1 2 3 4 5 6 7 8 9	EDMUND G. BROWN JR. Attorney General of California KAREN B. CHAPPELLE Supervising Deputy Attorney General RENE JUDKIEWICZ Deputy Attorney General State Bar No. 141773 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2537 Facsimile: (213) 897-2804 Attorneys for Complainant BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10 11 12 13 14 15	In the Matter of the Accusation Against: TISA MONIQUE ORDUNA 11910 Lucile Street Culver City, CA 90230 Pharmacy Technician Registration No. TCH 47453 Respondent. Case No. 3554 A C C U S A T I O N
16 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 (Board), Department of Consumer Affairs.
21	2. On or about February 28, 2003, the Board issued Pharmacy Technician Registration
22	Number TCH 47453 to Tisa Monique Orduna (Respondent). The Pharmacy Technician
23	Registration was in full force and effect at all times relevant to the charges brought herein and
24	will expire on August 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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1	4. Section 118, subdivision (b), of the Code provides that the
2	suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
3	jurisdiction to proceed with a disciplinary action during the period within which the license may
4	be renewed, restored, reissued or reinstated.
5	5. Subdivision (a) of Section 4300 of the Code authorizes the suspension of revocation
6	of every license issued by the Board.
7	STATUTORY AND REGULATORY PROVISIONS
8	6. Section 4059 of the Code states, in pertinent part, that a person may not furnish any
9.	dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,
10	veterinarian, or naturopathic doctor pursuant to Section 3640.7.
11	7. Section 4060 of the Code prohibits the possession of a controlled substance except if
12	furnished upon the prescription of specified health care professionals, and provides in pertinent
13	part that "[t]his section shall not apply to the possession of any controlled substance by a
14	pharmacy when in stock in containers correctly labeled with the name and address of the
15	supplier or producer."
16	8. Section 4301 of the Code states, in pertinent part:
17	"The board shall take action against any holder of a license who is guilty of unprofessional
18	conduct Unprofessional conduct shall include, but is not limited to, any of the following:
19	••••
20	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
21	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
22	whether the act is a felony or misdemeanor or not.
23	"(g) Knowingly making or signing any certificate or other document that falsely represents
24	the existence or nonexistence of a state of facts.
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26	"(j) The violation of any of the statutes of this state, or any other state, or of the United
27	States regulating controlled substances and dangerous drugs.
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"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
 violation of or conspiring to violate any provision or term of this chapter or of the applicable
 federal and state laws and regulations governing pharmacy, including regulations established by
 the board or by any other state or federal regulatory agency.
 "(p) Actions or conduct that would have warranted denial of a license.
 "(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the

7 board."

9. Health and Safety Code section 11173, subdivision (a) provides: "No person shall
obtain or attempt to obtain controlled substances, or procure or attempt to procure the
administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
or subterfuge; or (2) by the concealment of a material fact."

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10. California Code of Regulations, title 16, section 1770, states, in pertinent part:

"For the purpose of . . . suspension, or revocation of a personal . . . license pursuant to
Division 1.5 (commencing with Section 475) of the Business and Professions Code, a[n] . . . act
shall be considered substantially related to the qualifications, functions or duties of a licensee . . .
if to a substantial degree it evidences present or potential unfitness of a licensee . . . to perform
the functions authorized by his license . . . in a manner consistent with the public health, safety, or
welfare."

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COST RECOVERY

11. Section 125.3 of the Code states, in pertinent part, that the Board may request the
administrative law judge to direct a licentiate 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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CONTROLLED SUBSTANCES/DANGEROUS DRUGS

26 12. Alprazolam is a Schedule IV controlled substance as designated by Health and Safety
27 Code section 11057, subdivision (d)(1), and is categorized as a dangerous drug pursuant to
28 Business and Professions Code section 4022.

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Vicodin is a trade name for the controlled substance Hydrocodone and a Schedule II 13. 1 controlled substance as designated by Health and Safety Code section 11055, subdivision 2 (b)(1)(4), and is categorized as a dangerous drug pursuant to Business and Professions Code 3 section 4022. 4 14. Chlordiazepoxide is a Schedule IV controlled substance as designated by Health and 5 Safety Code section 11057, subdivision (d)(5), and is categorized as a dangerous drug pursuant to 6 Business and Professions Code section 4022. 7 Phentermine is a Schedule IV controlled substance as designated by Health and 15. 8 Safety Code section 11057, subdivision (f)(4), and is categorized as a dangerous drug pursuant to 9 Business and Professions Code section 4022. 10 FIRST CAUSE FOR DISCIPLINE 11 (Commission of Act Involving Moral Turpitude, Dishonesty or Fraud) 12 16. Respondent is subject to disciplinary action under section Code section 4301, 13 subdivisions (f) and (g) in that while working for Costco Pharmacy 479 in Marina del Rey. 14 15 Respondent initiated filling fourteen (14) unauthorized prescriptions for herself and her mother, 16 R.O., under the names of four physicians who did not order those prescriptions. The 17 circumstances are as follows: On or about December 4, 2006, Respondent initiated an unauthorized prescription for 18 а 19 her mother, R.O., for Amoxicillin, an antibiotic prescription medication, under the name of Dr. Peter Galier, a physician who did not even know Respondent's mother. 20 b. On or about February 5, 2007, Respondent initiated an unauthorized prescription for 21 her mother for Amoxicillin under the name of Dr. Galier. 22 On or about March 14, 2007, Respondent initiated an unauthorized prescription for 23 c. her mother for Amoxicillin under the name of Dr. Galier. 24 d. On or about February 28, 2008, Respondent initiated an unauthorized prescription for 25 26 herself for the controlled substance Alprazolam under the name of Dr. Gene Parks, a physician whose patients did not include Respondent. 27 28 4

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1	e. On or about July 15, 2008, Respondent initiated an unauthorized prescription for
2	herself for Alprazolam under the name of Dr. Parks.
3	f. On or about August 14, 2008, Respondent initiated an unauthorized prescription for
4	herself for Alprazolam under the name of Dr. Parks.
5	g. On or about August 29, 2008, Respondent initiated an unauthorized prescription for
6	herself for Alprazolam under the name of Dr. Parks.
7	h. On or about October 15, 2008, Respondent initiated an unauthorized prescription for
8	herself for Alprazolam under the name of Dr. Parks.
9	i. On or about October 31, 2008, Respondent initiated an unauthorized prescription for
10	her mother for the controlled substance Vicodin 5/500 under the name of Dr. Galier.
11	j. On or about October 31, 2008, Respondent initiated an unauthorized prescription for
12	her mother for the controlled substance Phentermine under the name of Dr. Galier.
13	k. On or about November 24, 2008, Respondent initiated an unauthorized prescription
14	for herself for Alprazolam under the name of Dr. Parks.
15	1. On or about November 24, 2008, Respondent initiated an unauthorized prescription
16	for herself for Alprazolam under the name of Dr. Raskind.
17	m. On or about December 3, 2008, Respondent initiated an unauthorized prescription for
18	herself for Vicodin 7.5/750 under the name of Dr. Natalya Sumina, who succeeded retired Dr.
19	Harvey Raskind as Respondent's physician but who did not prescribe any new medications and
20	did not call in a prescription for Vicodin for Respondent.
21	n. On or about December 10, 2008, Respondent initiated an unauthorized prescription
22	for her mother for Vicodin 5/500 under the name of Dr. Galier.
23	SECOND CAUSE FOR DISCIPLINE
24	(Controlled Substances Acquisition by Fraud, Deceit, Misrepresentation, Subterfuge or
25	Concealment of Material Fact)
26	17. Respondent is subject to disciplinary action under Code section 4301, subdivisions (j)
27	and (o), and Health and Safety Code section 11173, subdivision (a), in that Respondent attempted
28	and obtained controlled substances by fraud, deceit, misrepresentation, subterfuge or making false
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1	statements in prescriptions. Complainant refers to and by this reference incorporates the
2	allegations set forth in paragraph 16, subparagraphs (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and
3	(n), above, as though set forth fully.
4	THIRD CAUSE FOR DISCIPLINE
5	(Possession of Controlled Substances and Dangerous Drugs Without a Valid Prescription)
6	18. Respondent is subject to disciplinary action under Code sections 4301, subdivisions
7	(j) and (o), 4059 and 4060 in that Respondent was in possession of the controlled substances of
8	Alprazolam, Vicodin, Phentermine and Chlordiazepoxide, as well as the dangerous drugs of
9	Amoxicillin and Ocella, without a valid prescription for these controlled substances and
10	dangerous drugs. Complainant refers to and by this reference incorporates the allegations set
11	forth in paragraph 16, and subparagraphs (a) through (n), above, as though set forth fully.
12	FOURTH CAUSE FOR DISCIPLINE
13	(Actions Warranting Denial of License)
14	19. Respondent is subject to disciplinary action under Code section 4301, subdivision (p)
15	in that Respondent engaged in actions that would warrant denial of a license. Complainant refers
16	to and by this reference incorporates the allegations set forth in paragraph 18, subparagraphs (a)
17	through (n) inclusive, above, as though set forth fully.
18	FIFTH CAUSE FOR DISCIPLINE
19	(Engaging in Conduct Attempting to Subvert Board Investigation)
20	20. Respondent is subject to disciplinary action under Code section 4301, subdivision (q)
21	in that Respondent did not respond to Board Inspector Valerie Sakamura's October 8, 2009 letter
22	to Respondent requesting Respondent to provide a statement in response to the following nine
23	questions:
24	a. Why did Respondent have unauthorized prescriptions filled for herself and her mother?
25	b. Did anyone else help Respondent call in the prescriptions?
26	c. What was Respondent's relationship to a "Jennifer" employed at Dr. Parks' office?
27	d. Did Respondent know taking, filling and receiving unauthorized prescriptions violated
28	the law?
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1	e. What were Respondent's job duties at the Costco pharmacy?
2	f. Did Respondent take the prescription drugs for self-use or for sale?
3	g. Did Respondent use any of the prescription drugs while on duty at the Costco
4	pharmacy?
5	h. Did Respondent quit her job or was she fired after the unauthorized prescription
6	Incidents?
7	i. Is Respondent currently employed, and is she still working in a pharmacy?
8	PRAYER
9	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10	and that following the hearing, the Board of Pharmacy issue a decision:
11	1. Revoking or suspending Pharmacy Technician Registration Number TCH 47453,
12	issued to Tisa Monique Orduna;
13	2. Ordering Tisa Monique Orduna to pay the Board of Pharmacy the reasonable costs of
14	the investigation and enforcement of this case, pursuant to Code section 125.3; and
15	3. Taking such other and further action as deemed necessary and proper.
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18	DATED: 4/6/10 Inginia Ment
19	VIRGINIA/HEROLD
20	Executive Officer Board of Pharmacy
21	Department of Consumer Affairs State of California
22	Complainant
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