

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

In the Matter of the Accusation Against:

ALEX SAUCEDO, Respondent

Pharmacy Technician License No. TCH 162310

Agency Case No. 7711

OAH No. 2024051107

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 October 16, 2024.

It is so ORDERED on September 16, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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Attorney General of California
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

14 **ALEX SAUCEDO**
15 **17130 Van Buren Boulevard**
Riverside, CA 92504
16 **Pharmacy Technician License No. TCH**
162310

17 Respondent.

Case No. 7711

OAH No. 2024051107

**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 Rob Bonta, Attorney General of the State of California, by Amie J. Flynn, Deputy Attorney
26 General.

27 2. Alex Saucedo (Respondent) is representing himself in this proceeding and has chosen
28 not to exercise his right to be represented by counsel.

1 10. Respondent agrees that his Pharmacy Technician License is subject to discipline and
2 he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
3 below.

4 **CONTINGENCY**

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

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

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

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

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 162310 issued to
3 Respondent Alex Saucedo is revoked. However, the revocation is stayed and Respondent is
4 placed on probation for five (5) years on the following terms and conditions:

5 1. **Obey All Laws**

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

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

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

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

21 2. **Report to the Board**

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

26 Failure to submit timely reports in a form as directed shall be considered a violation of
27 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
28 total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted
2 by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

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

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

17 During the period of probation, Respondent shall notify all present and prospective
18 employers of the decision in case number 7711 and the terms, conditions and restrictions imposed
19 on Respondent by the decision, as follows:

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

1 concerning Respondent's work status, performance, and monitoring. Failure to comply with the
2 requirements or deadlines of this condition shall be considered a violation of probation.

3 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
4 Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor,
5 (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
6 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
7 board in writing acknowledging that the listed individual(s) has/have read the decision in case
8 number 7711, and terms and conditions imposed thereby. If one person serves in more than one
9 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
10 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
11 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
12 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the board in
13 writing within fifteen (15) days of the change acknowledging that he has read the decision in case
14 number 7711, and the terms and conditions imposed thereby.

15 If Respondent works for or is employed by or through an employment service, Respondent
16 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
17 of the decision in case number 7711, and the terms and conditions imposed thereby in advance of
18 Respondent commencing work at such licensed entity. A record of this notification must be
19 provided to the board upon request.

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

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

1 "Employment" within the meaning of this provision includes any full-time, part-time,
2 temporary, relief, or employment/management service position as a pharmacy technician, or any
3 position for which a pharmacy technician is a requirement or criterion for employment, whether
4 the Respondent is an employee, independent contractor or volunteer.

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

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

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

10 **7. Reimbursement of Board Costs**

11 As a condition precedent to successful completion of probation, Respondent shall pay to the
12 board its costs of investigation and prosecution in the amount of \$5,838.70. Respondent shall
13 make said payments as follows:

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

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

20 **8. Probation Monitoring Costs**

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

25 **9. Status of License**

26 Respondent shall, at all times while on probation, maintain an active, current Pharmacy
27 Technician License with the board, including any period during which suspension or probation is

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1 tolled. Failure to maintain an active, current Pharmacy Technician License shall be considered a
2 violation of probation.

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

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

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

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

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

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

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

11 During this suspension, Respondent shall not engage in any activity that requires licensure
12 as a 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 100 hours per calendar
19 month. Any month during which this minimum is not met shall extend the period of probation by
20 one 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. Drug and Alcohol Testing**

26 Respondent, at his own expense, shall participate in testing as directed by the board or its
27 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
28 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),

1 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its
2 designee. All testing must be pursuant to an observed testing protocol, unless Respondent is
3 informed otherwise in writing by the board or its designee. Respondent may be required to
4 participate in testing for the entire probation period and frequency of testing will be determined
5 by the board or its designee.

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

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

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

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

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

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

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1 access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs
2 and/or dangerous devices and controlled substances.

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

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

10 16. **Notification of Departure**

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

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

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

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

26 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
27 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
28 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the

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

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

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

1 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
2 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
3 Respondent manage, administer, or be a consultant to any licensee of the board, or have access to
4 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
5 dangerous devices and controlled substances. Respondent shall not resume practice until notified
6 by the board.

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

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

13 **19. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

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

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

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

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1 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
2 documentation thereof shall be considered a violation of probation.

3 **21. Criminal Probation/Parole Reports**

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

12 **ACCEPTANCE**

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

17
18 DATED: _____

_____ ALEX SAUCEDO
Respondent

1 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
2 documentation thereof shall be considered a violation of probation.

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6 board or its designee in writing: a copy of the conditions of any criminal probation/parole
7 applicable to Respondent; and the name and contact information of any probation, parole or
8 similar supervisory officer assigned to Respondent. Respondent shall provide a copy of all
9 criminal probation/parole reports to the board within ten (10) days after such report is issued.
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18 DATED: 7/31/2024

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
ERIN M. SUNSERI
Supervising Deputy Attorney General

AMIE J. FLYNN
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: August 1, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
ERIN M. SUNSERI
Supervising Deputy Attorney General



AMIE J. FLYNN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7711

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

13 In the Matter of the Accusation Against:

Case No. 7711

14 **ALEX SAUCEDO**
15 **43153 Stetson Avenue**
Hemet, CA 92544

ACCUSATION

16 **Pharmacy Technician License**
17 **No. TCH 162310**

18 Respondent.

19
20 **PARTIES**

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

23 2. On or about July 26, 2017, the Board issued Pharmacy Technician License Number
24 TCH 162310 to Alex Saucedo (Respondent). The Pharmacy Technician License was in full force
25 and effect at all times relevant to the charges brought herein and will expire on December 31,
26 2024, unless renewed.

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1 **JURISDICTION**

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

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

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 482 of the Code states:

14 (a) Each board under this code shall develop criteria to evaluate the
15 rehabilitation of a person when doing either of the following:

16 (1) Considering the denial of a license by the board under Section 480.

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

18 (b) Each board shall consider whether an applicant or licensee has made a
19 showing of rehabilitation if either of the following are met:

20 (1) The applicant or licensee has completed the criminal sentence at issue
21 without a violation of parole or probation.

22 (2) The board, applying its criteria for rehabilitation, finds that the applicant
23 is rehabilitated.

24 ...

25 (d) This section shall become operative on July 1, 2020.

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

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8. Section 493 of the Code states:

(a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b)(1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

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

....

9. Section 4301 of the Code states:

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

...

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

...

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may

1 inquire into the circumstances surrounding the commission of the crime, in order to
2 fix the degree of discipline or, in the case of a conviction not involving controlled
3 substances or dangerous drugs, to determine if the conviction is of an offense
4 substantially related to the qualifications, functions, and duties of a licensee under this
5 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
6 contendere is deemed to be a conviction within the meaning of this provision. The
7 board may take action when the time for appeal has elapsed, or the judgment of
8 conviction has been affirmed on appeal or when an order granting probation is made
9 suspending the imposition of sentence, irrespective of a subsequent order under
10 Section 1203.4 of the Penal Code allowing the person to withdraw their plea of guilty
11 and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
12 the accusation, information, or indictment.

13

14 **REGULATORY PROVISIONS**

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

16 When considering the suspension or revocation of a facility or a personal
17 license on the ground that the licensee has been convicted of a crime, the board will
18 consider whether the licensee made a showing of rehabilitation and is presently fit for
19 a license, if the licensee completed the criminal sentence at issue without a violation
20 of parole or probation. In making this determination, the board will consider the
21 criteria in subdivisions (b)(1)(A) through (E). If the licensee has not completed the
22 criminal sentence at issue without a violation of parole or probation or the board
23 determines that the licensee did not make the showing of rehabilitation based on the
24 criteria in subdivisions (b)(1)(A) through (E), the board will apply the following
25 criteria in evaluating the licensee's rehabilitation:

26 (1) Nature and gravity of the act(s) or offenses.

27 (2) Total criminal record.

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

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

(5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

(6) Evidence, if any, of rehabilitation submitted by the licensee, including as
provided in the board's Disciplinary Guidelines, identified in section 1760.

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

(a) For the purpose of denial, suspension, or revocation of a personal or facility
license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
Business and Professions Code, a crime, professional misconduct, or act shall be
considered substantially related to the qualifications, functions or duties of the
practice, profession, or occupation that may be performed under the license type
sought or held if to a substantial degree it evidences present or potential unfitness of
an applicant or licensee to perform the functions authorized by the license in a
manner consistent with the public health, safety, or welfare.

1 (b) In making the substantial relationship determination required under
subdivision (a) for a crime, the board will consider the following criteria:

2 (1) The nature and gravity of the offense;

3 (2) The number of years elapsed since the date of the offense; and

4 (3) The nature and duties of the practice, profession, or occupation that may be
5 performed under the license type sought or held.

6 (c) For purposes of subdivision (a), substantially related crimes, professional
misconduct, or acts shall include, but are not limited to, those which:

7 . . .

8 (5) Involve a conviction for driving under the influence of drugs or alcohol.

9 **COST RECOVERY**

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

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(April 10, 2023 Criminal Conviction for Driving Under the Influence on March 6, 2022)**

18 13. Respondent has subjected his pharmacy technician license to disciplinary action
19 under Code sections 490 and 4301, subdivision (l), in that on or about April 10, 2023, in a
20 criminal proceeding entitled *People v. Alex Saucedo*, in the Riverside County Superior Court,
21 Case No. BAF2200648, Respondent was convicted on his plea of guilty of violating Vehicle
22 Code section 23153, subdivision (b) (driving under the influence of alcohol with a blood alcohol
23 concentration of 0.08 percent or more [BAC 0.209%]), a felony, with an admitted enhancement
24 allegation pursuant to Penal Code 12022.7, subdivision (a) (causing great bodily injury). As a
25 result of the plea agreement, a count for violating Vehicle Code section 23152, subdivision (a)
26 (driving under the influence of alcohol) was dismissed. Respondent was placed on formal
27 probation for a period of three years with terms and conditions that included restitution,

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1 enrollment and completion of an Impaired Driver Program, 89 days of Work Release Program,
2 and restriction on the consumption of alcohol.

3 14. The circumstances surrounding Respondent's arrest are that on March 6, 2022, at
4 approximately 11:32 p.m., California Highway Patrol officers were dispatched to a call of a
5 traffic collision with major injury. Upon officers' arrival at the scene, they located Respondent
6 lying down on the curb next to his vehicle and an injured victim trapped inside the victim's
7 vehicle. The victim sustained visible injuries to his face and torso and had to be unconstrained
8 with the "jaws of life." The victim and Respondent were both transported to the hospital for
9 medical treatment. Both vehicles sustained major front end-damage and had to be towed away
10 from the scene. Based on the totality of the circumstances, the officers determined that
11 Respondent veered into the northbound lanes while traveling southbound and collided with the
12 victim's vehicle. The officers found two empty tall cans of 32-ounce IPA beers inside
13 Respondent's vehicle. The officers observed objective signs of alcohol intoxication from
14 Respondent, such as watery eyes, strong alcoholic odor emanating from his person, and an
15 unsteady gait. Respondent alternated between sitting and lying down for the entire duration of
16 officers' questioning and was disoriented as to date and direction of travel. Respondent admitted
17 to consuming alcoholic beverages, feeling drunk, and driving. Due to Respondent's injuries and
18 level of intoxication, the officers were unable to administer standardized field sobriety tests. On
19 March 7, 2022, at 1:30 a.m., Respondent submitted to a chemical blood test which yielded results
20 of 0.209% BAC.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Alcohol-Related Criminal Conviction)**

23 15. Respondent has subjected his pharmacy technician license to disciplinary action
24 under Code section 4301, subdivision (k), for unprofessional conduct, in that on April 10, 2023,
25 as more fully set forth at paragraphs 12 and 13, which are incorporated here by reference,
26 Respondent was convicted of a felony involving the consumption of alcoholic beverages.

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THIRD CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

16. Respondent has subjected his pharmacy technician license to disciplinary action under Code section 4301, subdivision (h), for unprofessional conduct, in that on March 6, 2022, as more fully set forth at paragraphs 12 and 13, which are incorporated here by reference, Respondent used alcoholic beverages to an extent or in a manner that was dangerous and injurious to himself and the public when he operated a motor vehicle while impaired by alcohol.

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 162310, issued to Respondent Alex Saucedo;
2. Ordering Respondent Alex Saucedo 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, if placed on probation, the costs of probation monitoring; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/2/2024

Sodergren,
Anne@DCA
Digitally signed by Sodergren,
Anne@DCA
Date: 2024.04.02 21:12:02 -07'00'

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

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