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

In the Matter of the Accusation Against:
CHANG F. SAECHAO
4468 Starthmore Drive
Redding, CA 96002
Original Pharmacy Technician Registration
No. TCH 96584

Respondent.

Case No. 4646
OAH No. 2013090752
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 14, 2013, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4646 against Chang F. Saechao (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about December 22, 2009, the Board of Pharmacy (Board) issued Original Pharmacy Technician Registration No. TCH 96584 to Respondent. The Original Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4646 and will expire on August 31, 2015, unless renewed.
3. On or about August 23, 2013, Respondent was served by Certified and First Class Mail copies of the Accusation No. 4646, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
3 section 4100, is required to be reported and maintained with the Board. Respondent's address of
4 record was and is: 4468 Starthmore Drive, Redding, CA 96002.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124.

8 5. On or about August 30, 2013, Respondent signed and returned a Notice of Defense,
9 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's
10 address of record and it informed him that an administrative hearing in this matter was scheduled
11 for August 7, 2014. Respondent failed to appear at that hearing.

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 7. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions
21 or upon other evidence and affidavits may be used as evidence without any notice to
22 respondent.

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 4646, finds that
28 the charges and allegations in Accusation No. 4646, are separately and severally, found to be true
and correct by clear and convincing evidence.

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ORDER

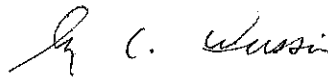
IT IS SO ORDERED that Original Pharmacy Technician Registration No. TCH 96584, heretofore issued to Respondent Chang F. Saechao, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 5, 2014.

It is so ORDERED November 5, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
STAN C. WEISSER
Board President

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
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5 P.O. Box 944255
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6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

10
11 In the Matter of the Accusation Against:

Case No. 4646

12 **CHANG F. SAECHAO**
4468 Starthmore Drive
13 Redding, CA 96002

ACCUSATION

14 **Original Pharmacy Technician Registration**
No. TCH 96584

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 December 22, 2009, the Board of Pharmacy issued Original Pharmacy
22 Technician Registration Number TCH 96584 to Chang F. Saechao (Respondent). The Original
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on August 31, 2013, unless renewed.

25 **JURISDICTION**

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

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

- (a) Every license issued may be suspended or revoked.
- (b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:
 - (1) Suspending judgment.
 - (2) Placing him or her upon probation.
 - (3) Suspending his or her right to practice for a period not exceeding one year.
 - (4) Revoking his or her license.
 - (5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

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

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

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

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

6. Section 4022 of the Code states, in pertinent part:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

- (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

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1 (b) Any device that bears the statement: "Caution: federal law restricts this device to sale by
2 or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in
3 with the designation of the practitioner licensed to use or order use of the device.

4 (c) Any other drug or device that by federal or state law can be lawfully dispensed only on
5 prescription or furnished pursuant to Section 4006.

6 7. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
7 suspension of a board-issued license by operation of law or by order or decision of the board or a
8 court of law, the placement of a license on a retired status, or the voluntary surrender of a license
9 by a licensee shall not deprive the board of jurisdiction to commence or proceed with any
10 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision
11 suspending or revoking the license.

12 COST RECOVERY

13 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 DRUGS

18 9. Marijuana is a Schedule I controlled substance as designated by Health and Safety
19 Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions
20 Code section 4022. It is a hallucinogenic drug.

21 10. "Ecstasy" is the street name for MDMA (3,4-methylenedioxy methamphetamine).
22 MDMA is a Schedule I controlled substances as designated by Health and Safety Code section
23 11054, subdivision (d)(6).

24 FIRST CAUSE FOR DISCIPLINE

25 (Use of Controlled Substances or Dangerous Drugs in a Dangerous Manner)

26 11. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
27 that he self-administered controlled substances and dangerous drugs to the extent or in a manner
28 as to be dangerous or injurious to himself and the public. The circumstances are as follows:

1 a. On or about May 26, 2012, Redding police officers were dispatched to respond to a
2 call regarding an adult creating a disturbance. When officers arrived at the location they observed
3 Respondent seated in the middle of the roadway, without a shirt-on, punching the ground and
4 yelling profanities. The officers attempted several times to establish a verbal dialogue with
5 Respondent but he would not respond in a manner that was understandable. Respondent's eyes
6 were glassy and watery, and he was speaking in a rapid manner and not making sense. The
7 temperature was cool and overcast, yet Respondent was sweating profusely. Respondent was
8 blocking the roadway and the officers ordered him to lie on the ground. Respondent refused to
9 follow commands multiple times and challenged the officers to come get him. When the officers
10 approached Respondent he began to struggle and continued to disobey commands, to the extent
11 that one of the officers had to deploy his taser three times. Respondent admitted that he had used
12 Ecstasy and smoked marijuana that day, and his blood tested positive for marijuana.

13 b. On or about June 5, 2012, Redding police officers were dispatched to respond to a
14 call regarding a male subject who was acting under the influence or had mental health issues.
15 The caller stated that the subject was standing in the middle of the street screaming profanities at
16 passing motorists, was nearly hit by several cars, and had started taking off his clothes. When the
17 officers arrived, Respondent was identified as the subject of the call and when contacted by the
18 officers, Respondent appeared disoriented and kept repeating the same sentence over and over.
19 Respondent appeared to be hallucinating and was talking about things that were not present, and
20 was yelling about being a samurai, a rapper, and a singer. Respondent continued to chant about
21 being a samurai, spoke like a robot, and growled and whispered. Respondent's blood tested
22 positive for marijuana.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Violation of Statutes Regulating Controlled Substances)**

25 12. Respondent is subject to disciplinary action under section 4301, subdivision (j), in
26 that he violated state statutes regulating controlled substances by being under the influence of a
27 controlled substance, in violation of Health and Safety Code section 11550, subdivision (a), as set
28 forth in paragraph 11, above.

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 13. Respondent is subject to disciplinary action under section 4301, in that Respondent
4 engaged in unprofessional conduct, as set forth above in paragraph 11, above.

5 PRAYER

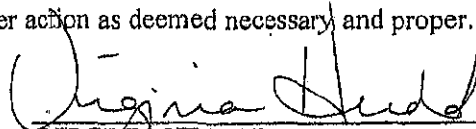
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Pharmacy issue a decision:

8 1. Revoking or suspending Original Pharmacy Technician Registration Number TCH
9 96584, issued to Chang F. Saechoa;

10 2. Ordering Chang F. Saechoa to pay the Board of Pharmacy the reasonable costs of the
11 investigation and enforcement of this case, pursuant to Business and Professions Code section
12 125.3;

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

14 DATED: 8/14/13


15 VIRGINIA HEROLD
16 Executive Officer
17 Board of Pharmacy
18 Department of Consumer Affairs
19 State of California
20 Complainant
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