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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. 4972

11 **CHRISTY MARIE CARRILLO**
12 **2840 Magnolia Avenue**
13 **Long Beach, CA 90806**

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
83831

15 Respondent.

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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, Department of Consumer Affairs.

21 2. On or about June 9, 2008, the Board of Pharmacy (Board) issued Pharmacy
22 Technician Registration Number TCH 83831 to Christy Marie Carrillo (Respondent). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on November 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 unless otherwise indicated.
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1 4. Section 4300 of the Code states:

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

3 5. Section 4300.1 of the Code states:

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

9 6. Section 4301 of the Code states:

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

13

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

17

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

20 7. Section 4060 of the Code states:

21 "No person shall possess any controlled substance, except that furnished to a person upon
22 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
23 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
24 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
25 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
26 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
27 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply
28 to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,

1 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
2 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
3 labeled with the name and address of the supplier or producer.

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

7 8. Health and Safety Code section 11171 states: "No person shall prescribe,
8 administer, or furnish a controlled substance except under the conditions and in the manner
9 provided by this division."

10 **COST RECOVERY PROVISION**

11 9. Section 125.3 of the Code states, 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 **DRUG CLASSIFICATION**

16 10. Norco, brand name for hydrocodone/APAP, is a Schedule III controlled substance
17 pursuant to Health and Safety Code section 11056(e)(4) and a dangerous drug pursuant to
18 Business and Professions Code section 4022.

19 **SUMMARY OF FACTS**

20 11. On or about February 12, 2013, Respondent, while working as a pharmacy technician
21 at Walgreens #7870, was arrested for theft of a controlled substance. Respondent admitted to her
22 employers that between August 2012 to February 2013, she stole approximately 4,000 tablets (8
23 bottles) of hydrocodone/APAP 10-325mg for a friend. On or about February 25, 2013, the Board
24 received a copy of the Report of Theft or Loss of Controlled Substance notification from
25 Walgreens #7870. The Report documented a loss of 8,159 tablets of hydrocodone/APAP 10-
26 325mg due to employee pilferage during the period from April 10, 2009 to approximately
27 February 12, 2013.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct -- Dishonesty)

12. Respondent is subject to disciplinary action under Code section 4301, subdivision (f) on the grounds of unprofessional conduct, in that while working as a pharmacy technician at Walgreens #7870, Respondent stole over 4,000 tablets of hydrocodone/APAP 10-325. Complainant refers to and incorporates all the allegations contained in paragraph 11 above, as though set forth fully.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct -- Illegal Furnishing of Controlled Substance)

13. Respondent is subject to disciplinary action under Code section 4301, subdivision (j) on the grounds of unprofessional conduct for violating Health and Safety Code section 11171, in that while working as a pharmacy technician at Walgreens #7870, Respondent illegally prescribed, administered or furnished hydrocodone/APAP 10-325 to another. Complainant refers to and incorporates all the allegations contained in paragraph 11 above, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Illegal Possession of Controlled Substance)

14. Respondent is subject to disciplinary action under Code section 4060, in that while working as a pharmacy technician at Walgreens #7870, Respondent illegally possessed over 4,000 tablets of hydrocodone/APAP 10-325. Complainant refers to and incorporates all the allegations contained in paragraph 11 above, as though set forth fully.

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:

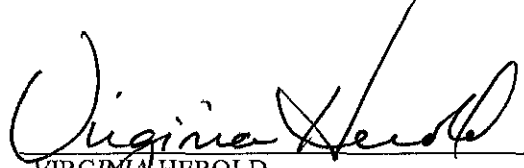
1. Revoking or suspending Pharmacy Technician Registration Number TCH 83831, issued to Christy Marie Carrillo;

2. Ordering Christy Marie Carrillo 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;

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

DATED: 7/26/14



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

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