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

10 In the Matter of the Accusation Against:

Case No. 3326

11 **ARLITHA T. JAMES**
12 **a.k.a. ARLITA THOMPSON**
13 3717 S. La Brea Ave., #250
Los Angeles, CA 90016

A C C U S A T I O N

14 Pharmacy Technician Registration No.
15 TCH 35116

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
22 2. On or about November 1, 2000, the Board issued Pharmacy Technician Registration
23 Number TCH 35116 to Arlitha T. James, also known as Arlitha Thompson (Respondent). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on May 31, 2010, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Code states:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

5. 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 procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

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

....

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

6. Section 4059 of the Code states, in pertinent part, that a person may not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any

1 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist,
2 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

3 7. Section 4060 of the Code states, in pertinent part that “no person shall possess any
4 controlled substance, except that furnished to a person upon the prescription of a physician,
5 dentist, podiatrist, optometrist, veterinarian...”

6 8. Health and Safety Code section 11350, subdivision (a) states:

7 Except as otherwise provided in this division, every
8 person who possesses (1) any controlled substance specified in
9 subdivision (b) or (c), or paragraph (1) of subdivision (f) of
10 Section 11054, specified in paragraph (14), (15), or (20) of
11 subdivision (d) of Section 11054, or specified in subdivision (b) or
12 (c) of Section 11055, or specified in subdivision (h) of Section
13 11056, or (2) any controlled substance classified in Schedule III,
14 IV, or V which is a narcotic drug, unless upon the written
15 prescription of a physician, dentist, podiatrist, or veterinarian
16 licensed to practice in this state, shall be punished by imprisonment
17 in the state prison.

18 9. Health and Safety Code section 11352, subdivision (a) states:

19 Except as otherwise provided in this division, every
20 person who transports, imports into this state, sells, furnishes,
21 administers, or gives away, or offers to transport, import into this
22 state, sell, furnish, administer, or give away, or attempts to import
23 into this state or transport (1) any controlled substance specified
24 in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f)
25 of Section 11054, specified in paragraph (14), (15), or (20) of
26 subdivision (d) of Section 11054, or specified in subdivision (b) or
27 (c) of Section 11055, or specified in subdivision (h) of Section
28 11056, or (2) any controlled substance classified in Schedule III,
IV, or V which is a narcotic drug, unless upon the written
prescription of a physician, dentist, podiatrist, or veterinarian
licensed to practice in this state, shall be punished by imprisonment
in the state prison for three, four, or five years.

10. Section 125.3 of the Code states, in pertinent part, that the Board may request the
administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

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1 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

2 11. Hydrocodone/Acetaminophen (APAP) is the generic name for Norco, which is a
3 Schedule III controlled substance pursuant to Health and Safety Code section 11056(e)(4), and a
4 dangerous drug pursuant to Code section 4022.

5 12. Sildenafil is the generic name for Viagra, which is a dangerous drug pursuant to Code
6 section 4022.

7 13. Tadalafil is the generic name for Cialis, which is a dangerous drug pursuant to Code
8 section 4022.

9 14. Vardenafil is the generic name for Levitra, which is a dangerous drug pursuant to
10 Code section 4022.

11 BACKGROUND

12 15. In or between July 2007 and April 2008, while employed as a pharmacy technician at
13 CVS Pharmacy No. 9766, it was determined through an internal investigation that Respondent
14 stole controlled substances and dangerous drugs as follows:

- 15 a. 6000 dosage units of Norco 10mg/325 mg.
16 b. 1200 units of Cialis 20mg.
17 c. 300 dosage units of Levitra 20mg.
18 d. 500 dosage units of Viagra 100mg.
19 e. On or about April 22, 2008, Respondent admitted to the stealing of controlled
20 substances and dangerous drugs from CVS Pharmacy No. 9766, and to selling the
21 controlled substances and dangerous drugs to pay personal bills.

22 FIRST CAUSE FOR DISCIPLINE

23 (Dishonesty, Fraud or Deceit)

24 16. Respondent is subject to disciplinary action pursuant to Code section 4301,
25 subdivision (f), on the grounds of unprofessional conduct, in that in or between July 2007 and
26 April 2008, Respondent stole controlled substances and dangerous drugs, as more fully discussed
27 in paragraph 15, above, which is herein incorporated by reference as set forth in whole.

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SECOND CAUSE FOR DISCIPLINE

(Possession of Controlled Substances and Dangerous Drugs)

17. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (j), on the grounds of unprofessional conduct, in that Respondent possessed controlled substances and dangerous drugs without valid prescriptions in violation of Health and Safety Code section 11350, subdivision (a), and Code sections 4059, subdivision (a) and 4060, as more fully discussed in paragraph 15, above, which is herein incorporated by reference as set forth in whole.

THIRD CAUSE FOR DISCIPLINE

(Furnishing of Controlled Substances)

18. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (j), on the grounds of unprofessional conduct, in that Respondent furnished controlled substances and dangerous drugs, in violation of Health and Safety Code section 11352, subdivision (a), and Code section 4059, subdivision (a), as more fully discussed in paragraph 15, above, which is herein incorporated by reference as set forth in whole.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

19. Respondent is subject to disciplinary action pursuant to Code section 4301, in that Respondent committed unprofessional conduct by stealing and illegally selling controlled substances and dangerous drugs, as more fully discussed in paragraph 15, above, which is herein incorporated by reference as set forth in whole.

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:

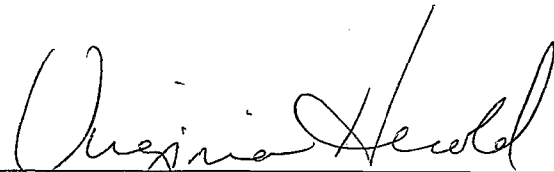
1. Revoking or suspending Pharmacy Technician Registration Number TCH 35116, issued to Arlitha T. James, also known as Arlitha Thompson;

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1 2. Ordering Arlitha T. James, also known as Arlitha Thompson, to pay the Board of
2 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
3 Business and Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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7 DATED: 7/20/09



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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