTILLO**
1688 Clayton Road, Apt. 40
13 Concord, CA 94520

FIRST AMENDED ACCUSATION

14 **Pharmacy Technician Registration**
No. TCH 105516

15 Respondent.
16

17 Complainant alleges:

18 PARTIES

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

21 2. On or about August 19, 2010, the Board issued Pharmacy Technician Registration
22 Number TCH 105516 to Rebecca Castillo (Respondent). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 September 30, 2015, unless renewed.

25 JURISDICTION

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

1 b. The conviction arose from an incident following a night of drinking at a bar in San
2 Bruno, California, on or about November 27, 2012, during which Respondent kicked and
3 repeatedly punched one of her companions in the face, breaking the victim's nose and causing
4 other injuries requiring the victim's admission to the Intensive Care Unit at Seton Medical Center
5 in Daly City.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Dangerous/Injurious/Unsafe Use of Alcohol)**

8 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
9 for unprofessional conduct in that she used alcoholic beverages in a manner dangerous or injurious
10 to herself or others, and/or to the extent that such use impaired her ability to safely practice as a
11 pharmacy technician, as described in paragraph 10, above.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Dangerous/Injurious/Unsafe Use of Alcohol)**

14 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
15 for unprofessional conduct in that she used alcoholic beverages in a manner dangerous or injurious
16 to herself or others, and/or to the extent that such use impaired her ability to safely practice as a
17 pharmacy technician, as follows:

18 14. On or about November 28, 2014, Respondent, who had been drinking alcohol since
19 the previous night and was under its influence, argued with and struck her boyfriend who was
20 prompted to remove their two-month-old infant to his aunt's home for the infant's safety.
21 Respondent was on active criminal probation at the time of the incident.

22 **DISCIPLINARY CONSIDERATIONS**

23 15. To determine the degree of discipline, if any, to be imposed on Respondent,
24 Complainant alleges that on or about June 7, 2013, the Board issued Respondent Citation Number
25 CI 2012 53656, including a fine in the amount of \$2,500.00, for violation of Code sections 4301(f)
26 (commission of an act of moral turpitude, dishonesty, fraud, deceit or corruption), and 4301(h)
27 (dangerous, injurious or unsafe use of alcohol), arising from an incident occurring on or about
28 September 10, 2011, requiring police involvement. Respondent timely paid the fine in full.

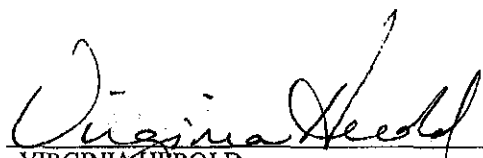
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 105516, issued to Rebecca Castillo;
2. Ordering Rebecca Castillo to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/23/15


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

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1 KAMALA D. HARRIS
Attorney General of California
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:	Case No. 5008
12 REBECCA CASTILLO	ACCUSATION
13 370 Dolores Way	
14 South San Francisco, CA 94080	
15 Pharmacy Technician Registration	
16 No. TCH 105516	
Respondent.	

17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
- 21 2. On or about August 19, 2010, the Board issued Pharmacy Technician Registration
22 Number TCH 105516 to Rebecca Castillo (Respondent). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 September 30, 2015, unless renewed.

25 JURISDICTION

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

1 4. Code section 4011 provides that the Board shall administer and enforce both the
2 Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act
3 [Health & Safety Code, § 11000 et seq.].

4 5. Code section 4300(a) provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Code section 4300.1 provides that the expiration, cancellation, forfeiture, or
7 suspension of a Board-issued license, the placement of a license on a retired status, or the
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
10 licensee or to render a decision suspending or revoking the license.

11 STATUTORY AND REGULATORY PROVISIONS

12 7. Code section 4301 provides, in pertinent part, that the Board shall take action against
13 any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be
14 limited to, any of the following:

15 (h) The administering to oneself, of any controlled substance, or the use of
16 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
17 dangerous or injurious to oneself, to a person holding a license under this chapter, or
18 to any other person or to the public, or to the extent that the use impairs the ability of
19 the person to conduct with safety to the public the practice authorized by the license.

20 ...

21 (i) The conviction of a crime substantially related to the qualifications,
22 functions, and duties of a licensee under this chapter. The record of conviction of a
23 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
24 States Code regulating controlled substances or of a violation of the statutes of this
25 state regulating controlled substances or dangerous drugs shall be conclusive evidence
26 of unprofessional conduct. In all other cases, the record of conviction shall be
27 conclusive evidence only of the fact that the conviction occurred. The board may
28 inquire into the circumstances surrounding the commission of the crime, in order to fix
the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

1 8. Code section 490 provides, in pertinent part, that the Board may suspend or revoke a
2 license when it finds that the licensee has been convicted of a crime substantially related to the
3 qualifications, functions or duties of the license.

4 9. California Code of Regulations, title 16, section 1770, provides in pertinent part that,
5 for the purpose of denial, suspension, or revocation of a personal or facility license, a crime or act
6 shall be considered substantially related to the qualifications, functions or duties of a licensee or
7 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or
8 registrant to perform the functions authorized by her license or registration in a manner consistent
9 with the public health, safety, or welfare.

10 COST RECOVERY

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

15 FIRST CAUSE FOR DISCIPLINE

16 (Conviction of a Substantially Related Crime)

17 11. Respondent is subject to discipline under Code sections 4301, subdivision (l), and/or
18 490, for unprofessional conduct in that she was convicted of a crime or crimes substantially related
19 to the qualifications, functions and duties of a pharmacy technician, as follows:

20 a. On or about May 1, 2013, in San Mateo County Superior Court, case number
21 SC0777368A, Respondent was convicted of having violated Penal Code section 245(a)(4) (assault
22 by means of force causing great bodily injury), a felony. Imposition of sentence was suspended
23 and Respondent was placed on supervised probation for a period of three years under conditions
24 including, but not limited to: payment of fines and restitution; treatment, counseling or therapy as
25 directed by her probation officer; abstention from the use and possession of intoxicating beverages
26 and controlled substances; and submission to chemical testing. Respondent was also ordered to
27 stay away from her victim and to serve 117 days in county jail with credit for 59 days actually
28 served, plus credit for 58 days for good behavior/work.

1 b. The conviction arose from an incident following a night of drinking at a bar in San
2 Bruno, California, on or about November 27, 2012, during which Respondent kicked and
3 repeatedly punched one of her companions in the face, breaking the victim's nose and causing
4 other injuries requiring the victim's admission to the Intensive Care Unit at Seton Medical Center
5 in Daly City.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Dangerous/Injurious/Unsafe Use of Alcohol)**

8 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
9 for unprofessional conduct in that she used alcoholic beverages in a manner dangerous or injurious
10 to herself or others, and/or to the extent that such use impaired her ability to safely practice as a
11 pharmacy technician, as described in paragraph 10, above.

12 **DISCIPLINARY CONSIDERATIONS**

13 13. To determine the degree of discipline, if any, to be imposed on Respondent,
14 Complainant alleges that on or about June 7, 2013, the Board issued Respondent Citation Number
15 CI 2012 53656, including a fine in the amount of \$2,500.00, for violation of Code sections 4301(f)
16 (commission of an act of moral turpitude, dishonesty, fraud, deceit or corruption), and 4301(h)
17 (dangerous, injurious or unsafe use of alcohol), arising from an incident occurring on or about
18 September 10, 2011, requiring police involvement. Respondent timely paid the fine in full.

19 **PRAYER**

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

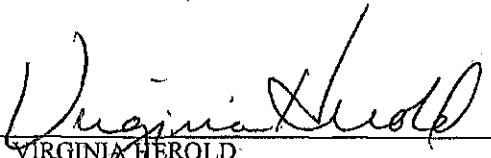
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24 2. Ordering Rebecca Castillo to pay the Board of Pharmacy the reasonable costs of the
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26 125.3;
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3. Taking such other and further action as deemed necessary and proper.

DATED: 11/15/14



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

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16 No. TCH 105516	
Respondent.	

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16 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
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18 to any other person or to the public, or to the extent that the use impairs the ability of
19 the person to conduct with safety to the public the practice authorized by the license.

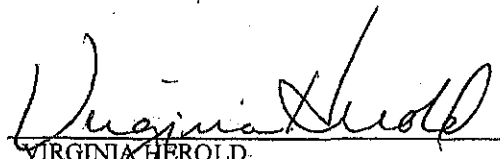
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25 state regulating controlled substances or dangerous drugs shall be conclusive evidence
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board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under
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guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 11/15/14


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

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