

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

**In the Matter of the Accusation Against:**

**ALFREDO LEDESMA, Respondent**

**Pharmacy Technician License No. TCH 38544**

**Agency Case No. 7858**

**OAH No. 2024070637**

**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 November 20, 2024.

It is so ORDERED on October 21, 2024.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light blue rectangular background.

Seung W. Oh, Pharm.D.  
Board President

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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 **ALFREDO LEDESMA**  
15 **3268 L Street**  
16 **San Diego, CA 92102**

17 **Pharmacy Technician License No. TCH**  
18 **38544**

19 Respondent.

Case No. 7858

OAH No. 2024070637

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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 Nicole R. Trama, Deputy Attorney  
26 General.

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

3. On or about July 20, 2001, the Board issued Pharmacy Technician License No. TCH 38544 to Alfredo Ledesma (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7858, and will expire on December 31, 2024, unless renewed.

## JURISDICTION

4. Accusation No. 7858 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 11, 2024. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 7858 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 7858. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

## CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 7858.

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

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his 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 Settlement 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.

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

13. This Stipulated Settlement and Disciplinary 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 Settlement and Disciplinary 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.

14. 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 Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 38544 issued to Respondent Alfredo Ledesma is revoked. However, the revocation is stayed and Respondent is

1 placed on probation for five (5) years on the following terms and conditions:

2 **1. Obey All Laws**

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

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

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

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

18 **2. Report to the Board**

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

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

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 probation, including but not limited to: timely responses to requests for information by Board  
11 staff; timely compliance with directives from Board staff regarding requirements of any term or  
12 condition of probation; and timely completion of documentation pertaining to a term or condition  
13 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 7858 and the terms, conditions and restrictions  
17 imposed 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 his employer(s), and the name(s) and telephone  
21 number(s) of all of his 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) his direct supervisor,  
3 (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
4 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
5 Board in writing acknowledging that the listed individual(s) has/have read the Decision in case  
6 number 7858, 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 7858, 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 7858, 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

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

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

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

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

8 **7. Reimbursement of Board Costs**

9 As a condition precedent to successful completion of probation, Respondent shall pay to the  
10 Board its costs of investigation and prosecution in the amount of \$2,400. Respondent shall make  
11 said payments as follows: Beginning on the effective date of the decision and order and the first  
12 of each month thereafter, Respondent shall pay the Board \$50.00 per month until the costs are  
13 paid in full.

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  
23 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
24 shall 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 Registration with the Board, including any period during which suspension or  
28



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

3 If Respondent's Pharmacy Technician Registration expires or is cancelled by operation of  
4 law or otherwise at any time during the period of probation, including any extensions thereof due  
5 to 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 Within six (6) months of the effective date of the decision, Respondent shall become  
25 certified as defined by Business and Professions Code section 4202, subdivision (a)(4), and shall  
26 submit proof of certification to the Board. Failure to achieve certification and provide proof to  
27 the Board within six (6) months of the effective date shall be considered a violation of probation.  
28

1 If Respondent fails to achieve certification and provide proof to the Board within six (6)  
2 months of the effective date, the Board may suspended Respondent's license, and he shall not  
3 work as a pharmacy technician until he has been certified as defined by Business and Professions  
4 Code section 4202, subdivision (a)(4), has submitted proof of certification to the Board, and has  
5 been notified by the Board or its designee that he may begin work.

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

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

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

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

#### 21 **12. Practice Requirement – Extension of Probation**

22 Except during periods of suspension, Respondent shall, at all times while on probation, be  
23 employed as a pharmacy technician in California for a minimum of one-hundred (100) hours per  
24 calendar month. Any month during which this minimum is not met shall extend the period of  
25 probation by one month. During any such period of insufficient employment, Respondent must  
26 nonetheless comply with all terms and conditions of probation, unless Respondent receives a  
27 waiver in writing from the Board or its designee.  
28

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

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

### 14 13. Violation of Probation

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

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

### 28 14. Completion of Probation

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

3           **15. 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           **16. Clinical Diagnostic Evaluation**

13           Within thirty (30) days of the effective date of this decision, and on a periodic basis  
14 thereafter if required by the Board or its designee, Respondent shall undergo, at his own expense,  
15 clinical diagnostic evaluation(s) by a practitioner selected or approved prior to the evaluation by  
16 the Board or its designee. The approved evaluator shall be provided with a copy of the Board's  
17 Accusation and Decision. Respondent shall sign a release authorizing the evaluator to furnish the  
18 Board with a current diagnosis and a written report regarding the Respondent's judgment and  
19 ability to function independently as a pharmacy technician with safety to the public. If the  
20 evaluator recommends restrictions or conditions on Respondent's practice, including but not  
21 limited to other terms and conditions listed in these guidelines (e.g., required psychotherapy,  
22 inpatient treatment, prescription coordination and monitoring, restricted practice), the Board or its  
23 designee may by written notice to Respondent adopt any such restrictions or conditions as  
24 additional probation terms and conditions, violation of which shall be considered a violation of  
25 probation. Failure to comply with any requirement or deadline stated by this paragraph shall be  
26 considered a violation of probation.

27           If at any time the approved evaluator or therapist determines that Respondent is unable to  
28 practice safely or independently, the licensed mental health practitioner shall notify the Board

1 immediately by telephone and follow up by written letter within three (3) working days. Upon  
2 notification from the Board or its designee of this determination, Respondent shall be  
3 automatically suspended and shall not resume practice until notified by the Board or its designee  
4 that practice may resume.

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

7 **17. Psychotherapy**

8 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
9 Board or its designee, for prior approval, the name and qualifications of a licensed mental health  
10 practitioner of Respondent's choice. Within thirty (30) days of approval thereof, Respondent  
11 shall submit documentation to the Board demonstrating the commencement of psychotherapy  
12 with the approved licensed mental health practitioner. Should Respondent, for any reason, cease  
13 treatment with the approved licensed mental health practitioner, Respondent shall notify the  
14 Board immediately and, within thirty (30) days of ceasing treatment, submit the name of a  
15 replacement psychotherapist or licensed mental health practitioner of Respondent's choice to the  
16 Board for its prior approval. Within thirty (30) days of approval thereof, Respondent shall submit  
17 documentation to the Board demonstrating the commencement of psychotherapy with the  
18 approved replacement. Failure to comply with any requirement or deadline stated by this  
19 paragraph shall be considered a violation of probation.

20 Upon approval of the initial or any subsequent licensed mental health practitioner,  
21 Respondent shall undergo and continue treatment with that therapist, at Respondent's own  
22 expense, until the therapist recommends in writing to the Board, and the Board or its designee  
23 agrees by way of a written notification to Respondent, that no further psychotherapy is necessary.  
24 Upon receipt of such recommendation from the treating therapist, and before determining whether  
25 to accept or reject said recommendation, the Board or its designee may require Respondent to  
26 undergo, at Respondent's own expense, a mental health evaluation by a Board-appointed or  
27 Board-approved psychiatrist or psychologist. If the approved evaluator recommends that  
28

Respondent continue psychotherapy, the Board or its designee may require Respondent to continue psychotherapy.

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

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

During any 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 or controlled substances. Respondent shall not resume practice until notified by the Board.

During any 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 or controlled substances.

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

3 **18. Drug and Alcohol Testing**

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

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

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

23 Prior to any vacation or other period of absence from the area where the approved testing  
24 vendor provides services, Respondent shall seek and receive approval from the Board or its  
25 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,  
26 Respondent shall enroll and register with the approved alternate drug testing vendor, provide to  
27 that alternate vendor any documentation required by the vendor, including any necessary payment  
28 by Respondent. During the period of absence of the area, Respondent shall commence testing

1 protocols with the alternate vendor, including required daily contacts with the testing vendor to  
2 determine if testing is required, and required testing. Any failure to timely seek or receive  
3 approval from the Board or its designee, or to timely enroll and register with, timely commence  
4 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be  
5 considered a violation of probation.

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

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

26 During any such suspension, Respondent shall not enter any pharmacy area or any portion  
27 of the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal  
28 drug retailer, or any other distributor of drugs which is licensed by the Board, or any



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

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

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

#### 14 **19. Notification of Departure**

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

#### 19 **20. Abstain from Drugs and Alcohol**

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

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

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

If at any time an approved practitioner determines that Respondent is unable to practice safely or independently as a pharmacy technician, the practitioner shall notify the Board or its designee immediately by telephone and follow up by written letter within three (3) working days. Upon notification from the Board or its designee of this determination, Respondent shall be

1 automatically suspended and shall not resume practice as a pharmacy technician until notified by  
2 the Board or its designee that practice may be resumed.

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

13 During any suspension, Respondent shall not engage in any activity that requires the  
14 professional judgment and/or licensure as a pharmacy technician. Respondent shall not direct or  
15 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,  
16 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 **22. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

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

1 Where Respondent is enrolled in the PRP, participation as required in a recovery group  
2 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any  
3 deviation from participation requirements for the PRP-approved group shall be considered a  
4 violation of probation.

5 **23. No Ownership or Management of Licensed Premises**

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

13 **ACCEPTANCE**

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

18  
19 DATED: \_\_\_\_\_

\_\_\_\_\_  
20 ALFREDO LEDESMA  
Respondent

21 **ENDORSEMENT**

22 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
23 submitted for consideration by the Board of Pharmacy.  
24  
25  
26  
27  
28

Where Respondent is enrolled in the PRP, participation as required in a recovery group meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any deviation from participation requirements for the PRP-approved group shall be considered a violation of probation.

**23. No Ownership or Management of Licensed Premises**

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

**ACCEPTANCE**

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

DATED: 09/19/2024



ALFREDO LEDESMA  
*Respondent*

**ENDORSEMENT**

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

1 DATED: \_\_\_\_\_  
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Respectfully submitted,

ROB BONTA  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

NICOLE R. TRAMA  
Deputy Attorney General  
*Attorneys for Complainant*

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1 DATED: 9/20/2024

Respectfully submitted,

2 ROB BONTA  
3 Attorney General of California  
4 GREGORY J. SALUTE  
5 Supervising Deputy Attorney General

*Nicole R. Trama*

6 NICOLE R. TRAMA  
7 Deputy Attorney General  
8 *Attorneys for Complainant*

9  
10 SD2024802128

**Exhibit A**

**Accusation No. 7858**



1 ROB BONTA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 NICOLE R. TRAMA  
Deputy Attorney General  
4 State Bar No. 263607  
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6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 7858

14 **ALFREDO LEDESMA**  
15 **3268 L Street**  
**San Diego, CA 92102**

**ACCUSATION**

16 **Pharmacy Technician License No. TCH**  
17 **38544**

Respondent.

18  
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, Department of Consumer Affairs.

23 2. On or about July 20, 2001, the Board of Pharmacy issued Pharmacy Technician  
24 License Number TCH 38544 to Alfredo Ledesma (Respondent). The Pharmacy Technician  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on December 31, 2024, unless renewed.

27 ///

28 ///

1 **JURISDICTION**

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

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

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
9 by operation of law or by order or decision of the board or a court of law, the  
10 placement of a license on a retired status, or the voluntary surrender of a license by a  
11 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.

12 **STATUTORY PROVISIONS**

13 6. Section 4301 of the Code states:

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

16 . . .

17 (h) The administering to oneself, of any controlled substance, or the use of any  
18 dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
19 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.

20 . . .

21 7. Section 4307 of the Code states:

22 (a) Any person who has been denied a license or whose license has been  
23 revoked or is under suspension, or who has failed to renew his or her license while it  
24 was under suspension, or who has been a manager, administrator, owner, member,  
25 officer, director, associate, partner, or any other person with management or control of  
any partnership, corporation, trust, firm, or association whose application for a license  
26 has been denied or revoked, is under suspension or has been placed on probation, and  
while acting as the manager, administrator, owner, member, officer, director,  
27 associate, partner, or any other person with management or control had knowledge of  
or knowingly participated in any conduct for which the license was denied, revoked,  
28 suspended, or placed on probation, shall be prohibited from serving as a manager,  
administrator, owner, member, officer, director, associate, partner, or in any other  
position with management or control of a licensee as follows:

1 (1) Where a probationary license is issued or where an existing license is  
2 placed on probation, this prohibition shall remain in effect for a period not to  
3 exceed five years.

4 (2) Where the license is denied or revoked, the prohibition shall continue  
5 until the license is issued or reinstated.

6 (b) Manager, administrator, owner, member, officer, director, associate,  
7 partner, or any other person with management or control of a license as used in this  
8 section and Section 4308, may refer to a pharmacist or to any other person who serves  
9 in such capacity in or for a licensee.

### 10 **COST RECOVERY**

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

### 17 **FACTUAL ALLEGATIONS**

18 9. Respondent was employed as a pharmacy technician at San Ysidro Health (SYH)  
19 Central Processing Pharmacy, a closed-door pharmacy servicing patients in PACE (Program of  
20 All-Inclusive Care for the Elderly) program.

21 10. On March 11, 2024, Respondent presented to work at approximately 10:30 a.m.  
22 During the morning pharmacy huddle (team meeting), Respondent acted strangely, had outbursts,  
23 and made other pharmacy technicians uncomfortable. Following the meeting, the lead pharmacy  
24 technician reported to the managing pharmacist that Respondent appeared to be "on something."  
25 Concerned that Respondent was impaired or under the influence of a substance, the managing  
26 pharmacist contacted management for further investigation.

27 11. Management observed that Respondent was slurring his words and ordered him to be  
28 tested for alcohol and drugs. Thereafter, Respondent submitted to drug and alcohol testing at a  
laboratory. The result of the breath test was .194 blood alcohol concentration (BAC) at 12:29  
p.m., and .168 BAC at 1:16 p.m. Respondent was subsequently terminated from his position and  
SYH reported him to the Board.

12. The Board initiated an investigation, which included an interview on April 23, 2024. During the interview, Respondent acted strangely towards the Board inspector. When asked about the positive test from March 11, 2024, Respondent stated that he attended his niece's party on March 10. He stated that he does not like to drink but that he was with family and "kept going" and that he "passed out at 6, 7 in the morning." Respondent admitted he was not feeling good in the morning, texted another technician to switch shifts but that she said it was too late so he had to go to work. Respondent stated that he presented to work and thought "damn, I'm so drunk..." He admitted that it was mistake and that it should never have happened.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Dangerous Use of Alcohol)**

13. Respondent subjected his pharmacy technician license to disciplinary action under section 4301, subdivision (h), on the grounds of unprofessional conduct, in that on or about March 11, 2024, Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to himself, any person, or the public or to the extent that it impaired his ability to practice as a pharmacy technician in a safe manner. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 9 through 12, as though fully set forth herein.

### **SECOND CAUSE FOR DISCIPLINE**

#### **(Unprofessional Conduct)**

14. Respondent subjected his pharmacy technician license to disciplinary action under section 4301, subdivision (g), on the grounds of unprofessional conduct, for working while under the influence of alcohol. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 9 through 12, as though fully set forth herein.

### **OTHER MATTERS**

15. Pursuant to Code section 4307, if discipline is imposed in the Accusation against Pharmacy Technician License Number TCH 38544 issued to Alfredo Ledesma, then J Alfredo Ledesma shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if P Pharmacy Technician License

Number TCH 38544 is placed on probation or until Pharmacy Technician License Number TCH 38544 is reinstated if it is revoked.

**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 38544, issued to Alfredo Ledesma;

2. Prohibiting Alfredo Ledesma from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician License Number TCH 38544 is placed on probation or until Pharmacy Technician License Number TCH 38544 is reinstated if Pharmacist License Number RPH 56120 issued to Alfredo Ledesma is revoked;

3. Ordering Alfredo Ledesma 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,

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

DATED: 7/11/2024

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2024.07.11 08:50:59  
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ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*