

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
4 State Bar No. 84287
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0378
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3878

12 **MANDY MARIE JACOBS-BLAKE**
4 New Dawn Circle
13 Chico, California 95928
14 Pharmacy Technician License No. TCH 41556

ACCUSATION

15 Respondents

16
17
18 Complainant alleges:

19 PARTIES

20 1. Virginia K. Herold ("Complainant") brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of
22 Consumer Affairs, State of California.

23 2. On or about July 5, 2002, the Board issued Pharmacy Technician
24 Registration No. TCH 41556 to Respondent Mandy Marie Jacobs-Blake. The license was in full
25 force and effect at all times relevant to the charges brought herein, and will expire on June 30,
26 2010, unless renewed. At all relevant times alleged herein, Respondent Mandy Marie Jacobs-
27 Blake was married to "J.B".
28

STATUTORY PROVISIONS

1
2 3. Under Business & Professions Code section 4300, the Board may
3 discipline any license, for any reason provided in the Pharmacy Law (i.e., Business & Professions
4 Code sections 4000 *et. seq.*).

5 4. Business & Professions Code section 4301 states, in pertinent part:
6 “The board shall take action against any holder of a license who is guilty of unprofessional
7 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
8 Unprofessional conduct shall include, but is not limited to, any of the following:

9 ...

10 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
11 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
12 otherwise, and whether the act is a felony or misdemeanor.

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

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

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

22 ...

23 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
24 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
25 applicable federal and state laws and regulations governing pharmacy, including regulations
26 established by the board.

27 ...”

28 ///

1 5. Business & Professions Code section 4060 provides, in pertinent part,
2 that “no person shall possess any controlled substance, except that furnished to a person upon the
3 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
4 doctor...”.

5 6. Business & Professions Code section 4059, subdivision (a) provides, in
6 pertinent part, that “a person may not furnish any dangerous drug, except upon the prescription of
7 a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor...”.

8 7. Business & Professions Code section 4063 provides that “no prescription
9 for any dangerous drug or dangerous device may be refilled except upon the authorization of the
10 prescriber. The authorization may be given orally or at the time of giving the original
11 prescription. No prescription of any dangerous drug that is a controlled substance may be
12 designated refillable as needed.”

13 8. Business & Professions Code section 4324, subdivision (a), provides that
14 “every person who signs the name of another, or of a fictitious person, or falsely makes, alters,
15 forges, utters, publishes, passes, or attempts to pass as genuine, any prescription for any drugs is
16 guilty of forgery and upon conviction thereof shall be punished by imprisonment in the state
17 prison, or by imprisonment in the county jail, for not more than one year.”

18 9. Health & Safety Code section 11368 provides that “every person who
19 forges or alters a prescription, or who issues or utters a prescription bearing a forged or fictitious
20 signature for any narcotic drug, or who obtains any narcotic drug by any forged, fictitious or
21 altered prescription, or who has in possession any narcotic drug secured by a forged, fictitious or
22 altered prescription, shall be punished by imprisonment in the county jail for not less than six
23 months nor more than one year, or in the state prison.”

24 10. Health & Safety Code section 11350, subdivision (a), provides that
25 “except as otherwise provided by this division, every person who possesses (1) any controlled
26 substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054,
27 specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in
28 subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2)

1 any controlled substance classified as Schedule III, IV, or V which is a narcotic drug, unless upon
2 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in
3 this state, shall be punished by imprisonment in the state prison.”

4 11. Business & Professions Code section 118, subdivision (b), states: “the
5 suspension, expiration, or forfeiture by operation of law of a license issued by a board in the
6 department, or its suspension, forfeiture, or cancellation by order of the board or by order of a
7 court of law, or its surrender without the written consent of the board, shall not, during any period
8 in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to
9 institute or continue a disciplinary proceeding against the licensee upon any ground provided by
10 law or to enter an order suspending or revoking the license or otherwise taking disciplinary action
11 against the licensee on any such ground.

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

16 CONTROLLED SUBSTANCES/DANGEROUS DRUGS AT ISSUE

17 13. Hydrocodone with acetaminophen is a dangerous drug, a narcotic drug
18 and a Schedule III controlled substance as designated by Health & Safety Code section 11056
19 (e)(4). Hydrocodone with acetaminophen is dispensed as HC/AP 5/500 mg tablets and also as
20 HC/AP 10/325 mg tablets.

21 14. Carisprodol, also known as Soma, is a dangerous drug as designated by
22 Business & Professions Code section 4022(a).

23 15. At all relevant times from on or about April 25, 2004, until on or about
24 January 29, 2010, Respondent was employed as a pharmacy technician by Rite Aid No. 6087, 650
25 Mangrove Avenue, Chico, California 95929.

26 16. On or about January 28, 2010, Respondent admitted to
27 management/security personnel for Rite-Aid No. 6087 that she had forged and falsified
28 prescriptions for hydrocodone with acetaminophen 10/325 mg tablets, forged and falsified

1 prescriptions for Carisprodol 350 mg tablets, and forged and falsified refills of such prescriptions
2 without prescriber authorization, for J.B. Respondent further admitted that in addition to
3 falsifying the aforesaid prescriptions and prescription refills for J.B., she had stolen
4 approximately 100 tablets of hydrocodone with acetaminophen 10/325 mg every other month
5 from the inventory of Rite Aid No. 6087 , her employer, over the previous twelve months. She
6 estimated that the total number of hydrocodone with acetaminophen 10/325 mg that she stole was
7 approximately 600-700 tablets.

8 17. On or about May 19, 2010, the Board obtained a "Patient History Report"
9 for J.B. for the period of January 1, 2009, through May 19, 2010, along with copies of the
10 prescriptions created and refilled by Respondent for J.B during that period of time. The
11 prescriptions and prescription refills documentation show that a total of 2,300 tablets of
12 hydrocodone with acetaminophen 10/325mg and a total of 1,560 tablets of Carisprodol 350mg
13 were dispensed by Rite Aid No. 6087 to patient J.B. The aforesaid prescriptions and refill
14 prescriptions described below are forged, false, fraudulent, and none them was authorized by a
15 prescriber.

16 (a) Prescription No. 966947 dated December 3, 2008, for 100 tablets of
17 Carisprodol 350 mg and five refills;

18 (b) Prescription No. 995277 dated May 12, 2009, for 100 tablets of Carisprodol
19 350 mg and six refills;

20 (c) Prescription No. 995278 dated May 5, 2009, for 100 tablets of hydrocodone
21 with acetaminophen 10/325 mg and five refills;

22 (d) Prescription No. 1023372 dated October 6, 2009, for 100 tablets of
23 hydrocodone with acetaminophen 10/325 mg and five refills;

24 (e) Prescription No. 1023373 dated October 6, 2009, for 120 tablets of
25 Carisprodol 350mg and two refills;

26 (f) Prescription No. 1008936 dated August 11, 2009, for 100 tablets of
27 hydrocodone with acetaminophen 10/325 mg and four refills; and
28

1 (g) Prescription No. 973482 dated January 12, 2009, for 100 tablets of
2 hydrocodone with acetaminophen 10/325 mg and five refills.

3 FIRST CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct: Knowingly Making or Signing any Certificate or other Document that
5 Falsely Represents the Existence or Nonexistence of a State of Facts)

6 18. Paragraphs 1 through 17 above are incorporated by reference. Respondent
7 is subject to disciplinary action for unprofessional conduct under Business & Professions Code
8 section 4301(g) by her violation of Business and Professions Code section 4324(a) in conjunction
9 with Health & Safety Code section 11368. As alleged in Paragraphs 16 and 17 above,
10 Respondent knowingly forged, falsified and fraudulently created seven (7) new prescriptions and
11 thirty-two (32) refill prescriptions for Carisprodol 350 mg tablets and hydrocodone with
12 acetaminophen 10/325 mg tablet for J.B. By her acts, Respondent falsely represented the
13 existence of states of fact: that J.B. had received a prescription for said medications and that the
14 refill prescriptions of said medications were authorized by the prescriber.

15 SECOND CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct: Violation of Laws Regulating Controlled Substances and Dangerous
17 Drugs)

18 19. Paragraphs 1 through 17 above are incorporated by reference. Respondent
19 is subject to disciplinary action for unprofessional conduct under Business & Professions Code
20 sections 4301(j) and 4301(o) by her violation of the statutes of the State of California or the
21 United States regulating controlled substances and dangerous drugs, including those alleged
22 below.

23 (a) Business and Professions Code section 4059(a): As alleged in Paragraphs 16
24 and 17, Respondent furnished dangerous drugs to J.B without a prescription.

25 (b) Business and Professions Code section 4063: As alleged in Paragraphs 16
26 and 17, Respondent refilled prescriptions for dangerous drugs for J.B without prescriber
27 authorization.

28

1 (c) Health & Safety Code section 11350(a) and Business & Professions Code
2 section 4060: As alleged in Paragraph 16, Respondent possessed hydrocodone with
3 acetaminophen 10/325 mg tablets without a prescription.

4 THIRD CAUSE FOR DISCIPLINE

5 (Unprofessional Conduct: Acts Involving Moral Turpitude, Fraud, Deceit and Corruption)

6 20. Paragraphs 1 through 17 above are incorporated by reference.
7 Respondent is subject to disciplinary action under Business & Professions Code section 4301(f)
8 for unprofessional conduct. As alleged in Paragraphs 16 and 17, Respondent committed acts
9 involving moral turpitude, dishonesty, fraud, deceit, or corruption by stealing hydrocodone with
10 acetaminophen 10/325 tablets from Rite Aid No. 6087, and by creating forged, false and
11 fraudulent prescriptions and prescription refills of Carisprodol 350 mg tablets and hydrocodone
12 with acetaminophen 10/325 mg tablets for J.B.

13 FOURTH CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct: Self-Administration of Controlled Substances to an Extent or in a
15 Manner Dangerous or Injurious.)

16 16. Paragraphs 1 through 17 above are incorporated by reference. Respondent is subject
17 to disciplinary action for unprofessional conduct under Business & Professions Code section
18 4301(h) in that Respondent administered hydrocodone with acetaminophen 10/325 mg tablets to
19 herself to an extent or in a manner as to be dangerous or injurious to herself, to others or the
20 public, and to the extent that the use impaired her ability to conduct with safety to the public the
21 practice authorized by the license. Respondent administered hydrocodone with acetaminophen
22 10/325 mg tablets to herself on a regular basis, sometimes self-administering eight (8) tablets in a
23 single day.

24 ///

25 ///

26 ///

27 ///

28 ///

1 PRAYER

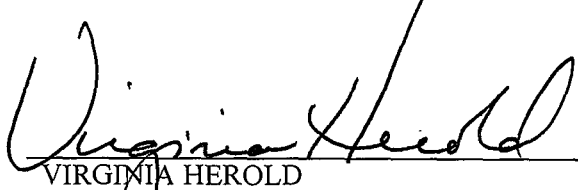
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Pharmacy Technician License No. TCH 41556 issued
5 to Respondent Mandy Marie Jacobs-Blake;

6 2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of the
7 investigation and enforcement pursuant to Business and Professions Code section 125.3; and

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

9
10 DATED: 12/30/10


11 VIRGINIA HEROLD
12 Executive Officer
13 Board of Pharmacy
14 Department of Consumer Affairs
15 State of California
16 *Complainant*

17
18
19
20
21
22
23
24
25
26
27
28
SA2010102505
accusation.rtf