

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

In the Matter of the Accusation Against:

Case No. 5198

**NIDIA ARAGON
7955 Magnolia Avenue, #1H
Riverside, CA 92504**

**Pharmacy Technician Registration
No. TCH 22252**

Respondent.

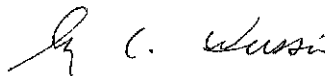
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Surrender 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 January 5, 2015.

It is so ORDERED on December 29, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

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

10 In the Matter of the Accusation Against:

Case No. 5198

11 **NIDIA E. ARAGON**
12 **7955 Magnolia Ave. #1H**
13 **Riverside, CA 92504**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician Registration No. TCH**
22252

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled
18 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 Sydney M. Mehringer, Deputy Attorney
23 General.

24 2. Nidia E. Aragon ("Respondent") is representing herself in this proceeding and has
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about May 7, 1997, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 22252 to Nidia E. Aragon ("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. 5198 and will expire on December 31, 2014, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 5198 was filed before the Board of Pharmacy ("Board"), Department
5 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on September 4, 2014.
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 5198 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. 5198. 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. 5198, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
25 Registration No. TCH 22252 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.

CONTINGENCY

1
2 10. This stipulation shall be subject to approval by the Board of Pharmacy. It is
3 understood by Respondent that, in deciding whether to adopt this stipulation, the Board may
4 receive oral and written communication from its staff and the Office of the Attorney General.
5 Communications pursuant to this paragraph shall not disqualify the Board or other persons from
6 future participation in this or any other matter affecting Respondent. In the event this settlement
7 is not adopted by the Board, the stipulation will not become effective and may not be used for any
8 purpose, except this paragraph, which shall remain in effect.

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

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

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

ORDER

20
21 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 22252, issued
22 to Respondent Nidia E. Aragon, is surrendered and accepted by the Board of Pharmacy.

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

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

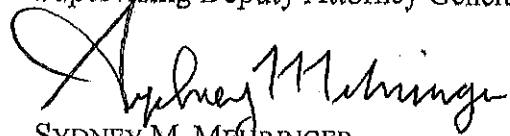
ENDORSEMENT

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: October 20, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



SYDNEY M. MEURINGER
Deputy Attorney General
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:	Case No. 5198
12 NIDIA E. ARAGON	ACCUSATION
13 13117 Graystone Ave.	
14 Norwalk, CA 90650	
15 Pharmacy Technician Registration No. TCH 22252	
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 ("Board").
22 2. On or about May 7, 1997, the Board issued Pharmacy Technician Registration No.
23 TCH 22252 to Nidia E. Aragon ("Respondent"). The Pharmacy Technician Registration was in
24 full force and effect at all times relevant to the charges brought herein and will expire on
25 December 31, 2014, unless 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 4. Section 4300.1 of the Code states:

2 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
3 operation of law or by order or decision of the board or a court of law, the placement of a license
4 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
5 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
6 proceeding against, the licensee or to render a decision suspending or revoking the license."

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

9 STATUTORY PROVISIONS

10 6. Section 4060 states, in pertinent part:

11 "No person shall possess any controlled substance, except that furnished to a person upon
12 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
13 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
14 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
15 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
16 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
17 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
18 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
19 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
20 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
21 labeled with the name and address of the supplier or producer.

22 7. Section 4301 states, in pertinent part:

23 "The board shall take action against any holder of a license who is guilty of unprofessional
24 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
25 Unprofessional conduct shall include, but is not limited to, any of the following:
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1 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
 2 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
 3 whether the act is a felony or misdemeanor or not.

4

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

7

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

12 8. Health and Safety Code section 11170 states, "[n]o person shall prescribe, administer,
 13 or furnish a controlled substance for himself."

14 9. Health and Safety Code section 11350, subdivision (a), states:

15 "Except as otherwise provided in this division, every person who possesses (1) any
 16 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
 17 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
 18 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
 19 11056, or (2) any controlled substance classified in Schedule III; IV, or V which is a narcotic
 20 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
 21 licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of
 22 Section 1170 of the Penal Code."

23 **COST RECOVERY**

24 10. Section 125.3 provides that the Board may request the administrative law judge to
 25 direct a licensee found to have committed a violation or violations of the licensing act to pay a
 26 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

2 11. Norco, a trade name for the narcotic substance hydrocodone or dihydrocodeinone
3 with the non-narcotic substance acetaminophen, is a Schedule III controlled substance pursuant to
4 Health and Safety Code section 11056, subdivision (e)(4), and is a dangerous drug pursuant to
5 Code section 4022.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Unlawful Possession of Controlled Substances)**

8 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
9 in conjunction with Code section 4060, on the grounds of unprofessional conduct in that between
10 approximately February 23, 2012 and August 2013, Respondent violated the Pharmacy Law by
11 unlawfully possessing no less than 120 Norco pills. Respondent obtained the pills while working
12 as a pharmacy technician at Kaiser Permanente Montebello Pharmacy by falsely indicating in the
13 pharmacy's computer system that the pills were being "returned to stock" but instead, Respondent
14 kept the pills for herself for her own personal use.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Violating Drug Statutes)**

17 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
18 in conjunction with Health and Safety Code sections 11350, subdivision (a) and 11170, on the
19 grounds of unprofessional conduct in that between approximately February 23, 2012 and August
20 2013, Respondent, who was working as a pharmacy technician at Kaiser Permanente Montebello
21 Pharmacy, violated California rules regulating controlled substances when she unlawfully
22 possessed and unlawfully administered to herself a controlled substance, to wit, 120 Norco pills.
23 Complainant incorporates by reference Paragraph 12 as though fully set forth herein.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Dishonest Acts)**

26 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
27 on the grounds of unprofessional conduct, in that Respondent committed dishonest acts.
28 Complainant incorporates by reference Paragraph 12 as though fully set forth herein.

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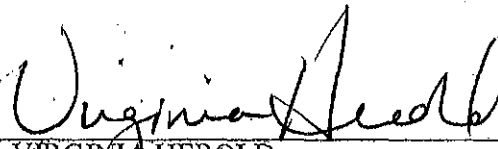
PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 22252, issued to Nidia E. Aragon;
2. Ordering Nidia E. Aragon to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

8/14/14



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

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