



California State Board of Pharmacy
 2720 Gateway Oaks Drive, Suite 100
 Sacramento, CA 95833
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 www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency
 Department of Consumer Affairs
 Gavin Newsom, Governor



APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE


PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES:

Name of Licensee: Luis De Santiago	Case No. 6793
Address of Record: 9241 Pitkin Street Rosemead, CA 91770	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 6793, I hereby request to surrender my pharmacy technician license, License No. TCH 172149. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.



Applicant's Signature

3/7/2023

Date

Luis De Santiago

Applicant's Printed Name

TCH 172149

Applicant's License Number

Executive Officer's Approval

Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 518-3100, 2720 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Statement of Issues Against:

LUIS ALFONSO DESANTIAGO, JR., Respondent

Pharmacy Technician Registration Applicant

Agency Case No. 6793

OAH No. 2020010346

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 June 18, 2020.

It is so ORDERED on May 19, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

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Attorney General of California
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Attorneys for Complainant
7

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
13 Against:

14 **LUIS ALFONSO DESANTIAGO, JR.**
15 **9241 Pitkin Street**
Rosemead, CA 91770

16 **Pharmacy Technician Registration**
17 **Applicant**

Respondent.

Case No. 6793

OAH No. 2020010346

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

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

27 2. Respondent Luis Alfonso DeSantiago, Jr. (Respondent) is representing himself in this
28 proceeding and has chosen not to exercise his right to be represented by counsel.

1 **CONTINGENCY**

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

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

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

20 13. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the Board may, without further notice or formal proceeding, issue and enter the following
22 Disciplinary Order:

23 **DISCIPLINARY ORDER**

24 Upon satisfaction of all statutory and regulatory requirements for issuance of a Pharmacy
25 Technician Registration, the Pharmacy Technician Registration shall be issued to Respondent and
26 immediately revoked; the order of revocation is stayed and Respondent is placed on probation for
27 five (5) years upon the following terms and conditions:

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1 **1. Obey All Laws**

2 Respondent shall obey all state and federal laws and regulations.

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

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

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

15 **2. Report to the Board**

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

20 Failure to submit timely reports in a form as directed shall be considered a violation of
21 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
22 total period of probation. Moreover, if the final probation report is not made as directed,
23 probation shall be automatically extended until such time as the final report is made and accepted
24 by the board.

25 **3. Interview with the Board**

26 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
27 with the board or its designee, at such intervals and locations as are determined by the board or its
28 designee. Failure to appear for any scheduled interview without prior notification to board staff,

1 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
2 the period of probation, shall be considered a violation of probation.

3 **4. Cooperate with Board Staff**

4 Respondent shall timely cooperate with the board's inspection program and with the
5 board's monitoring and investigation of Respondent's compliance with the terms and conditions
6 of his probation, including but not limited to: timely responses to requests for information by
7 board staff; timely compliance with directives from board staff regarding requirements of any
8 term or condition of probation; and timely completion of documentation pertaining to a term or
9 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

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

11 During the period of probation, Respondent shall notify all present and prospective
12 employers of the decision in case number 6793 and the terms, conditions and restrictions imposed
13 on Respondent by the decision, as follows:

14 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
15 undertaking any new employment, Respondent shall report to the board in writing the name,
16 physical address, and mailing address of each of his employer(s), and the name(s) and telephone
17 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated
18 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
19 schedule, if known. Respondent shall also include the reason(s) for leaving the prior
20 employment. Respondent shall sign and return to the board a written consent authorizing the
21 board or its designee to communicate with all of Respondent's employer(s) and supervisor(s), and
22 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
23 concerning Respondent's work status, performance, and monitoring. Failure to comply with the
24 requirements or deadlines of this condition shall be considered a violation of probation.

25 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
26 Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor,
27 (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
28 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the

1 board in writing acknowledging that the listed individual(s) has/have read the decision in case
2 number 6793, and terms and conditions imposed thereby. If one person serves in more than one
3 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
4 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
5 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
6 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the board in
7 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
8 in case number 6793, and the terms and conditions imposed thereby.

9 If Respondent works for or is employed by or through an employment service, Respondent
10 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
11 of the decision in case number 6793, and the terms and conditions imposed thereby in advance of
12 Respondent commencing work at such licensed entity. A record of this notification must be
13 provided to the board upon request.

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

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

23 "Employment" within the meaning of this provision includes any full-time, part-time,
24 temporary, relief, or employment/management service position as a Pharmacy Technician, or any
25 position for which a Pharmacy Technician is a requirement or criterion for employment, whether
26 the Respondent is an employee, independent contractor or volunteer.

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

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

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

6 **7. Probation Monitoring Costs**

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

11 **8. Status of License**

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

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

20 **9. License Surrender While on Probation/Suspension**

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

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

8 **10. Certification Prior to Resuming Work**

9 Respondent shall be suspended, and shall not work as a pharmacy technician, until he has
10 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has
11 submitted proof of certification to the board, and has been notified by the board or its designee
12 that he may begin work. Failure to achieve certification within six (6) months of the effective
13 date shall be considered a violation of probation.

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

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

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

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

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

6 **11. Practice Requirement – Extension of Probation**

7 Except during periods of suspension, Respondent shall, at all times while on probation, be
8 employed as a Pharmacy Technician in California for a minimum of eighty (80) hours per
9 calendar month. Any month during which this minimum is not met shall extend the period of
10 probation by one month. During any such period of insufficient employment, Respondent must
11 nonetheless comply with all terms and conditions of probation, unless Respondent receives a
12 waiver in writing from the board or its designee.

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

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

26 **12. Violation of Probation**

27 If Respondent has not complied with any term or condition of probation, the board shall
28 have continuing jurisdiction over Respondent, and the board shall provide notice to Respondent

1 that probation shall automatically be extended, until all terms and conditions have been satisfied
2 or the board has taken other action as deemed appropriate to treat the failure to comply as a
3 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
4 board or its designee may post a notice of the extended probation period on its website.

5 If Respondent violates probation in any respect, the board, after giving Respondent notice
6 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
7 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
8 probation, or the preparation of an accusation or petition to revoke probation is requested from
9 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
10 probation shall be automatically extended until the petition to revoke probation or accusation is
11 heard and decided.

12 13. **Completion of Probation**

13 Upon written notice by the board or its designee indicating successful completion of
14 probation, Respondent's license will be fully restored.

15 14. **Drug and Alcohol Testing**

16 Respondent, at his own expense, shall participate in testing as directed by the board or its
17 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
18 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
19 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its
20 designee. All testing must be pursuant to an observed testing protocol, unless Respondent is
21 informed otherwise in writing by the board or its designee. Respondent may be required to
22 participate in testing for the entire probation period and frequency of testing will be determined
23 by the board or its designee.

24 By no later than thirty (30) days after the effective date of this decision, Respondent shall
25 have completed all of the following tasks: enrolled and registered with an approved drug and
26 alcohol testing vendor; provided that vendor with any documentation, and any information
27 necessary for payment by Respondent; commenced testing protocols, including all required
28 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,

1 Respondent shall fully cooperate with the testing vendor, and with the board or its designee, with
2 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to
3 cooperate timely shall be considered a violation of probation.

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

7 Prior to any vacation or other period of absence from the area where the approved testing
8 vendor provides services, Respondent shall seek and receive approval from the board or its
9 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,
10 Respondent shall enroll and register with the approved alternate drug testing vendor, provide to
11 that alternate vendor any documentation required by the vendor, including any necessary payment
12 by Respondent. During the period of absence of the area, Respondent shall commence testing
13 protocols with the alternate vendor, including required daily contacts with the testing vendor to
14 determine if testing is required, and required testing. Any failure to timely seek or receive
15 approval from the board or its designee, or to timely enroll and register with, timely commence
16 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
17 considered a violation of probation.

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

23 Any of the following shall be considered a violation of probation and shall result in
24 Respondent being immediately suspended from practice as a Pharmacy Technician until notified
25 by the board in writing that he may resume practice: failure to timely complete all of the steps
26 required for enrollment/registration with the drug testing vendor, including making arrangements
27 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing
28 vendor as required to determine testing date(s); failure to test as required; failure to timely supply

1 documentation demonstrating that a detected substance was taken pursuant to a legitimate
2 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
3 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
4 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
5 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
6 controlled substance or dangerous drug absent documentation that the detected substance was
7 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee
8 shall inform Respondent of the suspension and inform him to immediately leave work, and shall
9 notify Respondent's employer(s) and work site monitor(s) of the suspension.

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

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

23 Failure to comply with any such suspension shall be considered a violation of probation.
24 Failure to comply with any requirement or deadline stated by this term shall be considered a
25 violation of probation.

26 **15. Notification of Departure**

27 Prior to leaving the probationary geographic area designated by the board or its designee for
28 a period greater than twenty-four (24) hours, Respondent shall notify the board verbally and in

1 writing of the dates of departure and return. Failure to comply with this provision shall be
2 considered a violation of probation.

3 **16. Abstain from Drugs and Alcohol**

4 Respondent shall completely abstain from the possession or use of alcohol, controlled
5 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
6 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
7 necessary part of treatment. Respondent shall ensure that he is not in the same physical location
8 as individuals who are using illicit substances even if Respondent is not personally ingesting the
9 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled
10 substances, or their associated paraphernalia for which a legitimate prescription has not been
11 issued as a necessary part of treatment, or any physical proximity to persons using illicit
12 substances, shall be considered a violation of probation.

13 **17. Prescription Coordination and Monitoring of Prescription Use**

14 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
15 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
16 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
17 Respondent's history with the use of controlled substances and/or dangerous drugs and who will
18 coordinate and monitor any prescriptions for Respondent for dangerous drugs and/or dangerous
19 devices, controlled substances or mood-altering drugs. The approved practitioner shall be
20 provided with a copy of the board's Statement of Issues and decision. A record of this
21 notification must be provided to the board or its designee upon request. Respondent shall sign a
22 release authorizing the practitioner to communicate with the board or its designee about
23 Respondent's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or
24 psychiatrist shall report to the board on a quarterly basis for the duration of probation regarding
25 Respondent's compliance with this condition. If any substances considered addictive have been
26 prescribed, the report shall identify a program for the time limited use of any such substances.
27 The board or its designee may require that the single coordinating physician, nurse practitioner,
28 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in

1 addictive medicine. Should Respondent, for any reason, cease supervision by the approved
2 practitioner, Respondent shall notify the board or its designee immediately and, within thirty (30)
3 days of ceasing supervision, submit the name of a replacement physician, nurse practitioner,
4 physician assistant, or psychiatrist of Respondent's choice to the board or its designee for its prior
5 approval. Failure to timely submit the selected practitioner or replacement practitioner to the
6 board or its designee for approval, or to ensure the required quarterly reporting thereby, shall be
7 considered a violation of probation.

8 If at any time an approved practitioner determines that Respondent is unable to practice
9 safely or independently as a Pharmacy Technician, the practitioner shall notify the board or its
10 designee immediately by telephone and follow up by written letter within three (3) working days.
11 Upon notification from the board or its designee of this determination, Respondent shall be
12 automatically suspended and shall not resume practice as a Pharmacy Technician until notified by
13 the board or its designee that practice may be resumed.

14 During any suspension, Respondent shall not enter any pharmacy area or any portion of the
15 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
16 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or
17 any area where dangerous drugs and/or dangerous devices or controlled substances are
18 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
19 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
20 Respondent manage, administer, or be a consultant to any licensee of the board, or have access to
21 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
22 dangerous devices and controlled substances. Respondent shall not resume practice until notified
23 by the board.

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

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

3 **18. No Ownership or Management of Licensed Premises**

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

11 **ACCEPTANCE**

12 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
13 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
14 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
15 to be bound by the Decision and Order of the Board of Pharmacy.

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17 DATED: 4/14/2020


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19 LUIS ALEONSO DESANTIAGO, JR.
20 Respondent

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ENDORSEMENT

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

DATED: 04/14/2020 _____

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

Marissa N. Hamilton
MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 6793

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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:
13 **LUIS ALFONSO DESANTIAGO, JR.**
14 **Pharmacy Technician Registration Applicant**
15 Respondent.

Case No. 6793

STATEMENT OF ISSUES

16
17 **PARTIES**

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

21 2. On or about March 22, 2019, the Board received an application for a Pharmacy
22 Technician Registration from Luis Alfonso DeSantiago, Jr. (Respondent). On or about January
23 15, 2019, Luis Alfonso DeSantiago, Jr. certified under penalty of perjury to the truthfulness of all
24 statements, answers, and representations in the application. The Board denied the application on
25 June 20, 2019.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board, under the authority of the
3 following laws. All section references are to the Business and Professions Code (Code) unless
4 otherwise indicated.

5 4. Section 475 of the Code states:

6 (a) Notwithstanding any other provisions of this code, the provisions of this
7 division shall govern the denial of licenses on the grounds of:

8 (1) Knowingly making a false statement of material fact, or knowingly omitting
9 to state a material fact, in an application for a license.

10 (2) Conviction of a crime.

11 (3) Commission of any act involving dishonesty, fraud or deceit with the intent
12 to substantially benefit himself or another, or substantially injure another.

13 (4) Commission of any act which, if done by a licentiate of the business or
14 profession in question, would be grounds for suspension or revocation of license.

15 (b) Notwithstanding any other provisions of this code, the provisions of this
16 division shall govern the suspension and revocation of licenses on grounds specified
17 in paragraphs (1) and (2) of subdivision (a).

18 (c) A license shall not be denied, suspended, or revoked on the grounds of a
19 lack of good moral character or any similar ground relating to an applicant's
20 character, reputation, personality, or habits.

21 **STATUTORY PROVISIONS**

22 5. Section 480 of the Code states, in pertinent part:

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

25 ...

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

28 (B) The board may deny a license pursuant to this subdivision only if the crime
or act is substantially related to the qualifications, functions, or duties of the business
or profession for which application is made.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Unprofessional Conduct – Dangerous Use and Possession of a Controlled Substance)**

3 11. Respondent's application is subject to denial under Code section 4300(c), in
4 conjunction with California Code of Regulations, title 16, section 1770, on the grounds of
5 unprofessional conduct, in that on or about May 27, 2014, a Los Angeles County Sheriff deputy
6 conducted a traffic stop involving Respondent. Upon speaking to Respondent, the deputy noticed
7 he was sweating profusely, rapid speech, fidgety, dry mouth, and rapid eye flutter. Respondent
8 admitted to having methamphetamine in a bag tied to his belt. The deputy recovered a baggie
9 from Respondent's waistband that contained a white crystal-like substance and Respondent
10 admitted to using methamphetamine earlier that day. A narcotics test revealed
11 methamphetamine.

12 On or about May 29, 2014, in a criminal proceeding entitled *The People of the State of*
13 *California vs. Luis Alfonso Desantiago*, in Superior Court of California, County of Los Angeles,
14 case number 4BF02708, Respondent plead guilty to violating Health and Safety Code section
15 11550(a) (under the influence of a controlled substance), a misdemeanor. Respondent was placed
16 on deferred entry of judgment for 18 months. On or about August 4, 2017, the court dismissed
17 the case pursuant to Penal Code section 1000.3.

18 **SECOND CAUSE FOR DENIAL OF APPLICATION**

19 **(Acts Warranting Discipline of Licensure)**

20 12. Respondent's application is subject to denial under Code sections 480(a)(3)(A) and
21 480(a)(3)(B), in that Respondent committed acts which if done by a licentiate of the business or
22 profession in question, would be grounds for suspension or revocation of license, as alleged
23 above in paragraph 11.

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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. Denying the application of Luis Alfonso DeSantiago, Jr. for a Pharmacy Technician Registration; and
2. Taking such other and further action as deemed necessary and proper.

DATED: December 3, 2019



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

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