

1 XAVIER BECERRA
Attorney General of California
2 ANTOINETTE B. CINCOTTA
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
4 State Bar No. 263607
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9441
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 6119

12 **KEITH KENICHI TERAMOTO**
13 **17625 Mapes Ave.**
14 **Cerritos, CA 90703**

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
16 **70589**

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 (Board), Department of Consumer Affairs.

22 2. On or about July 15, 2006, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 70589 to Keith Kenichi Teramoto (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on January 31, 2018, unless renewed.

26 ///

27 ///

28 ///

1 **JURISDICTION**

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

4 4. Section 4300, subdivision (a) of the Code states "Every license issued may be
5 suspended or revoked."

6 5. Section 4300.1 of the Code states:

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

11 **STATUTORY PROVISIONS**

12 6. Section 4301 of the Code states:

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

16

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

23

22 **COST RECOVERY**

23 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

27 ///

28 ///

1 **FACTUAL ALLEGATIONS**

2 8. Respondent was employed as a pharmacy technician at the Center for Cancer
3 Prevention and Treatment (CCPT), a division of St. Joseph Hospital. On or about December 17,
4 2015, Respondent reported to work at approximately 7:30 a.m. At approximately 9:30 a.m.,
5 Respondent was working in the IV room (sterile compounding area) when the pharmacist on duty
6 smelled alcohol on Respondent's breath. Respondent was immediately removed from the
7 workplace and required to submit to both a urine and blood test. The blood test, which was
8 collected at 10:00 a.m., had a positive result of 0.03 gm/dl (%). The urine test, which was
9 collected at 10:30 a.m., had a positive result of 0.07 gm/dl (%). Respondent was terminated from
10 his employment for violating CCPT's workplace policy which prohibited employees from having
11 alcohol in their system while at work or on duty. The incident was reported to the Board and the
12 Board initiated an investigation, which included an interview with Respondent. During his
13 interview, Respondent admitted that the night before the incident, he had trouble sleeping so he
14 had two drinks of vodka with orange juice at approximately midnight.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(General Unprofessional Conduct)**

17 9. Respondent has subjected his license to disciplinary action under Business and
18 Professions Code section 4301, in that Respondent committed an unprofessional act, as detailed
19 in paragraph 8, above, which is incorporated herein by reference.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Use of Alcohol in Dangerous Manner)**

22 10. Respondent has subjected his license to disciplinary action under section 4301,
23 subdivision (h) of the Code in that Respondent used alcohol in a dangerous manner or to the
24 extent that it impaired his ability to safely practice as a pharmacy technician, as detailed in
25 paragraph 8 above, and which is incorporated herein by reference.

26 **PRAYER**

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. Revoking or suspending Pharmacy Technician Registration Number TCH 70589,
issued to Keith Kenichi Teramoto

2. Ordering Keith Kenichi Teramoto 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; and,

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

DATED:

9/22/17



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

SD2017705120
81695756.docx