



California State Board of Pharmacy

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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

April 22, 2016

CERTIFIED MAIL

Ignacio Camargo
2134 E. 19th Street, Apt B
San Bernardino, CA 92404

Re: In the Matter of the Petition for Interim Suspension Order Against:
Ignacio Camargo, TCH 79780
Board of Pharmacy Case No. 5712
OAH No. 2016030721

Dear Mr. Camargo:

This is regard to the above referenced case and the board's request for an interim suspension order.

Please find enclosed the Decision on Petition for Interim Suspension Order, dated April 15, 2016. Effective April 15, 2016, Pharmacy Technician Registration No. TCH 79780, issued to Ignacio Camargo, is suspended. You shall not engage in any act or activity requiring licensure or registration as a pharmacy technician pending the filing of the accusation and issuance of a decision on the accusation.

If you have any questions concerning this matter, you may contact Susan Cappello, Enforcement Manager, at (916) 574-7926.

Sincerely,

VIRGINIA K. HEROLD
Executive Officer

By 
Susan Cappello
Enforcement Manager

Enclosures

cc: Kimberlee King, DAG

DECLARATION OF SERVICE BY CERTIFIED MAIL

Re: In the Matter of the Petition for Interim Suspension Order Against:
Ignacio Camargo, TCH 79780
Board of Pharmacy Case No. 5712
OAH No. 2016030721

I am over 18 years of age, and not a party to the within cause; my business address is 1625 N. Market Blvd, Sacramento, California 95834; I served a copy of the attached:

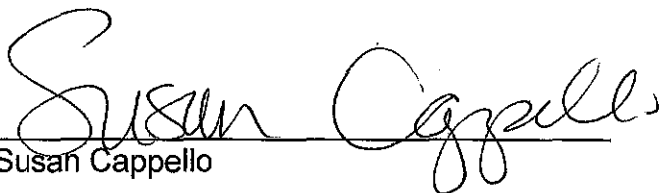
Letter and Decision

On each of the following, by placing same in an envelope(s) addressed as follows:

NAME	CERTIFIED NUMBER
Ignacio Camargo 2134 E. 19 th Street, Apt B San Bernardino, CA 92404	7012 1010 0001 2548 2482

and that said envelope was then sealed and deposited and certified in the United States Post Office at Sacramento, California, on the 22nd of April 2016 as certified mail with postage fully prepaid thereon and return receipt service by United States mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 22, 2016 at Sacramento, California.



Susan Cappello

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

In the Matter of the Petition for Interim
Suspension Order Against:

IGNACIO CAMARGO,
Pharmacy Technician Registration
No. TCH-79780,

Respondent.

Case No. 5712

OAH No. 2016030721

**DECISION ON PETITION FOR
INTERIM SUSPENSION ORDER**

Vincent Nafarrete, Administrative Law Judge of the Office of Administrative Hearings, heard this matter at Los Angeles on April 8, 2016. Petitioner was represented by Kimberly King, Deputy Attorney General. Respondent Ignacio Camargo was not present or represented at the hearing.

After waiting approximately 40 minutes for respondent to appear, the Administrative Law Judge allowed petitioner to proceed in respondent's absence with the hearing on the Petition for Interim Suspension Order. Petitioner presented the Petition for an Interim Suspension Order, Memorandum of Points and Authorities in Support of Petition for Interim Suspension Order, Declaration of Jose Barreto, and Notice of Hearing on Petition for Interim Suspension Order, which collectively were marked as Exhibit 1. Petitioner then presented a License History Certification, which was marked as Exhibit 2. Both exhibits were admitted into evidence. Petitioner then requested that the record be held open until April 11, 2016, to allow for the filing of an additional declaration. Complainant's request was granted. On April 11, 2016, complainant filed a Voluntary Statement signed by respondent, which was marked as Exhibit 3 and admitted into evidence.

Documentary evidence having been received, the Administrative Law Judge submitted this matter for decision on April 11, 2016, and finds as follows:

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FACTUAL FINDINGS

1. On December 19, 2008, the Board of Pharmacy, Department of Consumer Affairs, State of California (Board), issued original pharmacy technician registration number TCH-79780 to Ignacio Camargo (respondent) to work as a pharmacy technician in the State of California. Respondent's address of record is in San Bernardino. Said registration expires on October 16, 2016, and is in full force and effect.

2. (A) On March 16, 2016, the Petition for Interim Suspension Order, Case Number 5712, was made and filed by Virginia K. Herold in her official capacity as Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, State of California (petitioner).

(B) On March 17, 2016, petitioner served the Petition for Interim Suspension Order, Memorandum of Facts and Points and Authorities in Support of the Petitioner for Interim Suspension Order, the Declaration of Jose Barreto, and the Notice of Hearing on Petitioner for Interim Suspension Order, upon respondent by U.S. mail at his address of record in San Bernardino.

(C) Petitioner properly served respondent with the Petition for Interim Suspension Order and the Notice of Hearing on the Petition for Interim Suspension Order pursuant to Business and Professions Code section 494, subdivisions (b) and (c). Respondent was provided with at least 15 days' notice of the hearing on the Petition for Interim Suspension Order and served with the documents submitted to the Board in support of the petition. This matter is considered a Petition for Interim Suspension Order with notice within the meaning of Business and Professions Code section 494, subdivision (c).

3. On April 8, 2016, the noticed hearing was held on the Petition for Interim Suspension Order pursuant to Business and Professions Code section 494. Respondent failed to appear at the noticed hearing and no documents or declarations were filed on his behalf. At the noticed hearing, petitioner presented the Petition for Interim Suspension Order, Memorandum of Points and Authorities in Support of Petition for Interim Suspension Order, Declaration of Jose Barreto, License History Certification, and the Notice of Hearing. Petitioner supplemented her filing with respondent's Voluntary Statement. Findings of fact are hereby made based solely on the documents filed by petitioner.

4. At all times relevant herein, respondent was employed as a registered pharmacy technician at the Walgreens pharmacy in Redlands.

5. (A) The Administrative Law Judge takes official notice that Hydrocodone APAP is the generic name for Norco, which is a Schedule III controlled substance under Health and Safety Code section 11056, subdivision (e)(4), and a dangerous drug under Business and Professions Code section 4022.

(B) The Administrative Law Judge takes official notice that Carisoprodol is a Schedule IV controlled substance.

6. (A) As established by his Declaration, Jose Barreto is an asset protection manager at Walgreens Company located in San Bernardino. On October 12, 2015, Barreto discovered that there was a shortage or discrepancy of hundreds of pills of controlled substances at the Walgreens pharmacy in Redlands. Barreto advised the store manager and pharmacy manager that they should conduct daily pill counts of controlled substances. Barreto also began monitoring the video surveillance system or recordings of the pharmacy on a daily basis.

(B) On October 19, 2015, respondent was working as a registered pharmacy technician at the Walgreens pharmacy in Redlands. On said date, Barreto watched respondent on the video surveillance system and observed respondent take several pills of Hydrocodone APAP by putting the pills in his coat pocket. Next, respondent selected a bottle containing Hydrocodone tablets and poured the tablets onto a counting tray. He then took an undetermined number of tablets of Hydrocodone by placing the tablets into his vest pocket. Respondent scanned the Hydrocodone bottle to register the bottle and to make it appear that the bottle contained the designated or correct number of tablets of the controlled substance. In fact, the bottle did not contain the correct number of tablets of Hydrocodone because respondent took a number of them.

7. Based on his Voluntary Statement dated October 23, 2015, it was established that respondent has been addicted to Hydrocodone for approximately two years. He began using Hydrocodone after he was in a car accident. While employed as a pharmacy technician at the Walgreens Pharmacy in Redlands, respondent has taken approximately 1,000 tablets or pills of Hydrocodone APAP and 50 tablets of Carisoprodol from the pharmacy. He took the controlled substance while counting the tablets of medication as part of his duties as a pharmacy technician. While so engaged, respondent put tablets in his pocket surreptitiously.

8. On October 23, 2015, respondent was arrested by the Redlands Police Department on suspicion of committing embezzlement, burglary, and obtaining controlled substances by fraud or deceit.

9. Based on the Declaration of Jose Barreto and respondent's Voluntary Statement, the preponderance of evidence demonstrated that respondent has engaged in unprofessional conduct under the Pharmacy Law. By taking or stealing the Hydrocodone APAP and Carisoprodol from his employing pharmacy, respondent committed acts of moral turpitude, dishonesty, fraud, deceit, or corruption in the course of relations as a registered pharmacy technician in violation of Business and Professions section 4301, subdivision (f). Respondent also violated Health and Safety Code section 11173, subdivision (a), for unlawfully obtaining controlled substances by fraud, deceit, misrepresentation, or subterfuge; Health and Safety Code section 11350, and Business and Professions Code section 4060, for unlawful possessing controlled substances without valid prescriptions; and Business and

Professions Code section 4301, subdivision (j), for violating state laws regulating controlled substances and dangerous drugs.

10. Respondent did not present any declarations or affidavits to show that the Petition for Interim Suspension Order should not be granted. It was not established that respondent had a valid prescription for any controlled substance.

* * * * *

Based on the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

LEGAL CONCLUSIONS

1. Under Business and Professions Code section 494, subdivision (a), a board or an administrative law judge sitting alone may, upon petition, issue an interim order suspending any licentiate or imposing license restrictions. The petition shall include affidavits that demonstrate to the satisfaction of the board, both of the following: that the licentiate has engaged in acts or omissions constituting a violation of the Business and Professions Code or has been convicted of a crime substantially related to the licensed activity and that permitting the licentiate to continue to engage in the licensed activity, or permitting the licentiate to continue in the licensed activity without restriction, would endanger the public health, safety, or welfare.

2. No interim order under Business and Professions Code section 494 shall be issued without notice to the licentiate unless it appears from the petition and supporting documents that serious injury would result to the public before the matter could be heard on notice. (Bus. & Prof. Code, § 494, subd. (b).) A board or an administrative law judge sitting alone shall issue a decision on the petition for interim order within five business days following the submission of the matter. The standard of proof required to obtain an interim order is preponderance of the evidence. (Bus. & Prof. Code, § 494, subd. (e).) A board shall file an accusation within 15 days of the issuance of an interim order. (Bus. & Prof. Code, § 494, subd. (f).)

3. Grounds exist to issue an interim order of suspension pursuant to Business and Professions Code section 494, subdivision (a), in that the declaration and exhibits filed in support of the Petition for Interim Suspension Order demonstrate that respondent has engaged in acts constituting violations of the Pharmacy Law under the Business and Professions Code, as set forth in Findings 1 – 10 above.

4. Grounds exist to issue an interim order of suspension pursuant to Business and Professions Code section 494, subdivision (a), in that petitioner's declaration and exhibits demonstrate that permitting respondent to continue to engage in activity as a registered

pharmacy technician would endanger the public health, safety, or welfare, based on Conclusions of Law no. 1 and Findings 1– 10 above.

5. Discussion. Based on the Declaration of Jose Barreto and respondent's Voluntary Statement, petitioner established by a preponderance of the evidence that respondent has unlawfully taken the controlled substances Hydrocodone and Carisoprodol from the pharmacy that employs or employed him as a registered pharmacy technician. The evidence strongly suggested that respondent took the Hydrocodone for his own use inasmuch as he has admitted to being addicted to the controlled substance. Furthermore, based on the sheer number of tablets of Hydrocodone that were taken, the evidence also suggested that respondent may be unlawfully selling, dispensing, or distributing the controlled substance to others without valid prescriptions issued by a physician. In addition, after taking tablets of the controlled substance, respondent falsely registered the tablet count of a bottle of Hydrocodone.

Respondent's acts of unlawfully taking the controlled substances constituted violations of the Pharmacy Law and endangered not only respondent's health and safety but also the health and safety of the public and customers. Without valid prescriptions, a person could ingest an excess amount of the controlled substances to his detriment. Respondent's act of falsely registering a bottle of Hydrocodone was also harmful, for a customer who is dispensed the bottle would not be receiving the correct number of tablets needed for his medical treatment. If respondent is allowed to continue performing acts of a registered pharmacy technician, he would have access to the controlled substances at a pharmacy and have the opportunity to steal more controlled substances.

Under these circumstances, the evidence showed that permitting respondent to continue to act as a registered pharmacy technician would endanger the public health, safety, or welfare. Respondent's registration or license must be suspended immediately for the sake of public protection. As set forth in Business and Professions Code section 4001.1, protection of the public is the Board's highest priority in exercising its licensing, regulatory, and disciplinary functions.

* * * * *

WHEREFORE, the following Order is hereby made:

ORDER

1. The Petition for Interim Suspension Order, Case No. 5712, filed and heard with notice under Business and Professions Code section 494 is granted, based on Conclusions of Law 1 – 5 above, jointly.

2. Respondent's registration as a pharmacy technician is hereby suspended and he shall not engage in any act or activity requiring licensure or registration as a pharmacy technician pending the filing of the accusation and issuance of a decision on the accusation.

3. Under Business and Professions Code section 494, subdivision (i), the failure to comply with this Interim Suspension Order constitutes a separate cause for disciplinary action.

IT IS SO ORDERED.

Dated: April 15, 2016

DocuSigned by:
Vincent Nafarrete
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Vincent Nafarrete
Administrative Law Judge
Office of Administrative Hearings