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

12 In the Matter of the Statement of Issues Against: Case No. 6808
13 **REBECCA CASTILLO** **STATEMENT OF ISSUES**
14 **Pharmacy Technician Registration Applicant**
15 Respondent.

16 **PARTIES**

17 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official
18 capacity as the Interim Executive Officer of the Board of Pharmacy (Board), Department of
19 Consumer Affairs.

20 2. On or about January 7, 2019, the Board received an application for a Pharmacy
21 Technician Registration from Rebecca Castillo (Respondent). On or about January 2, 2019,
22 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
23 representations in the application. The Board denied the application on August 27, 2019.

24 **JURISDICTION**

25 3. This Statement of Issues is brought before the Board under the authority of the
26 following laws. All section references are to the Business and Professions Code (Code) unless
27 otherwise indicated.
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1 4. Code section 4300 (c) states:

2 The board may refuse a license to any applicant guilty of unprofessional
3 conduct. The board may, in its sole discretion, issue a probationary license to any
4 applicant for a license who is guilty of unprofessional conduct and who has met all
5 other requirements for licensure.

5 **STATUTORY AND REGULATORY PROVISIONS**

6 5. Code section 480 states, in pertinent part:

7 (a) A board may deny a license regulated by this code on the grounds that the
8 applicant has one of the following:

9 ...

10 (3)(A) Done any act that if done by a licentiate of the business or profession in
11 question, would be grounds for suspension or revocation of license.

12 ...

13 6. Code section 4301 states, in pertinent part:

14 The board shall take action against any holder of a license who is guilty of
15 unprofessional conduct or whose license has been procured by fraud or
16 misrepresentation or issued by mistake.

17 ...

18 7. California Code of Regulations, title 16, section 1770, states:

19 For the purpose of denial, suspension, or revocation of a personal or facility
20 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
21 Professions Code, a crime or act shall be considered substantially related to the
22 qualifications, functions or duties of a licensee or registrant if to a substantial degree
23 it evidences present or potential unfitness of a licensee or registrant to perform the
24 functions authorized by his license or registration in a manner consistent with the
25 public health, safety, or welfare.

26 8. California Code of Regulations, title 16, section 1769, states, in pertinent part:

27 (a) In addition to any other requirements for licensure, when considering the
28 approval of an application, the board or its designee may require an applicant to be
29 examined by one or more physicians and surgeons or psychologists designated by the
30 board if it appears that the applicant may be unable to safely practice due to mental
31 illness or physical illness affecting competency. An applicant's failure to comply with
32 the examination requirement shall render his or her application incomplete. The board
33 shall pay the full cost of such examination. The board shall seek that the evaluation be
34 conducted within 60 days of the date the applicant is advised that an examination is
35 required. The board shall receive the examiner's evaluation within 60 days of the date
36 the examination is completed. The report of the examiner shall be made available to
37 the applicant.

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2 If after receiving the report of the evaluation, the board determines that the applicant is unable to safely practice, the board may deny the application.

3 (b) When considering the denial of a facility or personal license under Section
4 480 of the Business and Professions Code, the board, in evaluating the rehabilitation
5 of the applicant and his present eligibility for licensing or registration, will consider
6 the following criteria:

7 (1) The nature and severity of the act(s) or offense(s) under consideration as
8 grounds for denial.

9 (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under
10 consideration as grounds for denial under Section 480 of the Business and Professions
11 Code.

12 (3) The time that has elapsed since commission of the act(s) or crime(s) referred
13 to in subdivision (1) or (2).

14 (4) Whether the applicant has complied with any terms of parole, probation,
15 restitution or any other sanctions lawfully imposed against the applicant.

16 (5) Evidence, if any, of rehabilitation submitted by the applicant.

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FIRST CAUSE FOR DENIAL OF APPLICATION

(Unprofessional Conduct)

9. Respondent's application is subject to denial under Code sections 480(a)(3)(A),
4300(c) and 4301 in that Respondent has committed unprofessional conduct. The circumstances
are as follows:

10. On or about June 24, 2015, in a disciplinary action titled *In the Matter of the First
Amended Accusation Against Rebecca Castillo*, Case No. 5008, the Board accepted Respondent's
surrender of her pharmacy technician registration. This disciplinary action was based on
Respondent's unprofessional conduct, as follows:

- a. Respondent's felony conviction for having violated California Penal Code section
245(a)(4) (assault by means likely to cause great bodily injury); and
- b. Respondent's dangerous use of alcohol.

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