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

11 In the Matter of the Accusation Against:

Case No. 3343

12 **JUDITH LENA ROSENZWEIG**
13 **4060 Fourth Avenue, Suite 110**
San Diego, CA 92103
14 **Pharmacist License No. RPH 47399**

ACCUSATION

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about August 5, 1994, the Board of Pharmacy issued Pharmacist License
22 Number RPH 47399 to Judith Lena Rosenzweig (Respondent). The Pharmacist License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on March 1,
24 2010, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

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

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

6 9. Tramadol is a generic drug for the patented drug Ultram. Tramadol is a pain
7 reliever, requires a valid prescription and, is a dangerous drug pursuant to Business and
8 Professions Code section 4022.

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10 **COST RECOVERY**

11 10. Code section 125.3 provides that the Board may request the administrative law judge
12 to direct a licentiate found to have committed a violation or violations of the licensing act to pay a
13 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

14 **FACTS**

15 11. On or about March 28, 2008, and on other unknown occasions during the
16 preceding year, while employed and working as a pharmacist for Longs Drugs,
17 Respondent re-filled a prescription for Tramadol for a patient who was Respondent's co-
18 worker, even though the co-worker had not made any request for a re-fill. After
19 Respondent processed the prescription, Respondent paid for it and kept it for herself,
20 without the knowledge or consent of her co-worker, whose name was indicated on the
21 prescription bottle as the patient. During the processing of the prescription, Respondent
22 initialed the prescription label to verify that the prescription was properly filled for the
23 named patient, pursuant to the request from the named patient. Respondent signed her
24 own name on the pharmacy's dispensing signature log to indicate that she was authorized
25 to, and did receive the prescription for the named patient on the patient's behalf, when in
26 fact, Respondent purchased the prescription for her own personal use without
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1 of the named patient. Respondent then self-administered the Tramadol. Respondent did
2 not have a valid prescription for Tramadol for herself.

3 **FIRST CAUSE FOR DISCIPLINE**
4 **(Unprofessional Conduct: Illegal Possession of Dangerous Drugs)**

5 12. Respondent is subject to disciplinary action under section 4301, subdivision (j), in
6 that she violated Code section 4059 by furnishing the dangerous drug Tramadol to herself without
7 a valid prescription, as described above at paragraph 11.

8 **SECOND CAUSE FOR DISCIPLINE**
9 **(Unprofessional Conduct: Obtain Prescription by False Representation)**

10 13. Respondent is subject to disciplinary action under section 4301, subdivision (g), in
11 that she knowingly made or signed a document that falsely represented that the patient had
12 requested a refill of the prescription drug, Tramadol, and that Respondent was authorized to
13 receive the patient's prescription, when she was not, as described above in paragraph 11.

14 **THIRD CAUSE FOR DISCIPLINE**
15 **(Unprofessional Conduct: Dishonesty, Fraud or Deceit)**

16 14. Respondent's pharmacist license is subject to disciplinary action under section 4301,
17 subdivision (f), in that she committed acts involving moral turpitude, dishonesty, fraud or deceit
18 as follows: while working as a pharmacist, Respondent processed a prescription for her own
19 illegitimate personal use, even though the prescription refill was prescribed for someone other
20 than Respondent, and the prescribed patient had not authorized or consented to the prescription
21 refill. Respondent then obtained the prescription refill without the prescribed patient's
22 authorization or consent. Respondent possessed and self-administered the dangerous drugs
23 without a valid prescription, as described above in paragraph 11.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
26 and that following the hearing, the Board of Pharmacy issue a decision:
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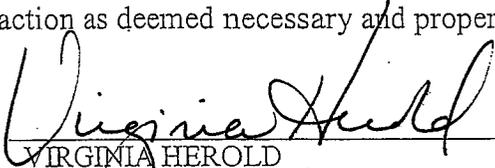
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1. Revoking or suspending Pharmacist License Number RPH 47399, issued to Judith Lena Rosenzweig.

2. Ordering Judith Lena Rosenzweig 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;

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

DATED: 8/17/09



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