

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

In the Matter of the Accusation Against:

HELEN CAMACHO, Respondent

Pharmacy Technician License No. TCH 55435

Agency Case No. 7406

DECISION AND ORDER

The attached Stipulated Surrender of License 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 23, 2023.

It is so ORDERED on May 24, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
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10 **BEFORE THE**
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7406

13 **HELEN CAMACHO**
14 **120 Tinker Way**
Sacramento, CA 95838

15 **Pharmacy Technician License No. TCH**
16 **55435**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 Respondent.
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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), Department of Consumer Affairs. She brought this action solely in her official capacity
25 and is represented in this matter by Rob Bonta, Attorney General of the State of California, by
26 Stephanie Alamo-Latif, Deputy Attorney General.

27 2. Helen Camacho (Respondent) is representing herself in this proceeding and has
28 chosen not to exercise her right to be represented by counsel.

3. On or about March 8, 2004, the Board issued Pharmacy Technician License No. TCH 55435 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7406 and will expire on May 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 7406 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 February 17, 2023. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 7406 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 7406. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her 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.

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 7406, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician License No. TCH 55435 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician License without further process.

CONTINGENCY

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

11. The parties understand and agree that Portable Document Format (PDF), facsimile and/or electronic copies of this Stipulated Surrender of License and Order, including PDF, facsimile and/or electronic signatures thereto, shall have the same force and effect as the originals.

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

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

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 55435, issued to Respondent Helen Camacho, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 7406 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$8,648 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 7406 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent may not apply for any license, permit, or registration from the Board for three (3) years from the effective date of the Board's Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

4/18/2023



DATED: _____

HELEN CAMACHO
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

STEPHANIE ALAMO-LATIF
Deputy Attorney General
Attorneys for Complainant

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1 **ACCEPTANCE**

2 I have carefully read the Stipulated Surrender of License and Order. I understand the
3 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
4 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
5 be bound by the Decision and Order of the Board of Pharmacy.

6
7 DATED: _____

HELEN CAMACHO
Respondent

9
10 **ENDORSEMENT**

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
12 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

13 DATED: 4/20/2023

Respectfully submitted,

14 ROB BONTA
Attorney General of California
15 KAREN R. DENVIR
Supervising Deputy Attorney General

16 

17 STEPHANIE ALAMO-LATIF
18 Deputy Attorney General
19 *Attorneys for Complainant*

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21 SA2022304793
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Exhibit A

Accusation No. 7406

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7406

13 **HELEN CAMACHO**
14 120 Tinker Way
Sacramento, CA 95838

ACCUSATION

15 **Pharmacy Technician License No.**
16 **TCH 55435**

17 Respondent.

18
19 **PARTIES**

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

22 2. On or about March 8, 2004, the Board issued Pharmacy Technician License Number
23 TCH 55435 to Helen Camacho (Respondent). The Pharmacy Technician License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on May 31,
25 2023, unless renewed.

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JURISDICTION

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

4. Code section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper

5. Code section 4300.1 states:

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

STATUTORY AND REGULATORY PROVISIONS

6. Code section 4022 states:

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

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

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

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

7. Code section 4059, subdivision (a) states, in pertinent part:

A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. . . .

8. Code section 4060 states in pertinent part:

A person shall not possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, nurse practitioner practicing pursuant to Section 2837.103 or 2837.104, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner practicing pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. . . .

9. Section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to, any of the following:

...

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

• • •

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

...

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

• • •

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

11. Health and Safety Code section 11170 states, “No person shall prescribe, administer, or furnish a controlled substance for himself.”

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12. Health and Safety Code section 11173, subdivision (a), states:

No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

DANGEROUS DRUG

7. *Hydrocodone bitartrate* and acetaminophen (including *Norco*, a trade name for tablets) is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(I), and is a dangerous drug pursuant to Code section 4022, in that it can only be dispensed pursuant to a valid prescription.

8. *Oxycodone* and acetaminophen is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M), and is a dangerous drug pursuant to Code section 4022, in that it can only be dispensed pursuant to a valid prescription.

FACTUAL ALLEGATIONS

9. At the time of the events set forth herein, Respondent was employed as a pharmacy technician at Raley's Pharmacy (Raley's) on 8391 Folsom Boulevard, in Sacramento, California.

10. Between in or around May 2021, and January 2022, Raley's received complaints from customers that their prescriptions for controlled substances did not contain the quantity of pills prescribed.

11. On or about January 12, 2022, at 1132 hours, video footage revealed Respondent, who was on duty at Raley's, opening a bag containing a patient's prescription from the Will Call Bin, removing the vial, opening and putting her fingers in it, and replacing the bag in the Will Call Bin. Respondent sold a prescription for Norco to a customer that same day. The prescription was returned approximately 45 minutes after the sale and the customer reported five tablets missing.

12. On or about January 20, 2022, Respondent was captured on video taking several medications from the Will Call Bin, taking them to her workstation, and manipulating one of the bags under the keyboard.

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1 13. Also on January 20, 2022, Respondent was captured on video taking a prescription
2 bag from the “Da” (alphabetical by patient) section of the Will Call Bin, going to the far side of
3 the Will Call area, manipulating the contents of the bag, and dropping something into her pocket.
4 Respondent re-stapled the bag shut and returned it to the Will Call Bin.

5 14. On January 23, 2022, the staff pharmacist noted that the bag containing patient J.D.’s
6 prescription for 120 tabs of oxycodone/APAP 10/325 mg. was ripped and four tablets were
7 missing.

8 15. On or about January 26, 2022, Respondent admitted in the course of an investigation
9 conducted by Raley’s management that she has back pain and on days when she had forgotten to
10 bring her own Norco, she had opened bags containing patient prescriptions from the Will Call Bin
11 and taken one to three tablets from patients’ bottles. Respondent stated that she consumed the
12 patients’ Norco at work when the pain was unbearable at work. Respondent agreed to reimburse
13 Raley’s \$50 for medications she diverted. On or about February 3, 2022, Raley’s informed the
14 Board of the controlled substance losses.

15 16. On or about April 19, 2022, Respondent admitted to a Board inspector that she took
16 Norco from Raley’s between the end of 2021 and just prior to her termination from Raley’s on
17 January 31, 2022. Respondent also admitted that she took Norco from Raley’s when she forgot to
18 bring her own Norco pain medication to work.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Dishonest or Deceitful Acts)**

21 17. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
22 Code section 4301, subdivision (f), in that Respondent committed acts involving dishonesty,
23 fraud, deceit, and/or corruption, as set forth in paragraphs 9 through 16, above.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Obtain Controlled Substances by Fraud, Deceit, Misrepresentation, or Subterfuge)**

26 18. Respondent is subject to disciplinary action pursuant to Code section 4301,
27 subdivision (j) and/or (o), for violating Health and Safety Code section 11173, subdivision (a), in
28 that, as set forth in paragraphs 9 through 16, above, between in or around May 2021 and January

2022, while on duty as a registered pharmacy technician at Raley's, Respondent obtained Norco and/or oxycodone/APAP, which are controlled substances, by fraud, deceit, misrepresentation, or subterfuge.

THIRD CAUSE FOR DISCIPLINE

(Unlawfully Furnished and Self-Administered Controlled Substances)

19. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (j) and/or (o), for violating Health and Safety Code section 11170, in that, as set forth in paragraphs 9 through 16, above, between in or around May 2021 and January 2022, while on duty as a registered pharmacy technician at Raley's, Respondent unlawfully furnished and administered to herself Norco and/or oxycodone/APAP, controlled substances.

FOURTH CAUSE FOR DISCIPLINE

(Unlawfully Possessed Controlled Substances)

20. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (j) and/or (o), for violating Code section 4060, in that, as set forth in paragraphs 9 through 16, above, between in or around May 2021 and January 2022, while on duty as a registered pharmacy technician at Raley's, Respondent possessed Norco and/or oxycodone/APAP, which are controlled substances, without authorization or a valid order or prescription therefore.

FIFTH CAUSE FOR DISCIPLINE

(Unlawfully Furnished Controlled Substances)

21. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (j) and/or (o), for violating Code section 4059, subdivision (a), in that, as set forth in paragraphs 9 through 16, above, between in or around May 2021 and January 2022, while on duty as a registered pharmacy technician at Raley's, Respondent unlawfully furnished Norco and/or oxycodone/ APAP, dangerous drugs, to herself, without a valid order or prescription, from Raley's inventory.

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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. Revoking or suspending Pharmacy Technician License Number TCH 55435, issued to Helen Camacho;

2. Ordering Helen Camacho to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 2/16/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.02.16 07:35:45
-08'00'

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

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