

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

In the Matter of the Accusation Against:

**ADRIAN PIMENTEL; AKA ADRIAN MORALES PIMENTEL,
Respondent**

Pharmacy Technician Registration No. TCH 61267

Agency Case No. 6686

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on March 4, 2020.

It is so ORDERED on February 3, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", written in a cursive style.

By

Greg Lippe
Board President

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

13
14 In the Matter of the Accusation Against:

Case No. 6686

15 **ADRIAN PIMENTEL; AKA ADRIAN**
16 **MORALES PIMENTEL**
17 **67120 Quijo Road**
18 **Cathedral City, CA 92234**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 **Pharmacy Technician Registration No. TCH**
18 **61267**

19 Respondent.

20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Anne Sodergren (Complainant) is the Interim Executive Officer of the Board of
25 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
26 this matter by Xavier Becerra, Attorney General of the State of California, by Michael M. Karimi,
27 Deputy Attorney General.

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2. Respondent Adrian Pimentel; aka Adrian Morales Pimentel (Respondent) is represented in this proceeding by Aimee Larsen Mendoza, Esq., whose address is 78365 Highway 111, #392, La Quinta, CA 92253.

3. On or about March 11, 2005, the Board issued Pharmacy Technician Registration No. TCH 61267 to Adrian Pimentel; aka Adrian Morales Pimentel (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6686, and will expire on July 31, 2020, unless renewed.

JURISDICTION

4. Accusation No. 6686 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 10, 2019. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 6686 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6686. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 6686.

4 10. Respondent agrees that his Pharmacy Technician Registration is subject to discipline
5 and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
6 below.

7 **CONTINGENCY**

8 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
9 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
10 communicate directly with the Board regarding this stipulation and settlement, without notice to
11 or participation by Respondent or his counsel. By signing the stipulation, Respondent
12 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
13 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
14 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
15 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
16 and the Board shall not be disqualified from further action by having considered this matter.

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
19 signatures thereto, shall have the same force and effect as the originals.

20 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
24 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
25 writing executed by an authorized representative of each of the parties.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following
28 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 61267 issued to Respondent Adrian Pimentel; aka Adrian Morales Pimentel is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions. STANDARD CONDITIONS OF PROBATIONS

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy- two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

2. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the

1 total period of probation. Moreover, if the final probation report is not made as directed,
2 probation shall be automatically extended until such time as the final report is made and accepted
3 by the board.

4 **3. Interview with the Board**

5 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
6 with the board or its designee, at such intervals and locations as are determined by the board or its
7 designee. Failure to appear for any scheduled interview without prior notification to board staff,
8 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
9 the period of probation, shall be considered a violation of probation.

10 **4. Cooperate with Board Staff**

11 Respondent shall timely cooperate with the board's inspection program and with the board's
12 monitoring and investigation of respondent's compliance with the terms and conditions of his
13 probation, including but not limited to: timely responses to requests for information by board
14 staff; timely compliance with directives from board staff regarding requirements of any term or
15 condition of probation; and timely completion of documentation pertaining to a term or condition
16 of probation. Failure to timely cooperate shall be considered a violation of probation.

17 **5. Reporting of Employment and Notice to Employers**

18 During the period of probation, respondent shall notify all present and prospective
19 employers of the decision in case number 6686 and the terms, conditions and restrictions imposed
20 on respondent by the decision, as follows:

21 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
22 undertaking any new employment, respondent shall report to the board in writing the name,
23 physical address, and mailing address of each of his employer(s), and the name(s) and telephone
24 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated
25 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
26 schedule, if known. Respondent shall also include the reason(s) for leaving the prior
27 employment. Respondent shall sign and return to the board a written consent authorizing the
28 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and

1 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
2 concerning respondent's work status, performance, and monitoring. Failure to comply with the
3 requirements or deadlines of this condition shall be considered a violation of probation.

4 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
5 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)
6 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
7 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
8 board in writing acknowledging that the listed individual(s) has/have read the decision in case
9 number 6686, and terms and conditions imposed thereby. If one person serves in more than one
10 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
11 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
12 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
13 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
14 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
15 in case number 6686, and the terms and conditions imposed thereby.

16 If respondent works for or is employed by or through an employment service, respondent
17 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
18 of the decision in case number 6686, and the terms and conditions imposed thereby in advance of
19 respondent commencing work at such licensed entity. A record of this notification must be
20 provided to the board upon request.

21 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
22 (15) days of respondent undertaking any new employment by or through an employment service,
23 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
24 to report to the board in writing acknowledging that he or she has read the decision in case
25 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to
26 ensure that these acknowledgment(s) are timely submitted to the board.

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1 Failure to timely notify present or prospective employer(s) or failure to cause the identified
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,
5 temporary, relief, or employment/management service position as a Pharmacy Technician, or any
6 position for which a Pharmacy Technician is a requirement or criterion for employment, whether
7 the respondent is an employee, independent contractor or volunteer.

8 **6. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

9 Respondent shall further notify the board in writing within ten (10) days of any change in
10 name, residence address, mailing address, e-mail address or phone number.

11 Failure to timely notify the board of any change in employer, name, address, or phone
12 number shall be considered a violation of probation.

13 **7. Reimbursement of Board Costs**

14 As a condition precedent to successful completion of probation, respondent shall pay to the
15 board its costs of investigation and prosecution in the amount of \$2,668.80. Respondent shall
16 make said payments as follows:

17 There shall be no deviation from this schedule absent prior written approval by the board or
18 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
19 probation.

20 Respondent shall be permitted to pay these costs in a payment plan approved by the board
21 or its designee, so long as full payment is completed no later than one (1) year prior to the end
22 date of probation.

23 **8. Probation Monitoring Costs**

24 Respondent shall pay any costs associated with probation monitoring as determined by the
25 board each and every year of probation. Such costs shall be payable to the board on a schedule as
26 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
27 be considered a violation of probation.

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1 **9. Status of License**

2 Respondent shall, at all times while on probation, maintain an active, current Pharmacy
3 Technician Registration with the board, including any period during which suspension or
4 probation is tolled. Failure to maintain an active, current Pharmacy Technician Registration shall
5 be considered a violation of probation.

6 If respondent's Pharmacy Technician Registration expires or is cancelled by operation of
7 law or otherwise at any time during the period of probation, including any extensions thereof due
8 to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
9 terms and conditions of this probation not previously satisfied.

10 **10. License Surrender While on Probation/Suspension**

11 Following the effective date of this decision, should respondent cease practice due to
12 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
13 respondent may relinquish his license, including any indicia of licensure issued by the board,
14 along with a request to surrender the license. The board or its designee shall have the discretion
15 whether to accept the surrender or take any other action it deems appropriate and reasonable.
16 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
17 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
18 become a part of the respondent's license history with the board.

19 Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall
20 license, including any indicia of licensure not previously provided to the board within ten (10)
21 days of notification by the board that the surrender is accepted if not already provided.
22 Respondent may not reapply for any license from the board for three (3) years from the effective
23 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
24 of the date the application for that license is submitted to the board, including any outstanding
25 costs.

26 **11. Certification Prior to Resuming Work**

27 Respondent shall be suspended, and shall not work as a pharmacy technician, until he has
28 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has

submitted proof of certification to the board, and has been notified by the board or its designee that he may begin work. Failure to achieve certification within six (6) months of the effective date shall be considered a violation of probation.

During suspension, respondent shall not enter any pharmacy area or any portion of any other board licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled substances are maintained.

Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices or controlled substances.

During this suspension, respondent shall not engage in any activity that requires licensure as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or dangerous devices, or controlled substances.

Failure to comply with any such suspension shall be considered a violation of probation.

Respondent shall maintain an active, current certification as defined by Business and Professions Code section 4202, subdivision (a)(4), for the entire period of probation, and shall submit proof of re-certification or renewal of certification to the board within ten (10) days of receipt. Failure to maintain active, current certification or to timely submit proof of same shall be considered a violation of probation.

12. Practice Requirement – Extension of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a Pharmacy Technician in California for a minimum of 80 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, respondent must nonetheless comply

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1 with all terms and conditions of probation, unless respondent receives a waiver in writing from
2 the board or its designee.

3 If respondent does not practice as a Pharmacy Technician in California for the minimum
4 number of hours in any calendar month, for any reason (including vacation), respondent shall
5 notify the board in writing within ten (10) days of the conclusion of that calendar month. This
6 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)
7 for the interruption or reduction in practice; and the anticipated date(s) on which respondent will
8 resume practice at the required level. Respondent shall further notify the board in writing within
9 ten (10) days following the next calendar month during which respondent practices as a Pharmacy
10 Technician in California for the minimum of hours. Any failure to timely provide such
11 notification(s) shall be considered a violation of probation.

12 It is a violation of probation for respondent's probation to be extended pursuant to the
13 provisions of this condition for a total period, counting consecutive and non-consecutive months,
14 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
15 probation period on its website.

16 13. Violation of Probation

17 If respondent has not complied with any term or condition of probation, the board shall
18 have continuing jurisdiction over respondent, and the board shall provide notice to respondent
19 that probation shall automatically be extended, until all terms and conditions have been satisfied
20 or the board has taken other action as deemed appropriate to treat the failure to comply as a
21 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
22 board or its designee may post a notice of the extended probation period on its website.

23 If respondent violates probation in any respect, the board, after giving respondent notice
24 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
25 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
26 probation, or the preparation of an accusation or petition to revoke probation is requested from
27 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of

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1 probation shall be automatically extended until the petition to revoke probation or accusation is
2 heard and decided.

3 **14. Completion of Probation**

4 Upon written notice by the board or its designee indicating successful completion of
5 probation, respondent's license will be fully restored.

6 **15. Drug and Alcohol Testing**

7 Respondent, at his own expense, shall participate in testing as directed by the board or its
8 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
9 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
10 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its
11 designee. All testing must be pursuant to an observed testing protocol, unless respondent is
12 informed otherwise in writing by the board or its designee. Respondent may be required to
13 participate in testing for the entire probation period and frequency of testing will be determined
14 by the board or its designee.

15 By no later than thirty (30) days after the effective date of this decision, respondent shall
16 have completed all of the following tasks: enrolled and registered with an approved drug and
17 alcohol testing vendor; provided that vendor with any documentation, and any information
18 necessary for payment by respondent; commenced testing protocols, including all required
19 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,
20 respondent shall fully cooperate with the testing vendor, and with the board or its designee, with
21 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to
22 cooperate timely shall be considered a violation of probation.

23 Respondent may be required to test on any day, including weekends and holidays.
24 Respondent is required to make daily contact with the testing vendor to determine if a test is
25 required, and if a test is required must submit to testing on the same day.

26 Prior to any vacation or other period of absence from the area where the approved testing
27 vendor provides services, respondent shall seek and receive approval from the board or its
28 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,

1 respondent shall enroll and register with the approved alternate drug testing vendor, provide to
2 that alternate vendor any documentation required by the vendor, including any necessary payment
3 by respondent. During the period of absence of the area, respondent shall commence testing
4 protocols with the alternate vendor, including required daily contacts with the testing vendor to
5 determine if testing is required, and required testing. Any failure to timely seek or receive
6 approval from the board or its designee, or to timely enroll and register with, timely commence
7 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
8 considered a violation of probation.

9 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its
10 designee may require respondent to timely provide documentation from a licensed practitioner
11 authorized to prescribe the detected substance demonstrating that the substance was administered
12 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such
13 documentation shall be provided by respondent within ten (10) days of being requested.

14 Any of the following shall be considered a violation of probation and shall result in
15 respondent being immediately suspended from practice as a Pharmacy Technician until notified
16 by the board in writing that he may resume practice: failure to timely complete all of the steps
17 required for enrollment/registration with the drug testing vendor, including making arrangements
18 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing
19 vendor as required to determine testing date(s); failure to test as required; failure to timely supply
20 documentation demonstrating that a detected substance was taken pursuant to a legitimate
21 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
22 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
23 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
24 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
25 controlled substance or dangerous drug absent documentation that the detected substance was
26 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee
27 shall inform respondent of the suspension and inform him to immediately leave work, and shall
28 notify respondent's employer(s) and work site monitor(s) of the suspension.

1 During any such suspension, respondent shall not enter any pharmacy area or any portion of
2 the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal drug
3 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or
4 any area where dangerous drugs and/or dangerous devices or controlled substances are
5 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
6 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
7 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
8 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
9 dangerous devices and controlled substances.

10 During any such suspension, respondent shall not engage in any activity that requires the
11 professional judgment of and/or licensure as a Pharmacy Technician. Respondent shall not direct
12 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,
13 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

14 Failure to comply with any such suspension shall be considered a violation of probation.
15 Failure to comply with any requirement or deadline stated by this term shall be considered a
16 violation of probation.

17 **16. Notification of Departure**

18 Prior to leaving the probationary geographic area designated by the board or its designee for
19 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
20 writing of the dates of departure and return. Failure to comply with this provision shall be
21 considered a violation of probation.

22 **17. Abstain from Drugs and Alcohol**

23 Respondent shall completely abstain from the possession or use of alcohol, controlled
24 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
25 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
26 necessary part of treatment. Respondent shall ensure that he is not in the same physical location
27 as individuals who are using illicit substances even if respondent is not personally ingesting the
28 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled

1 substances, or their associated paraphernalia for which a legitimate prescription has not been
2 issued as a necessary part of treatment, or any physical proximity to persons using illicit
3 substances, shall be considered a violation of probation.

4 **18. Prescription Coordination and Monitoring of Prescription Use**

5 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
6 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
7 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
8 history with the use of controlled substances and who will coordinate and monitor any
9 prescriptions for respondent for dangerous drugs and/or dangerous devices, controlled substances
10 or mood-altering drugs. The approved practitioner shall be provided with a copy of the board's
11 Accusation and decision. A record of this notification must be provided to the board or its
12 designee upon request. Respondent shall sign a release authorizing the practitioner to
13 communicate with the board or its designee about respondent's treatment(s). The coordinating
14 physician, nurse practitioner, physician assistant, or psychiatrist shall report to the board on a
15 quarterly basis for the duration of probation regarding respondent's compliance with this
16 condition. If any substances considered addictive have been prescribed, the report shall identify a
17 program for the time limited use of any such substances. The board or its designee may require
18 that the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a
19 specialist in addictive medicine, or consult a specialist in addictive medicine. Should respondent,
20 for any reason, cease supervision by the approved practitioner, respondent shall notify the board
21 or its designee immediately and, within thirty (30) days of ceasing supervision, submit the name
22 of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of respondent's
23 choice to the board or its designee for its prior approval. Failure to timely submit the selected
24 practitioner or replacement practitioner to the board or its designee for approval, or to ensure the
25 required quarterly reporting thereby, shall be considered a violation of probation.

26 If at any time an approved practitioner determines that respondent is unable to practice
27 safely or independently as a Pharmacy Technician, the practitioner shall notify the board or its
28 designee immediately by telephone and follow up by written letter within three (3) working days.

1 Upon notification from the board or its designee of this determination, respondent shall be
2 automatically suspended and shall not resume practice as a Pharmacy Technician until notified by
3 the board or its designee that practice may be resumed.

4 During any suspension, respondent shall not enter any pharmacy area or any portion of the
5 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
6 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or
7 any area where dangerous drugs and/or dangerous devices or controlled substances are
8 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
9 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
10 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
11 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
12 dangerous devices and controlled substances. Respondent shall not resume practice until notified
13 by the board.

14 During any suspension, respondent shall not engage in any activity that requires the
15 professional judgment and/or licensure as a Pharmacy Technician. Respondent shall not direct or
16 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,
17 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

18 Failure to comply with any requirement or deadline stated by this term shall be considered a
19 violation of probation.

20 **19. No Ownership or Management of Licensed Premises**

21 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
22 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
23 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
24 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
25 days following the effective date of this decision and shall immediately thereafter provide written
26 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
27 documentation thereof shall be considered a violation of probation.

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1 **20. Criminal Probation/Parole Reports**

2 Within ten (10) days of the effective date of this decision, or within ten (10) days of the
3 issuance or assignment/replacement of same, whichever is earlier, respondent shall provide the
4 board or its designee in writing: a copy of the conditions of any criminal probation/parole
5 applicable to respondent; and the name and contact information of any probation, parole or
6 similar supervisory officer assigned to respondent. Respondent shall provide a copy of all
7 criminal probation/parole reports to the board within ten (10) days after such report is issued.
8 Failure to timely make any of the submissions required hereby shall be considered a violation of
9 probation.

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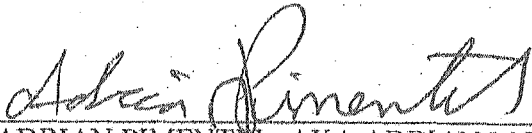
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1 ACCEPTANCE


2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Aimee Larsen Mendoza. I understand the stipulation and the effect
4 it will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Board of Pharmacy.

7
8 DATED: 11.06.2019


ADRIAN PIMENTEL; AKA ADRIAN MORALES
PIMENTEL
Respondent

10 I have read and fully discussed with Respondent Adrian Pimentel; aka Adrian Morales
11 Pimentel the terms and conditions and other matters contained in the above Stipulated Settlement
12 and Disciplinary Order. I approve its form and content.

13 DATED: 11/18/19


AIMEE LARSEN MENDOZA
Attorney for Respondent

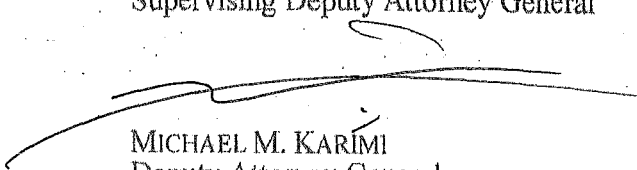
16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Board of Pharmacy.

19
20 DATED: 11/20/19

Respectfully submitted,

21 XAVIER BECERRA
22 Attorney General of California
23 JAMES M. LEDAKIS
24 Supervising Deputy Attorney General

25 
26 MICHAEL M. KARIMI
27 Deputy Attorney General
28 Attorneys for Complainant

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Exhibit A

Accusation No. 6686

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Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 MICHAEL M. KARIMI
Deputy Attorney General
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6 San Diego, CA 92186-5266
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 6686

14 **ADRIAN PIMENTEL;**
15 **AKA ADRIAN MORALES PIMENTEL**
16 **67120 Quijo Road**
17 **Cathedral City, CA 92234**

A C C U S A T I O N

18 **Pharmacy Technician Registration No. TCH**
19 **61267**

Respondent.

20 **PARTIES**

21 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
22 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer
23 Affairs.

24 2. On or about March 11, 2005, the Board issued Pharmacy Technician Registration
25 Number TCH 61267 to Adrian Pimentel also known as Adrian Morales Pimentel (Respondent).
26 The Pharmacy Technician Registration was in full force and effect at all times relevant to the
27 charges brought herein and will expire on July 31, 2020, unless renewed.

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 (Code) unless otherwise
4 indicated.

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

7 5. Section 4300.1 of the Code states:

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

14 **STATUTORY PROVISIONS**

15 6. Section 482¹ of the Code states:

16 (a) Each board under the provisions of this code shall develop criteria to evaluate
17 the rehabilitation of a person when:

18 (1) Considering the denial of a license by the board under Section 480; or

19 (2) Considering suspension or revocation of a license under Section 490.

20 (b) Each board shall take into account all competent evidence of rehabilitation
21 furnished by the applicant or licensee.

22 (c) This section shall become inoperative on July 1, 2020, and, as of January 1,
23 2021, is repealed.

24 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
25 revoke a license on the ground that the licensee has been convicted of a crime substantially
26 related to the qualifications, functions, or duties of the business or profession for which the
27 license was issued.

28 ///

¹ Amended by Stats. 2018, Ch. 995, Sec. 8. (AB 2138) Effective January 1, 2019. Section
inoperative July 1, 2020. Repealed as of January 1, 2021, by its own provisions. See later
operative version added by Stats. 2018, Ch. 995.

1 8. Section 493² of the Code states:

2 (a) Notwithstanding any other provision of law, in a proceeding conducted by a
3 board within the department pursuant to law to deny an application for a license or to
4 suspend or revoke a license or otherwise take disciplinary action against a person who
5 holds a license, upon the ground that the applicant or the licensee has been convicted
6 of a crime substantially related to the qualifications, functions, and duties of the
7 licensee in question, the record of conviction of the crime shall be conclusive evidence
8 of the fact that the conviction occurred, but only of that fact, and the board may inquire
9 into the circumstances surrounding the commission of the crime in order to fix the
10 degree of discipline or to determine if the conviction is substantially related to the
11 qualifications, functions, and duties of the licensee in question.

12 (b) As used in this section, “license” includes “certificate,” “permit,” “authority,”
13 and “registration.”

14 (c) This section shall become inoperative on July 1, 2020, and, as of January 1,
15 2021, is repealed.

16 9. Section 4301 of the Code states:

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

20 ...

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

24 ...

25 (l) The conviction of a crime substantially related to the qualifications,
26 functions, and duties of a licensee under this chapter. The record of conviction of a
27 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
28 States Code regulating controlled substances or of a violation of the statutes of this
state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
be conclusive evidence only of the fact that the conviction occurred. The board may
inquire into the circumstances surrounding the commission of the crime, in order to
fix the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of

² Amended by Stats. 2018, Ch. 995, Sec. 12. (AB 2138) Effective January 1, 2019.
Section inoperative July 1, 2020. Repealed as of January 1, 2021, by its own provisions. See later
operative version added by Stats. 2018, Ch. 995.

1 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
2 dismissing the accusation, information, or indictment.

3 . . .

4 **REGULATORY PROVISIONS**

5 10. California Code of Regulations, title 16, section 1769, subdivision (c), states:

6 When considering the suspension or revocation of a facility or a personal license
7 on the ground that the licensee or the registrant has been convicted of a crime, the
8 board, in evaluating the rehabilitation of such person and his present eligibility for a
9 license will consider the following criteria:

10 (1) Nature and severity of the act(s) or offense(s).

11 (2) Total criminal record.

12 (3) The time that has elapsed since commission of the act(s) or offense(s).

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

15 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

24 **COSTS**

25 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

29 **FIRST CAUSE FOR DISCIPLINE**

30 **(February 6, 2019 Criminal Conviction for Possession of a Switchblade on July 14, 2018)**

31 13. Respondent has subjected his registration to disciplinary action under Code sections
32 4301, subdivision (l), and/or 490 in that on or about February 6, 2019, in a criminal proceeding

1 titled *People of the State of California v. Adrian Pimentel*, in Riverside County Superior Court,
2 case number INM1805929, Respondent was convicted on his plea of guilty of violating Penal
3 Code section 21510, possession of switchblade greater than 2 inches in length; and Vehicle Code
4 section 2800.1, subdivision (a), evading a peace officer, both misdemeanors. Respondent was
5 granted summary probation for three (3) years, sentenced to serve 60 days in jail, which the court
6 allowed Respondent to serve through the electronic monitoring program (ankle bracelet), and
7 ordered to pay fees and fines. The circumstances that led to the convictions are that on July 14,
8 2018, at approximately 9:39 a.m., an officer with the Cathedral City Police Department observed
9 Respondent abruptly swerve his vehicle towards the officers patrol vehicle and continue driving.
10 The officer then activated his lights and sirens to conduct an enforcement stop, however,
11 Respondent failed to yield to the officer right away. The officer made contact with Respondent
12 and asked if he had any weapons inside his vehicle, to which he said “no”. The officer then asked
13 Respondent if could search his vehicle and he responded “no”. Subsequently, the officer arrested
14 Respondent for evading a police officer. During a search of Respondent’s vehicle, the officer
15 confiscated a switchblade knife and four green pills stamped with “S903”, which were later
16 determined to be alprazolam³.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Commission of Act Involving Moral Turpitude)**

19 14. Respondent has subjected his registration to disciplinary action under Code sections
20 4301, subdivision (f), and/or 490 in that on or about July 14, 2018, Respondent committed acts
21 involving moral turpitude, as described in paragraph 13, above, when he evaded a police officer
22 and was in possession of a switchblade.

23 **PRAYER**

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

26 ///

27 _____
28 ³ No criminal charges were filed against Respondent for possession of a controlled
substance in connection with the discovery of these pills.

1 1. Revoking or suspending Pharmacy Technician Registration Number TCH 61267,
2 issued to Adrian Pimentel; aka Adrian Morales Pimentel;

3 2. Ordering Adrian Pimentel to pay the Board of Pharmacy the reasonable costs of the
4 investigation and enforcement of this case, pursuant to Business and Professions Code section
5 125.3; and,

6 3. Taking such other and further action as deemed necessary and proper.
7

8
9 DATED: July 8, 2019



ANNE SODERGREN
Interim Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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