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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. 3731

12 **CAROLYN T. SATELE**
13 **3237 Par Drive**
14 **La Mesa, CA 91941**

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
16 **35566**

17 Respondent.

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19 Complainant alleges:

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21 **PARTIES**

22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

24 2. On or about December 27, 2000, the Board of Pharmacy issued Pharmacy Technician
25 Registration Number TCH 35566 to Carolyn T. Satele (Respondent). The Pharmacy Technician
26 Registration was in full force and effect at all times relevant to the charges brought herein and
27 expired on May 31, 2010 and is delinquent.
28

JURISDICTION

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

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

5. Section 4300, subdivision (a) of the Code states in pertinent part, "every license issued may be suspended or revoked."

STATUTORY AND REGULATORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 4059 of the Code provides in 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 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

8. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a

1 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)
2 of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This
3 section shall not apply to the possession of any controlled substance by a
4 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
5 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
6 practitioner, or physician assistant, when in stock in containers correctly labeled
7 with the name and address of the supplier or producer.

8 Nothing in this section authorizes a certified nurse-midwife, a nurse
9 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own
10 stock of dangerous drugs and devices.

11 9. Section 4301 of the Code states:

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

16 (h) The administering to oneself, of any controlled substance, or the use of
17 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
18 dangerous or injurious to oneself, to a person holding a license under this chapter,
19 or to any other person or to the public, or to the extent that the use impairs the
20 ability of the person to conduct with safety to the public the practice authorized by
21 the license.

22

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

25

26 (o) Violating or attempting to violate, directly or indirectly, or assisting in
27 or abetting the violation of or conspiring to violate any provision or term of this
28 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.

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COST RECOVERY

10. Section 125.3 of the Code provides, 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.

DRUGS

11. Hydrocodone/APAP, also known as Vicodin, is a Schedule III controlled substance as designated by Health and Safety Code Section 11056(e)(4) and is a dangerous drug pursuant to Business and Professions Code section 4022. Hydrocodone/APAP is a narcotic pain reliever.

12. Ambien, a brand name for zolpidem tartrate, is a Schedule IV controlled substance as designated by Health and Safety Code Section 11057(d)(32), and is a dangerous drug pursuant to Business and Professions Code section 4022.

FACTUAL ALLEGATIONS

13. Respondent worked as a pharmacy technician at Longs Drug Store in La Mesa, California from April 4, 2000 until she was terminated on November 28, 2008. On November 18, 2008, a patient contacted the pharmacist in charge to find out why he did not receive his prescription for hydrocodone/APAP, 5-500 #60. The pharmacist reviewed the pharmacy's prescription records and noted discrepancies in the prescription history for this patient. Specifically, the patient denied receiving two hydrocodone/APAP prescriptions that were identified in the pharmacy computer system as being processed and received by the patient. Respondent had rung up the prescription for the patient when there were no customers present at the pharmacy counter according to the video surveillance footage. Additionally, Respondent had purchased one of those patient's prescriptions with her credit card.

1 14. During her interview with Long's internal investigator, Respondent admitted in
2 writing and orally that she had on eight separate occasions stolen Ambien and
3 hydrocodone/APAP prescriptions prescribed for three patients from approximately September
4 through November 2008. After purchasing some of the prescriptions, Respondent would pour the
5 medication into her pocket, destroy the vial and related paperwork and use the drugs for her
6 personal use.

7 15. Specifically, Respondent admitted in writing that she was "taking prescription meds
8 not prescribed to me. I purchased vicodin or ambien. The prescriptions belonged to Garcia,
9 Torres and Lamson were taken for personal use. Prescriptions [sic] not belonging to me were 8
10 prescriptions...I was not authorized to pick up & purchase meds by the patients listed above."

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct-Use of a Controlled Substance)**

13 16. Respondent is subject to disciplinary action under section 4301(h) of the Code in that
14 she used controlled substances, namely hydrocodone/APAP and Ambien, without a prescription,
15 as is more fully described in paragraphs 13-15, above.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct-Violations of the Chapter)**

18 17. Respondent is subject to disciplinary action under section 4301(o) of the Code for
19 violation of the Pharmacy Act in that Respondent possessed and used controlled substances,
20 namely hydrocodone/APAP and Ambien, without a prescription, in violation of Code sections
21 4059 and 4060 as is more fully described in paragraphs 13-15, above.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Violating Laws Regulating Controlled Substances)**

24 18. Respondent is subject to disciplinary action under section 4301(j) of the Code in that
25 on or about September 2008 through November 2008, Respondent violated the California
26 Uniform Controlled Substances Act, including Health and Safety Code sections 11170, 11173(a)
27 and 11350(a) as is more fully described in paragraphs 13-15, above.

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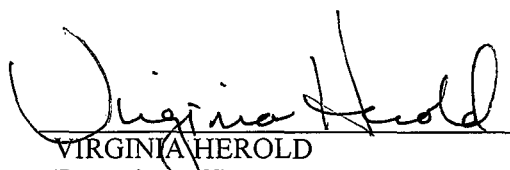
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PRAYER

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 35566, issued to Carolyn T. Satele;
2. Ordering Carolyn T. Satele 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: 8/9/10



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

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