

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

In the Matter of the Statement of Issues Against:

REBECCA CASTILLO, Respondent

Pharmacy Technician Registration Applicant

Agency Case No. 6808

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 August 26, 2020.

It is so ORDERED on July 27, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", is written over the printed name and title.

By

Greg Lippe
Board President

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

12 In the Matter of the Statement of Issues Against:

Case No. 6808

13 **REBECCA CASTILLO**
14 **2808 Winding Lane**
Antioch, CA 94531

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Pharmacy Technician Registration Applicant**

16 Respondent.
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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
22 (Board), Department of Consumer Affairs. She brought this action solely in her official capacity
23 and is represented in this matter by Xavier Becerra, Attorney General of the State of California,
24 by Leslie E. Brast, Deputy Attorney General.

25 2. Respondent Rebecca Castillo (Respondent) is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 3. On or about January 7, 2019, Respondent filed an application dated January 2, 2019,
28 with the Board to obtain a Pharmacy Technician Registration.

1 **JURISDICTION**

2 4. Statement of Issues No. 6808 was filed before the Board and is currently pending
3 against Respondent. The Statement of Issues and all other statutorily required documents were
4 properly served on Respondent on December 12, 2019.

5 5. A copy of Statement of Issues No. 6808 is attached as Exhibit A and incorporated
6 herein by reference.

7 **ADVISEMENT AND WAIVERS**

8 6. Respondent has carefully read and understands the charges and allegations in
9 Statement of Issues No. 6808. Respondent has also carefully read and understands the effects of
10 this Stipulated Settlement and Disciplinary Order.

11 7. Respondent is fully aware of her legal rights in this matter, including the right to a
12 hearing on the charges and allegations in the Statement of Issues; the right to be represented by
13 counsel at her own expense; the right to confront and cross-examine the witnesses against her; the
14 right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas
15 to compel the attendance of witnesses and the production of documents; the right to
16 reconsideration and court review of an adverse decision; and all other rights accorded by the
17 California Administrative Procedure Act and other applicable laws.

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

20 **CULPABILITY**

21 9. Respondent admits the truth of each and every charge and allegation in Statement of
22 Issues No. 6808.

23 10. Respondent agrees that her Pharmacy Technician Registration Applicant is subject to
24 denial and she agrees to be bound by the Board's probationary terms as set forth in the
25 Disciplinary Order below.

26 **CONTINGENCY**

27 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
28 understands and agrees that counsel for Complainant and Board staff may communicate directly

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

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

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

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

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that, upon satisfaction of all statutory and regulatory
22 requirements for issuance of a Pharmacy Technician Registration, a Pharmacy Technician
23 Registration shall be issued to Respondent Rebecca Castillo and immediately revoked; the order
24 of revocation is to be stayed and Respondent placed on probation for five (5) years upon the
25 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
7 substances laws
- 8 • A plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
9 criminal proceeding to any criminal complaint, information or indictment
- 10 • A conviction of any crime
- 11 • The filing of a disciplinary pleading, issuance of a citation, or initiation of another
12 administrative action filed by any state or federal agency which involves
13 Respondent's license or which is related to the practice of pharmacy or the
14 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
15 device or controlled substance.

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

17 **2. Report to the Board**

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

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

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1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

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

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

15 During the period of probation, Respondent shall notify all present and prospective
16 employers of the decision in case number 6808 and the terms, conditions and restrictions imposed
17 on Respondent by the decision, as follows:

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

1 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
2 Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor,
3 (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
4 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the
5 Board in writing acknowledging that the listed individual(s) has/have read the decision in case
6 number 6808, and terms and conditions imposed thereby. If one person serves in more than one
7 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
8 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the
9 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
10 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in
11 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
12 in case number 6808, and the terms and conditions imposed thereby.

13 If Respondent works for or is employed by or through an employment service, Respondent
14 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board
15 of the decision in case number 6808, and the terms and conditions imposed thereby in advance of
16 Respondent commencing work at such licensed entity. A record of this notification must be
17 provided to the Board upon request.

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

24 Failure to timely notify present or prospective employer(s) or failure to cause the identified
25 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board
26 shall be considered a violation of probation.

27 "Employment" within the meaning of this provision includes any full-time, part-time,
28 temporary, relief, or employment/management service position as a pharmacy technician, or any

position for which a pharmacy technician is a requirement or criterion for employment, whether the Respondent is an employee, independent contractor or volunteer.

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

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

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

7. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$2,152.50 pursuant to the Decision and Order in the matter of the First Amended Accusation in Case No. 5008, by which Respondent surrendered her Pharmacy Technician Registration. Respondent shall make said payments as follows:

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

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

8. Probation Monitoring Costs

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

9. Status of License

Respondent shall, at all times while on probation, maintain an active, current Pharmacy Technician Registration with the Board, including any period during which suspension or probation is tolled. Failure to maintain an active, current Pharmacy Technician Registration shall

1 be considered a violation of probation.

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

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

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

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

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

23 Respondent shall be suspended, and shall not work as a pharmacy technician, until she has
24 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has
25 submitted proof of certification to the Board, and has been notified by the Board or its designee
26 that she may begin work. Failure to achieve certification within six (6) months of the effective
27 date shall be considered a violation of probation.

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

6 During suspension, Respondent shall not do any act involving drug selection, selection of
7 stock, manufacturing, compounding or dispensing; nor shall Respondent manage, administer, or
8 assist any licensee of the Board. Respondent shall not have access to or control the ordering,
9 distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices or
10 controlled substances.

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

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

16 **12. Practice Requirement – Extension of Probation**

17 Except during periods of suspension, Respondent shall, at all times while on probation, be
18 employed as a pharmacy technician in California for a minimum of 80 hours per calendar month.
19 Any month during which this minimum is not met shall extend the period of probation by one
20 month. During any such period of insufficient employment, Respondent must nonetheless
21 comply with all terms and conditions of probation, unless Respondent receives a waiver in
22 writing from the Board or its designee.

23 If Respondent does not practice as a pharmacy technician in California for the minimum
24 number of hours in any calendar month, for any reason (including vacation), Respondent shall
25 notify the Board in writing within ten (10) days of the conclusion of that calendar month. This
26 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)
27 for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will
28 resume practice at the required level. Respondent shall further notify the Board in writing within

1 ten (10) days following the next calendar month during which Respondent practices as a
2 pharmacy technician in California for the minimum of hours. Any failure to timely provide such
3 notification(s) shall be considered a violation of probation.

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

8 13. **Violation of Probation**

9 If Respondent has not complied with any term or condition of probation, the Board shall
10 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent
11 that probation shall automatically be extended, until all terms and conditions have been satisfied
12 or the Board has taken other action as deemed appropriate to treat the failure to comply as a
13 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
14 Board or its designee may post a notice of the extended probation period on its website.

15 If Respondent violates probation in any respect, the Board, after giving Respondent notice
16 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
17 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
18 probation, or the preparation of an accusation or petition to revoke probation is requested from
19 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of
20 probation shall be automatically extended until the petition to revoke probation or accusation is
21 heard and decided.

22 14. **Completion of Probation**

23 Upon written notice by the Board or its designee indicating successful completion of
24 probation, Respondent's license will be fully restored.

25 15. **Psychotherapy**

26 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
27 Board or its designee, for prior approval, the name and qualifications of a licensed mental health
28 practitioner of Respondent's choice. Within thirty (30) days of approval thereof, Respondent

1 shall submit documentation to the Board demonstrating the commencement of psychotherapy
2 with the approved licensed mental health practitioner. Should Respondent, for any reason, cease
3 treatment with the approved licensed mental health practitioner, Respondent shall notify the
4 Board immediately and, within thirty (30) days of ceasing treatment, submit the name of a
5 replacement psychotherapist or licensed mental health practitioner of Respondent's choice to the
6 Board for its prior approval. Within thirty (30) days of approval thereof, Respondent shall submit
7 documentation to the Board demonstrating the commencement of psychotherapy with the
8 approved replacement. Failure to comply with any requirement or deadline stated by this
9 paragraph shall be considered a violation of probation.

10 Upon approval of the initial or any subsequent licensed mental health practitioner,
11 Respondent shall undergo and continue treatment with that therapist, at Respondent's own
12 expense, until the therapist recommends in writing to the Board, and the Board or its designee
13 agrees by way of a written notification to Respondent, that no further psychotherapy is necessary.
14 Upon receipt of such recommendation from the treating therapist, and before determining whether
15 to accept or reject said recommendation, the Board or its designee may require Respondent to
16 undergo, at Respondent's own expense, a mental health evaluation by a Board-appointed or
17 Board-approved psychiatrist or psychologist. If the approved evaluator recommends that
18 Respondent continue psychotherapy, the Board or its designee may require Respondent to
19 continue psychotherapy.

20 Psychotherapy shall be at least once a month unless otherwise approved by the Board.
21 Respondent shall provide the therapist with a copy of the Board's accusation and decision no later
22 than the first therapy session. Respondent shall take all necessary steps to ensure that the treating
23 therapist submits written quarterly reports to the Board concerning Respondent's fitness to
24 practice, progress in treatment, and such other information required by the Board or its designee.

25 If at any time the treating therapist determines that Respondent cannot practice safely or
26 independently, the therapist shall notify the Board immediately by telephone and follow up by
27 written letter within three (3) working days. Upon notification from the Board or its designee of
28 this determination, Respondent shall be automatically suspended and shall not resume practice

1 until notified by the Board that practice may be resumed.

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

7 During any suspension, Respondent shall not practice pharmacy nor do any act involving
8 drug selection, selection of stock, manufacturing, compounding, dispensing or patient
9 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
10 Board, or have access to or control the ordering, distributing, manufacturing or dispensing of
11 dangerous drugs and/or dangerous devices or controlled substances. Respondent shall not resume
12 practice until notified by the Board.

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

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

19 **16. Drug and Alcohol Testing**

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

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1 By no later than thirty (30) days after the effective date of this decision, Respondent shall
2 have completed all of the following tasks: enrolled and registered with an approved drug and
3 alcohol testing vendor; provided that vendor with any documentation, and any information
4 necessary for payment by Respondent; commenced testing protocols, including all required
5 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,
6 Respondent shall fully cooperate with the testing vendor, and with the Board or its designee, with
7 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to
8 cooperate timely shall be considered a violation of probation.

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

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

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

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Any of the following shall be considered a violation of probation and shall result in Respondent being immediately suspended from practice as a pharmacy technician until notified by the Board in writing that she may resume practice: failure to timely complete all of the steps required for enrollment/registration with the drug testing vendor, including making arrangements for payment; failure to timely commence drug testing protocols; failure to contact the drug testing vendor as required to determine testing date(s); failure to test as required; failure to timely supply documentation demonstrating that a detected substance was taken pursuant to a legitimate prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment, the Board or its designee shall inform Respondent of the suspension and inform her to immediately leave work, and shall notify Respondent's employer(s) and work site monitor(s) of the suspension.

During any such suspension, Respondent shall not enter any pharmacy area or any portion of the 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 practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices and controlled substances.

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

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

4 **17. Notification of Departure**

5 Prior to leaving the probationary geographic area designated by the Board or its designee
6 for a period greater than twenty-four (24) hours, Respondent shall notify the Board verbally and
7 in writing of the dates of departure and return. Failure to comply with this provision shall be
8 considered a violation of probation.

9 **18. Abstain from Drugs and Alcohol**

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

19 **19. Prescription Coordination and Monitoring of Prescription Use**

20 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
21 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
22 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
23 Respondent's history of alcohol/substance abuse and mental health issues, and who will
24 coordinate and monitor any prescriptions for Respondent for dangerous drugs and/or dangerous
25 devices, controlled substances or mood-altering drugs. The approved practitioner shall be
26 provided with a copy of the Board's Statement of Issues and decision. A record of this
27 notification must be provided to the Board or its designee upon request. Respondent shall sign a
28 release authorizing the practitioner to communicate with the Board or its designee about

1 Respondent's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or
2 psychiatrist shall report to the Board on a quarterly basis for the duration of probation regarding
3 Respondent's compliance with this condition. If any substances considered addictive have been
4 prescribed, the report shall identify a program for the time limited use of any such substances.
5 The Board or its designee may require that the single coordinating physician, nurse practitioner,
6 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in
7 addictive medicine. Should Respondent, for any reason, cease supervision by the approved
8 practitioner, Respondent shall notify the Board or its designee immediately and, within thirty (30)
9 days of ceasing supervision, submit the name of a replacement physician, nurse practitioner,
10 physician assistant, or psychiatrist of Respondent's choice to the Board or its designee for its
11 prior approval. Failure to timely submit the selected practitioner or replacement practitioner to the
12 Board or its designee for approval, or to ensure the required quarterly reporting thereby, shall be
13 considered a violation of probation.

14 If at any time an approved practitioner determines that Respondent is unable to practice
15 safely or independently as a pharmacy technician, the practitioner shall notify the Board or its
16 designee immediately by telephone and follow up by written letter within three (3) working days.
17 Upon notification from the Board or its designee of this determination, Respondent shall be
18 automatically suspended and shall not resume practice as a pharmacy technician until notified by
19 the Board or its designee that practice may be resumed.

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

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1 dangerous devices and controlled substances. Respondent shall not resume practice until notified
2 by the Board.

3 During any suspension, Respondent shall not engage in any activity that requires the
4 professional judgment and/or licensure as a pharmacy technician. Respondent shall not direct or
5 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,
6 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

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

9 **20. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

10 Within thirty (30) days of the effective date of this decision, Respondent shall begin regular
11 attendance at a recognized and established substance abuse recovery support group in California
12 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board
13 or its designee. Respondent must attend the number of group meetings per week or month
14 directed by the Board or its designee, which shall typically be at least one per week. Respondent
15 shall continue regular attendance and submit signed and dated documentation confirming
16 attendance with each quarterly report for the duration of probation. Failure to attend or submit
17 documentation thereof shall be considered a violation of probation.

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

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

26 **ACCEPTANCE**

27 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
28 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this

1 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
2 to be bound by the Decision and Order of the Board of Pharmacy.

3
4 DATED: 03/25/2020


REBECCA CASILLO
Respondent

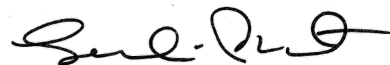
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7 **ENDORSEMENT**

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

10 DATED: 3/25/2020

Respectfully submitted,

12 XAVIER BECERRA
Attorney General of California
13 CHAR SACHSON
Supervising Deputy Attorney General



15 LESLIE E. BRAST
16 Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 6808

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Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 LESLIE E. BRAST
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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 Against:	Case No. 6808
13 REBECCA CASTILLO	STATEMENT OF ISSUES
14 Pharmacy Technician Registration Applicant	
15 Respondent.	

16 **PARTIES**

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

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

24 **JURISDICTION**

25 3. This Statement of Issues is brought before the Board under the authority of the
26 following laws. All section references are to the Business and Professions Code (Code) unless
27 otherwise indicated.
28

1 4. Code section 4300 (c) states:

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

6 **STATUTORY AND REGULATORY PROVISIONS**

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

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

10 . . .

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

13 . . .

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

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

18 . . .

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

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

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

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

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

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

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

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

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

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

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

17 **FIRST CAUSE FOR DENIAL OF APPLICATION**

18 (Unprofessional Conduct)

19 9. Respondent's application is subject to denial under Code sections 480(a)(3)(A),
20 4300(c) and 4301 in that Respondent has committed unprofessional conduct. The circumstances
21 are as follows:

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

- 26 a. Respondent's felony conviction for having violated California Penal Code section
27 245(a)(4) (assault by means likely to cause great bodily injury); and
28 b. Respondent's dangerous use of alcohol.

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