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

11 In the Matter of the Accusation Against:

Case No. 4666

12 **REBECCA A. SHARP**
13 **12913 Woodridge Avenue**
La Mirada, CA 90638

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **35153**

16 Respondent.

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, Department of Consumer Affairs.

21 2. On or about November 8, 2000, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 35153 to Rebecca A. Sharp (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 December 31, 2013, unless renewed.

25 **JURISDICTION**

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

1 9. Health and Safety Code section 11170 provides that no person shall prescribe,
2 administer, or furnish a controlled substance for himself or herself.

3 10. Health and Safety Code section 11173, subdivision (a), provides that no person shall
4 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
5 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
6 or subterfuge; or (2) by the concealment of a material fact.

7 11. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
8 Schedule II (Health and Safety Code section 11055), subdivision (c), or any narcotic drug in
9 Schedules III-V, unless upon written prescription of an authorized prescriber.

10 12. Health and Safety Code section 11550, in pertinent part, makes it unlawful for any
11 person to use or be under the influence of any controlled substance in Schedule II (Health and
12 Safety Code section 11055), subdivision (c), or any narcotic drug in Schedules III-V, except when
13 administered by or under the direction of an authorized licensee.

14 **COST RECOVERY**

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

19 **REGULATORY PROVISIONS**

20 14. California Code of Regulations, title 16, section 1770, states:

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

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1 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

2 15. Section 4021 of the Code states:

3 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing
4 with Section 11053) of Division 10 of the Health and Safety Code.”

5 16. Section 4022 of the Code states, in pertinent part:

6 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for
7 self-use, except veterinary drugs that are labeled as such, and includes the following:

8 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing
9 without prescription,’ ‘Rx only,’ or words of similar import.

10 . . .

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

13 17. “Lorazepam” is a dangerous drug as defined in code section 4022 and classified as a
14 schedule IV controlled substance as listed in the Health & Safety Code section 11057 (d) (16). It
15 is typically used for anxiety.

16 **FIRST CAUSE FOR DISCIPLINE**

17 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

18 18. Respondent is subject to disciplinary action under sections 4300, subdivision (a) and
19 4301, subdivision (f), on the grounds of unprofessional conduct, in that, Respondent committed
20 acts involving moral turpitude, dishonesty, fraud, deceit, and/or corruption as follows:

21 a. On or about July 29, 2011, while on duty as a pharmacy technician at Rite Aid #6313,
22 Respondent was observed on the pharmacy’s surveillance videotape taking a bottle of Lorazepam,
23 placing it in her lab coat pocket, and thereafter, going to the restroom. After she returned from the
24 restroom, Respondent went outside of the pharmacy. When confronted by the Loss Prevention
25 Manager about the theft, Respondent admitted that she stole the medication for her personal use.

26 b. Rite Aid #6313 contacted the Los Angeles Sheriff’s Department (LASD) regarding
27 the aforementioned theft. Respondent told the LASD officer that she stole approximately 100
28 tablets of Lorazepam to calm her down because she was stressed. She further stated that the first

1 time she stole medication from the pharmacy was sometime in 2010 and, as recently as July 1,
2 2011. She stated that she would take one tablet two to three times daily.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Unlawful Self-Administration of a Controlled Substance)

5 19. Respondent is subject to discipline under section 4301(h), (j), and/or (o) of the Code,
6 section 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as
7 described in paragraph 18 above, repeatedly furnished and/or administered to herself unknown
8 quantities of a controlled substance and/or dangerous drug.

9 **THIRD CAUSE FOR DISCIPLINE**

10 (Unlawful Furnishing)

11 20. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
12 and/or section 4059 of the Code, in that Respondent, as described in paragraph 18 above,
13 furnished unknown quantities of a controlled substance and/or dangerous drug to herself, without
14 a valid prescription.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 (Unlawful Possession of Controlled Substances)

17 21. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
18 and/or section 4060 of the Code, in that Respondent, as described in paragraph 18 above,
19 possessed, unknown quantities of a controlled substance and/or dangerous drug without a valid
20 prescription.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 (Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

23 22. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
24 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraph 18
25 above, obtained unknown quantities of controlled substances, by fraud, deceit, misrepresentation,
26 subterfuge, or concealment of material fact.

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28 **SIXTH CAUSE FOR DISCIPLINE**

(Unlawful Possession of Narcotic Controlled Substances)

23. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code, and/or Health and Safety Code section 11350, in that, as described in paragraph 18 above, Respondent possessed narcotic controlled substances, without a valid prescription.

SEVENTH CAUSE FOR DISCIPLINE

(Unlawful Use of Narcotic Controlled Substances)

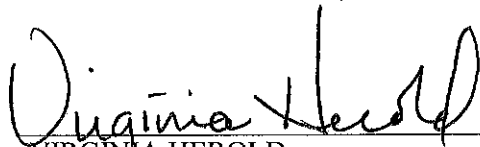
24. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code, and/or Health and Safety Code section 11350, in that, as described in paragraph 18 above, Respondent used and/or was under the influence of controlled substances, not administered by or under the direction of an authorized licensee.

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 35153, issued to Rebecca A. Sharp
2. Ordering Rebecca A. Sharp 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: 2/4/14



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

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