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

11 In the Matter of the Accusation Against:

Case No. 3365

12 **BRANDI RENEE SCHNEIDER**
16108 Ardath Avenue
13 Gardena, CA 90249

A C C U S A T I O N

14 **Pharmacy Technician Registration**
15 **No. TCH 50527**

16 Respondent.

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 25, 2003, the Board of Pharmacy (Board) issued Pharmacy
22 Technician Registration No. TCH 50527 to Brandi Renee Schneider (Respondent). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on December 31, 2010, unless renewed.

25 **JURISDICTION**

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

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STATUTORY PROVISIONS

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2 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license
3 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period
4 within which the license may be renewed, restored, reissued or reinstated.

5 5. Section 4060 states:

6 "No person shall possess any controlled substance, except that furnished to a person upon
7 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
8 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
9 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
10 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
11 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
12 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
13 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
14 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
15 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
16 labeled with the name and address of the supplier or producer."

17 6. Section 4300 provides, in pertinent part, that every license issued by the Board is
18 subject to discipline, including suspension or revocation.

19 7. Section 4301 states:

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

23

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

27 "(g) Knowingly making or signing any certificate or other document that falsely
28 represents the existence or nonexistence of a state of facts.

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

6

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

9

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

14 8. Section 4324 states:

15 “(a) Every person who signs the name of another, or of a fictitious person, or falsely
16 makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription
17 for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment
18 in the state prison, or by imprisonment in the county jail for not more than one year.

19 “(b) Every person who has in his or her possession any drugs secured by a forged
20 prescription shall be punished by imprisonment in the state prison, or by imprisonment in the
21 county jail for not more than one year.”

22 9. Health and Safety Code section 11170 states:

23 “No person shall prescribe, administer, or furnish a controlled substance for himself.”

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

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

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1 11. Health and Safety Code section 11350, subdivision (a) states:
2 "Except as otherwise provided in this division, every person who possesses (1) any
3 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
4 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
5 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
6 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
7 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
8 licensed to practice in this state, shall be punished by imprisonment in the state prison."

9 **COST RECOVERY**

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

14 **CONTROLLED SUBSTANCE**

15 13. "Hydrocodone 10mg/Acetaminophen 650mg," is a Schedule III controlled substance
16 as defined in Health and Safety Code section 11056, subdivision (e)(4) and is categorized as a
17 dangerous drug pursuant to section 4022.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Possession of Controlled Substances Without a Valid Prescription)**

20 14. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
21 (o), for violating section 4060 and Health and Safety Code section 11350, subdivision (a), in that
22 Respondent was found to be in possession of controlled substances, without a valid prescription.
23 On or about April 16, 2008, during an investigation concerning thefts of prescription drugs at Rite
24 Aid 5481 Pharmacy (Rite Aid), in Redondo Beach, CA, by Redondo Beach Police Officers, the
25 Rite Aid personnel indicated that approximately 500 tablets of Hydrocodone 10/650mg had been
26 stolen between January and April, 2008. This was during a time that Respondent worked at Rite
27 Aid, as a Pharmacy Technician. The Patient History Report for Respondent indicated that she
28 had a prescription for Hydrocodone 10/650mg, with six refills. This prescription was not

1 authorized and was found to be fraudulent. Respondent, by her own admission, admitted that
2 from on or about January 27, 2008 through April 16, 2008, she created a fraudulent prescription
3 and had it filled several times. She also admitted that between refills she reprinted the
4 prescription label, placed it on an empty pill container, and filled the container with Hydrocodone
5 10/650mg tablets. In addition, Respondent admitted that she had a bottle of pills in her vehicle.
6 During a search of Respondent's vehicle, a container with 98 tablets of Hydrocodone 10/650mg
7 was found.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Knowingly Created a False Document)**

10 15. Respondent is subject to disciplinary action under sections 4301, subdivision (g) for
11 violating section 4324 and Health and Safety Code section 11173, subdivision (a), in that from on
12 or about January 27, 2008 to on or about April 16, 2008, while employed as a Pharmacy
13 Technician at Rite Aid, Respondent knowingly created a false document, by forging prescriptions
14 in order to obtain Hydrocodone 10/650mg (a controlled substance). Complainant refers to, and
15 by this reference incorporates, the allegations set forth above in paragraph 14, as though set forth
16 fully.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Dishonest Acts)**

19 16. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
20 that from on or about January 27, 2008 to on or about April 16, 2008, while employed as a
21 Pharmacy Technician at Rite Aid, Respondent committed dishonest acts, by stealing controlled
22 substance from her employer, using fraudulent prescriptions. Complainant refers to, and by this
23 reference incorporates, the allegations set forth above in paragraphs 14 and 15, inclusive, as
24 though set forth fully.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Self Administration of Controlled Substances)**

27 17. Respondent is subject to disciplinary action under section 4301, subdivisions (h) and
28 (j), as defined in Health and Safety Code section 11170, in that Respondent self administered

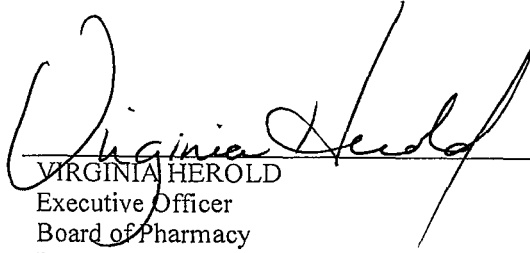
1 controlled substances without a valid prescription. On or about February 18, 2009, during a
2 meeting with a Board of Pharmacy investigator, Respondent, by her own admission, admitted that
3 she was addicted to Hydrocodone and that the drugs that she took from Rite Aid were for self use
4 of migraine headaches. In addition, Respondent admitted that she checked into the Thelma
5 McMillen Center for Chemical Dependency at Torrance Memorial Hospital in April, 2008 and
6 completed the program on January 28, 2009.

7 PRAYER

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board issue a decision:

- 10 1. Revoking or suspending Pharmacy Technician Registration No. TCH 50527, issued
11 to Respondent;
- 12 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
13 enforcement of this case, pursuant to section 125.3;
- 14 3. Taking such other and further action as deemed necessary and proper.

15
16 DATED: 3/1/10

17 
18 VIRGINIA HEROLD
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant

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