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

11 In the Matter of the Accusation Against:

Case No. 4406

12 **STEPHANIE DENNISON CURRIER**
13 **9445 Nickellaus Court**
14 **Corona, CA 92883**

A C C U S A T I O N

15 **Pharmacy Technician License No. TCH**
85684

16 Respondent.

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18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about September 12, 2008, the Board of Pharmacy issued Pharmacy Technician
24 License Number TCH 85684 to Stephanie Dennison Currier (Respondent). The Pharmacy
25 Technician License was in full force and effect at all times relevant to the charges brought herein
26 and will expire on September 30, 2014, unless renewed.
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1 **JURISDICTION**

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 (Code) unless otherwise indicated.

5 4. Section 4300, subdivision (a) of the Code states "Every license issued may be
6 suspended or revoked."

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

11 **STATUTORY PROVISIONS**

12 6. Section 4301 of the Code states:

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

17

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

21

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

24

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

. . . .

7. Section 4022 of the Code states

"Dangerous drug" or "dangerous device" means any drug or device unsafe for

self-use in humans or animals, and includes the following:

1
2 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

3 (b) Any device that bears the statement: "Caution: federal law restricts this
4 device to sale by or on the order of a _____," "Rx only," or words of similar
5 import, the blank to be filled in with the designation of the practitioner licensed to use
6 or order use of the device.

7 (c) Any other drug or device that by federal or state law can be lawfully
8 dispensed only on prescription or furnished pursuant to Section 4006.

9 8. Section 4059 of the Code states, in pertinent part, that a person may not furnish any
10 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,
11 veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any
12 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist,
13 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

14 9. Section 4060 of the Code states:

15 No person shall possess any controlled substance, except that furnished to a
16 person upon the prescription of a physician, dentist, podiatrist, optometrist,
17 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
18 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
19 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to
20 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist
21 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
22 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section
23 shall not apply to the possession of any controlled substance by a manufacturer,
24 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
25 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or
26 physician assistant, when in stock in containers correctly labeled with the name and
27 address of the supplier or producer.

28 10. United States Code, title 21, section 843 states, in pertinent part:

(a) It shall be unlawful for any person knowingly or intentionally –

....

(3) to acquire or obtain possession of a controlled substance by
misrepresentation, fraud, forgery, deception, or subterfuge;

....

1 **COST RECOVERY**

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

6 **DRUG**

7 12. Hydrocodone/APAP, sold under the brand names Vicodin, Norco, Lorcet, et al., is a
8 Schedule III controlled substance as designated by Health and Safety Code section 11056,
9 subdivision (e)(4), and is classified as a dangerous drug pursuant to Business and Professions
10 Code section 4022.

11 **FACTS**

12 13. Respondent was employed as a pharmacy technician by Riverside County Regional
13 Medical Center in Moreno Valley, California until she was terminated on December 20, 2010.

14 14. She was the sole Operating Room Technician for the Outpatient Pharmacy where she
15 was responsible for assisting with the filling and dispensing of prescriptions for patients who had
16 "same day surgeries." Her duties included delivering prescriptions for controlled substances and
17 dangerous drugs in "lunch size" brown paper bags to patients who had just had surgeries
18 performed on them in the "Post-Op Room." Per the Outpatient Pharmacy procedures,
19 Respondent was responsible for having the patients execute an acknowledgment that they had
20 received the filled prescriptions for controlled substances or dangerous drugs or had decided to
21 refuse them. If a patient refused a prescription for controlled substances or dangerous drugs,
22 Respondent was responsible for returning those prescriptions to the Outpatient Pharmacy where
23 the pharmacist would reverse the insurance charges and return the drugs to the pharmacy
24 inventory. Respondent was admonished for failing to have patients execute the acknowledgments
25 indicating whether they had received or refused the prescriptions for controlled substances or
26 dangerous drugs.

27 15. Respondent requested and attended a meeting with the Director of Pharmacy, the
28 Pharmacy Supervisor and the Pharmacy Technician Supervisor on December 20, 2010. During

1 the meeting, Respondent admitted to them that she had taken discharged surgical patients'
2 prescriptions for controlled substances. Respondent was then terminated. After receiving
3 Respondent's keys to her personal locker and desk at Riverside County Regional Medical Center,
4 her desk and locker were searched. Bottles of prescriptions for hydrocodone were found in her
5 formerly locked desk and locker for which she was the only person who had access to them.

6
7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct - Moral Turpitude, Dishonesty, Fraud, Deceit & Corruption)**

9 16. Respondent is subject to disciplinary action under section 4301(f) of the Code in that
10 Respondent stole controlled substances and dangerous drugs from her employer using fraud,
11 deceit, and dishonesty, as detailed in paragraphs 13-15, above. Such conduct is substantially
12 related to the qualifications, duties, and functions of a pharmacy technician.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct - Violation of California Statutes Regulating
15 Controlled Substances & Dangerous Drugs)**

16 17. Respondent is subject to disciplinary action under section 4301(j) of the Code in that
17 Respondent knowingly violated Business and Professions Code sections 4022 and 4059 when she
18 obtained and/or furnished to herself controlled substances and dangerous drugs without a valid
19 prescription, as detailed in paragraphs 13-15, above.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct - Violating Federal & State Laws
22 & Regulations Governing Pharmacy)**

23 18. Respondent is subject to disciplinary action under section 4301(o) of the Code in
24 that Respondent obtained controlled substances by fraud from the pharmacy where she was
25 employed, and knowingly violated Title 21 U.S.C. section 843, subdivision (a)(3), Board of
26 Pharmacy Regulations (California Code of Regulations, Title 16, Section 1700, et seq.), and the
27 California Uniform Controlled Substances Act (Health and Safety Code 11000, et seq.), as
28 detailed in paragraphs 13-15, above.

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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 License Number TCH 85684, issued to Stephanie Dennison Currier;
2. Ordering Stephanie Dennison Currier 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: 1/7/13

Virginia Herold

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

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