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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. 3734

12 **HEIDI SUE COLLINS**
13 **33562 Astoria Street**
14 **Dana Point, CA 92629**

A C C U S A T I O N

15 **Original Pharmacy Technician Registration**
No. TCH 64864

16 Respondent.

17
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, Department of Consumer Affairs, State of
22 California.

23 2. On or about September 1, 2005, the Board of Pharmacy issued Original Pharmacy
24 Technician Registration Number TCH 64864 to Heidi Sue Collins (Respondent). The Original
25 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
26 brought herein and will expire on September 30, 2011, unless renewed.

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JURISDICTION

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

5 4. Code section 4300 states:

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

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

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

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

13 (4) Revoking his or her license.

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

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17 5. Code section 118(b) states:

18 (b) The suspension, expiration, or forfeiture by operation of law of a license
19 issued by a board in the department, or its suspension, forfeiture, or cancellation by
20 order of the board or by order of a court of law, or its surrender without the written
21 consent of the board, shall not, during any period in which it may be renewed,
22 restored, reissued, or reinstated, deprive the board of its authority to institute or
23 continue a disciplinary proceeding against the licensee upon any ground provided by
24 law or to enter an order suspending or revoking the license or otherwise taking
25 disciplinary action against the licensee on any such ground.

26 6. Code section 4059 provides:

27 (a) A person may not furnish any dangerous drug, except upon the prescription
28 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.

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7. Code section 4060 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, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

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

8. Code section 4301 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.

...

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

...

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

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9. Health and Safety Code section 11170 states:

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

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1 10. Health and Safety Code section 11173 states:

2 (a) No person shall obtain or attempt to obtain controlled substances, or
3 procure or attempt to procure the administration of or prescription for controlled
4 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the
5 concealment of a material fact.

6 11. Health and Safety Code section 11377(a) states:

7 (a) Except as authorized by law and as otherwise provided in subdivision (b) or
8 Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of
9 Division 2 of the Business and Professions Code, every person who possesses any
10 controlled substance which is (1) classified in Schedule III, IV, or V, and which is
11 not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except
12 paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph
13 (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of
14 subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of
15 Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or
16 veterinarian, licensed to practice in this state, shall be punished by imprisonment in a
17 county jail for a period of not more than one year or in the state prison.

18 COST RECOVERY

19 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 DRUGS

24 13. Zolpidem Tartarate, sold under the brand name Ambien, is a controlled substance
25 pursuant to Health and Safety Code section 11057(d)(32), a dangerous drug as defined by
26 Business and Professions Code section 4022, and is used as a sleep aid.

27 14. Lorazepam, sold under the brand name of Ativan, is a controlled substance pursuant
28 to Health and Safety Code section 11057(d)(16), a dangerous drug as defined by Business and
Professions Code section 4022, and is used as an anti-anxiety medication.

15 15. Flurazepam, sold under the brand name of Dalmane, is a controlled substance
16 pursuant to Health and Safety Code section 11057(d)(14), a dangerous drug as defined by
17 Business and Professions Code section 4022, and is used as a sleep aid.

18 16. Amitriptyline, sold under the brand name of Elavil, is a dangerous drug as defined by
19 Business and Professions Code section 4022, and is used as an anti-depressant.

1 17. Butalbital 50 mg, Caffeine 40 mg with APAP 325 mg, sold under the brand name of
2 Fioricet, is a controlled substance pursuant to Health and Safety Code section 11056(c)(3), a
3 dangerous drug as defined by Business and Professions Code section 4022, and is used to treat
4 headaches and migraines.

5 18. Hydrocodone/APAP, sold under the brand name of Lorcet or Vicodin or Vicodin ES,
6 or Norco, is a controlled substance pursuant to Health and Safety Code section 11056(e)(4), a
7 dangerous drug as defined by Business and Professions Code section 4022, and is used to treat
8 pain.

9 19. Eszopiclone Analog (Zopiclone), sold under the brand name of Lunesta, is a
10 controlled substance pursuant to Code of Federal Regulations title 21, section 1308.14(c)(51), a
11 dangerous drug as defined by Business and Professions Code section 4022, and is used as a sleep
12 aid

13 20. Isometheptene/Dichloralphenazone/APAP, sold under the brand name of Midrin, is a
14 dangerous drug as defined by Business and Professions Code section 4022, and is used to treat
15 tension and vascular headaches.

16 21. Temazepam, sold under the brand name of Restoril, is a controlled substance pursuant
17 to Health and Safety Code section 11057(d)(29), a dangerous drug as defined by Business and
18 Professions Code section 4022, and is used as a sleep aid

19 22. Quetiapine, sold under the brand name of Seroquel, is a dangerous drug as defined by
20 Business and Professions Code section 4022, and is used to treat acute manic or depressive
21 episodes with Bipolar Disorder.

22 23. Pyrazolopyrimidine (Zaleplon), sold under the brand name of Sonata, is a controlled
23 substance pursuant to Health and Safety Code section 11057(d)(31), a dangerous drug as defined
24 by Business and Professions Code section 4022, and is used as a sleep aid.

25 24. Alprazolam, sold under the brand name of Xanax, is a controlled substance pursuant
26 to Health and Safety Code section 11057(d)(1), a dangerous drug as defined by Business and
27 Professions Code section 4022, and is used to treat panic disorder and anxiety.

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1 dishonesty, fraud, deceit or subterfuge, as more fully set forth above in paragraphs 26 through and
2 including paragraph 30.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Unprofessional Conduct – Self-administration of Dangerous Drugs)

5 32. Respondent is subject to disciplinary action under Code section 4301(h), for
6 unprofessional conduct in administering to herself controlled substances and dangerous drugs, or
7 using dangerous drug to the extent or in a manner as to be dangerous or injurious to oneself, to a
8 person holding a license under this chapter, or to any other person or to the public, or to the extent
9 that the use impaired Respondent's ability to conduct with safety to the public the practice
10 authorized by her license, as set forth above in paragraphs 26 through and including paragraph 30.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Possessed Controlled Substances Without a Prescription)

13 33. Respondent is subject to disciplinary action under Code section 4060, and Health and
14 Safety Code section 11377(a) in conjunction with Code section 4301(j) by possessing controlled
15 substances and dangerous drugs without a prescription as more fully set forth above in paragraphs
16 26 through and including paragraph 30.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 (Furnishing of Controlled Substances Without a Prescription)

19 34. Respondent is subject to disciplinary action under Code section 4059, and Health and
20 Safety Code section 11170 pursuant to Code section 4301(j) by furnishing controlled substances
21 and dangerous drugs to herself without a prescription, as more fully set forth above in paragraphs
22 26 through and including paragraph 30.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
25 and that following the hearing, the Board of Pharmacy issue a decision:

26 1. Revoking or suspending Original Pharmacy Technician Registration Number TCH
27 64864, issued to Heidi Sue Collins.

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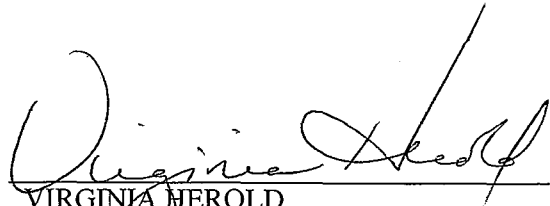
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2. Ordering Heidi Sue Collins to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: _____

8/10/10



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

SD2010701049