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

11 In the Matter of the Accusation Against:

Case No. 4379

12 **RANDALL A. OROSCO**
13 **1075 Mill Street**
Selma, CA 93662

A C C U S A T I O N

14 **Original Pharmacist No. RPH 49260**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about March 18, 1997, the Board of Pharmacy issued Original Pharmacist
22 Number RPH 49260 to Randall A. Orosco (Respondent). The license will expire, unless renewed
23 on August 31, 2014.

24 **JURISDICTION**

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

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

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

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

6 (1) Suspending judgment.

7 (2) Placing him or her upon probation.

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

9 (4) Revoking his or her license.

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

12

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

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

17

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

21

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

27

28

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

3

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

8

9 6. Section 4060 of the Code states:

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

21 Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
22 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
23 devices.

24 7. Section 4327 of the Code states:

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

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1 13. Respondent is subject to disciplinary action under section 4301, subdivision (f) in that
2 he engaged in acts involving moral turpitude, dishonesty, fraud, deceit, or corruption in that he
3 stole dangerous drugs and controlled substances on multiple occasions. The circumstances are as
4 follows:

5 14. From approximately November of 2008 through approximately August of 2011, on
6 multiple occasions, all dates which are not specifically known, while employed as a pharmacist at
7 PharmAmerica Pharmacy in Fresno, Respondent stole carisoprodol, a dangerous drug. A
8 subsequent pharmacy drug audit showed a loss of over 6000 tablets.

9 15. From approximately February of 2010 through approximately August of 2011, on
10 multiple occasions, all dates which are not specifically known, while employed as a pharmacist at
11 PharmAmerica Pharmacy, Respondent stole tramadol, a dangerous drug. A subsequent pharmacy
12 drug audit showed a loss of over 7,700 tablets.

13 16. Per Respondent's admissions, on two occasions, the exact dates which were
14 unknown, between June 2011 and August 2011, while employed as a pharmacist at
15 PharmAmerica Pharmacy, he stole acetaminophen with codeine, a schedule III controlled
16 substance and narcotic and dangerous drug. A subsequent pharmacy audit indicated a loss of as
17 much as 258 tablets from the pharmacy from April 2011 to October 2011.

18 **SECOND CAUSE FOR DISCIPLINE**

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

20 17. Respondent is subject to disciplinary action under section 4301, subdivision (j), in
21 that he violated the statutes of this state regulating controlled substances and dangerous drugs.
22 The circumstances are as follows:

23 18. Per Respondent's admissions, on two occasions, the exact dates which were
24 unknown, between June 2011 and August 2011, he stole acetaminophen with codeine, a schedule
25 III controlled substance and narcotic and dangerous drug, and was in possession of the medication
26 without a prescription, in violation of Business and Professions Code section 4060 and Health and
27 Safety Code section 11350, subdivision (a).

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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 Original Pharmacist Number RPH 49260, issued to Randall A. Orosco,;

2. Ordering Randall A. Orosco 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: 11/2/12


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

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