

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2105
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 4784

13 **LATASHA A. GOLSTON**
1129 Mirada Drive
14 **Perris, CA 92571**

ACCUSATION

15 **Pharmacy Technican Registration No. TCH 47524**

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

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

22 2. On February 11, 2003, the Board of Pharmacy issued Pharmacy Technican
23 Registration Number TCH 47524 to Latasha A. Golston (Respondent). Respondent has also been
24 known as Latasha Andrea Golston, Latasha Goldsten, and Latasha Andrea Goldston. The
25 Pharmacy Technican Registration was in full force and effect at all times relevant to the charges
26 brought herein and will expire on April 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 provides that every license issued by the
6 Board may be suspended or revoked.

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued
9 license by operation of law or by order or decision of the board or a court of law,
10 the placement of a license on a retired status, or the voluntary surrender of a
11 license by a licensee shall not deprive the board of jurisdiction to commence or
12 proceed with any investigation of, or action or disciplinary proceeding against, the
13 licensee or to render a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Section 482 of the Code states:

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

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

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

20 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
21 revoke a license on the ground that the licensee has been convicted of a crime substantially
22 related to the qualifications, functions, or duties of the business or profession for which the
23 license was issued.

24 8. Section 493 of the Code states:

25 Notwithstanding any other provision of law, successful completion of any
26 diversion program under the Penal Code, or successful completion of an alcohol
27 and drug problem assessment program under Article 5 (commencing with Section
28 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit
any agency established under Division 2 (commencing with Section 500) of this
code, or any initiative act referred to in that division, from taking disciplinary
action against a licensee or from denying a license for professional misconduct,
notwithstanding that evidence of that misconduct may be recorded in a record

1 pertaining to an arrest. This section shall not be construed to apply to any drug
2 diversion program operated by any agency established under Division 2
3 (commencing with Section 500) of this code, or any initiative act referred to in
4 that division.

5 9. Section 4022 of the Code states

6 "Dangerous drug" or "dangerous device" means any drug or device unsafe
7 for self-use in humans or animals, and includes the following:

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

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

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

16 10. Section 4060 of the Code states

17 No person shall possess any controlled substance, except that furnished to
18 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
19 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
20 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
21 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant
22 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
23 pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not
24 apply to the possession of any controlled substance by a manufacturer,
25 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
26 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or
27 physician assistant, when in stock in containers correctly labeled with the name
28 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.

11. Section 4301 of the Code 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:

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

4

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

11 (i) Except as otherwise authorized by law, knowingly selling, furnishing,
12 giving away, or administering, or offering to sell, furnish, give away, or
13 administer, any controlled substance to an addict.

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

16

17 (l) The conviction of a crime substantially related to the qualifications,
18 functions, and duties of a licensee under this chapter. The record of conviction of
19 a violation of Chapter 13 (commencing with section 801) of Title 21 of the United
20 States Code regulating controlled substances or of a violation of the statutes of
21 this state regulating controlled substances or dangerous drugs shall be conclusive
22 evidence of unprofessional conduct. In all other cases, the record of conviction
23 shall be conclusive evidence only of the fact that the conviction occurred. The
24 board may inquire into the circumstances surrounding the commission of the
25 crime, in order to fix the degree of discipline or, in the case of a conviction not
26 involving controlled substances or dangerous drugs, to determine if the conviction
27 is of an offense substantially related to the qualifications, functions, and duties of
28 a licensee under this chapter. A plea or verdict of guilty or a conviction following
a plea of *nolo contendere* is deemed to be a conviction within the meaning of this
provision. The board may take action when the time for appeal has elapsed, or the
judgment of conviction has been affirmed on appeal or when an order granting
probation is made suspending the imposition of sentence, irrespective of a
subsequent order under section 1203.4 of the Penal Code allowing the person to
withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
the verdict of guilty, or dismissing the accusation, information, or indictment.

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

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1 **REGULATORY PROVISIONS**

2 12. California Code of Regulations, title 16, section 1769, states:

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4 (b) When considering the suspension or revocation of a facility or a
5 personal license on the ground that the licensee or the registrant has been
6 convicted of a crime, the board, in evaluating the rehabilitation of such person and
7 his present eligibility for a license will consider the following criteria:

8 (1) Nature and severity of the act(s) or offense(s).

9 (2) Total criminal record.

10 (3) The time that has elapsed since commission of the act(s) or
11 offense(s).

12 (4) Whether the licensee has complied with all terms of parole,
13 probation, restitution or any other sanctions lawfully imposed against the licensee.

14 (5) Evidence, if any, of rehabilitation submitted by the licensee.

15 13. California Code of Regulations, title 16, section 1770, states:

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

23 **COST RECOVERY**

24 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request
25 the administrative law judge to direct a licentiate found to have committed a violation or
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
27 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
28 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
may be included in a stipulated settlement.

FIRST CAUSE FOR DISCIPLINE

(June 19, 2012 Criminal Conviction for Grand Theft on August 15, 2011)

15. Respondent subjected her pharmacy technician registration to discipline under
Code sections 490 and 4301, subdivision (l) in that she was convicted of a crime that is

1 substantially related to the qualifications, functions, and duties of a registered pharmacy
2 technician. The circumstances are as follows:

3 a. On June 19, 2012, in a criminal proceeding entitled *The People of the*
4 *State of California vs. Latasha Andrea Golston, aka Latasha Goldsten, aka Latasha Andrea*
5 *Goldston*, in Riverside County Superior Court, Riverside Hall of Justice, Case Number
6 RIF1105313, Respondent was convicted on her plea of guilty to violating Penal Code (PC)
7 section 487, subdivision (a), grand theft, a felony. A felony charge for violation of PC section
8 503, embezzlement over \$400.00, was dismissed pursuant to a plea bargain.

9 b. As a result of the conviction, on June 19, 2012, Respondent was granted
10 summary probation for thirty-six months, and sentenced to be committed to the custody of the
11 Riverside County Sheriff for 90 days, with credit for one day actually served. Respondent was
12 also ordered to pay penalty assessments, fines, fees, and restitution and enroll and successfully
13 complete an electronic monitoring (ankle bracelet) program.

14 c. The facts that led to the conviction are that on July 11, 2011, the Health
15 and Wellness Asset Protection (HWAP) Officer of Wal-Mart Pharmacy in Corona, California
16 noticed significant potential losses while reviewing a Selected Controlled Substance Audit report
17 during the period of May 2010 to May 2011. About 4,886 dosage units (DU) of Hydrocodone
18 10mg/Apap 325mg (trade name Norco), a narcotic Schedule III controlled substance according
19 to Health and Safety Code (HSC) section 11056, subdivision (e)(4) and a dangerous drug per
20 Code section 4022, were unaccounted for. The loss included 980 DU lost only since April 30,
21 2011. On July 21, 23, and 27, 2011, losses continued. On August 4, 2011, a pharmacy technician
22 was seen in the store's closed circuit television ingesting medication in a pill bay. On August 15,
23 2011, Respondent admitted to diverting 15 to 20 Norco pills on a daily basis and to swallowing
24 the pills during her shift. Respondent also admitted to diverting bottles with 100 DU of
25 Hydrocodone on a weekly basis. Respondent further admitted to overfilling fraudulently called-
26 in prescriptions with 20 to 30 pills. Moreover, Respondent admitted to selling approximately
27 3,300 pills of Norco amounting to a loss to the pharmacy of \$13,464.00.

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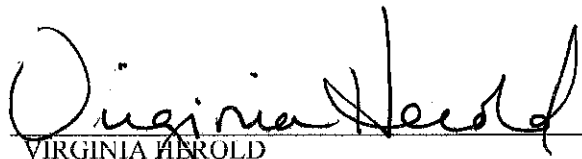
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PRAYER

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 Technican Registration Number TCH 47524, issued to Latasha A. Golston, also known as Latasha Andrea Golston, Latasha Goldsten, and Latasha Andrea Goldston;
2. Ordering Latasha A. Golston 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: 12/2/13



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

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