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

12
13 In the Matter of the Accusation Against:

Case No. 4905

14 **DEBRA LEAH SHORT**
10192 Creek Trail Circle
15 Stockton, CA 95209

A C C U S A T I O N

16 **Pharmacist License No. RPH 50183**

17 Respondent.

18
19 Virginia Herold ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive
22 Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about August 17, 1998, the Board of Pharmacy issued Pharmacist License
24 Number RPH 50183 to Debra Leah Short ("Respondent"). The Pharmacist License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on April 30,
26 2014, unless renewed.

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 unless otherwise indicated.

5 4. Code section 4011 provides, in pertinent part, that the Board shall administer and
6 enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled
7 Substances Act [Health & Safety Code, § 11000 et seq.].

8 5. Code section 4300 states, in pertinent part, that every license issued may be suspended
9 or revoked.

10 6. Code section 4300.1 states:

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

16 **STATUTORY PROVISIONS**

17 **Business and Professions Code**

18 7. Code section 4301 states, in pertinent part:

19 The board shall take action against any holder of a license who is guilty of unprofessional
20 conduct. Unprofessional conduct shall include, but is not limited to, any of the following:

21 ...

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

25 ...

26 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
27 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to

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1 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
2 to the extent that the use impairs the ability of the person to conduct with safety to the public the
3 practice authorized by the license.”

4 "(j) The violation of any of the statutes of this state, or any other state, or of the United
5 States regulating controlled substances and dangerous drugs.”

6 ...

7 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
8 of a licensee under this chapter.

9 ...

10 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violation of or conspiring to violate any provision or term of this chapter or of the applicable
12 federal and state laws and regulations governing pharmacy, including regulations established by the
13 board or by any other state or federal regulatory agency.”

14 8. Code section 4021 states:

15 “‘Controlled Substance’ means any substance listed in Chapter 2 (commencing with section
16 11053) of Division 10 of the Health and Safety Code.”

17 9. Code section 4022 states, in pertinent part:

18 “‘Dangerous drug’ means any drug unsafe for self-use in humans or animals, and includes the
19 following:

20 (a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
21 a prescription,’ ‘Rx only.’ Or words of similar import.”

22 ...

23 (c) Any drug that by federal or state law can be lawfully dispensed only on prescription
24 or furnished pursuant to section 4006.

25 10. Code section 4060 states, in pertinent part, that no person shall possess any controlled
26 substance, except that furnished upon a valid prescription/drug order.

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1 blood, and is a dangerous drug as designated by Business and Professions Code section 4022.

2 **FIRST CAUSE FOR DISCIPLINE**

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

4 19. Respondent is subject to discipline under Code section 4301, subdivision (f), for
5 unprofessional conduct, in that Respondent committed numerous acts involving moral turpitude,
6 dishonesty, fraud, deceit or corruption. The circumstances are as follows:

7 a. Between approximately April 2011 and March or April of 2012, Respondent
8 stole 9,044 tablets of hydrocodone-containing schedule III controlled substance medications,
9 which were also narcotics, from Walgreens in Stockton, where Respondent was employed as the
10 pharmacist-in-charge. Additionally, per her own admissions, she also stole non-narcotic dangerous
11 drugs including, Furosemide 40mg, Carisoprodol 350mg, and Potassium Chloride 20meq.
12 Respondent stole medications and narcotics every few weeks by placing and concealing several
13 hundred tablets in the pockets of her pants and then leaving Walgreens with the medication at the
14 end of the day. The medications she stole and illegally possessed were fraudulently and illegally
15 used for self-medication, without a prescription for those medications.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unlawful Possession of Controlled Substance)**

18 20. Respondent is subject to discipline under Code sections 4301, subdivision (j), section
19 4060, and Health and Safety Code section 11350, in that on multiple and regular instances,
20 Respondent possessed controlled substances (hydrocodone products) without a prescription, as
21 more fully set forth above in paragraph 19 and its subpart.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Unlawful Self-Administration of a Controlled Substance)**

24 21. Respondent is subject to discipline under Code section 4301, subdivision (h), and
25 Health and Safety Code section 11170, in that on multiple and regular instances, Respondent
26 administered to herself controlled substances (hydrocodone products) without a prescription, as
27 more fully set forth above in paragraph 19 and its subpart.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Furnishing of Dangerous Drug)**

3 22. Respondent is subject to discipline under Code sections 4301, subdivision (j), section
4 4059, and Health and Safety Code section 11170, in that on multiple and regular instances,
5 Respondent furnished to herself controlled substances and dangerous drugs (hydrocodone
6 products, Furosemide, Carisoprodol, and Potassium Chloride) without a valid prescription, as
7 more fully set forth above in paragraph 19 and its subpart.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Obtaining Controlled Substance by Fraud, Deceit, or Subterfuge)**

10 23. Respondent is subject to discipline under Code sections 4301, subdivision (j)
11 and Health and Safety Code section 11173, subdivision (a), in that on multiple and regular
12 instances, Respondent obtained controlled substances (hydrocodone products) by fraud, deceit,
13 subterfuge, or concealment of a material fact, as more fully set forth above in paragraph 19 and its
14 subpart.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Conviction of Crime)**

17 24. Respondent is subject to discipline action under Code section 4301, subdivision (l), in
18 that on or about July 10, 2012, in the matter of *People v. Debra Leah Short* (Super. Ct. San
19 Joaquin County Case No. SM280244A), Respondent was convicted of violation of Penal Code
20 section 503 (Embezzlement). The facts and circumstances are more fully set forth above in
21 paragraph 19 and its subpart.

22 **SEVENTH CAUSE FOR DISCIPLINE**

23 **(Violation of Statutes Governing Controlled Substances)**

24 25. Respondent is subject to discipline under Code section 4301, subdivision (j), in that
25 Respondent violated statutes regulating controlled substances and dangerous drugs, including
26 Code section 4059, as set forth above in paragraph 22, Code section 4060, as set forth above in
27 paragraph 20, and Health and Safety Code section 111350, as set forth above in paragraph 20,
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1 Health and Safety Code section 11170, as set forth above in paragraphs 21 and 22, and Health and
2 Safety Code section 11173, as set forth above in paragraph 23.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Violation of the Laws Governing Pharmacy)**

5 26. Respondent is subject to discipline under Code section 4301, subdivision (o), in that
6 Respondent violated the laws governing pharmacy, as more fully set forth above in paragraphs 19
7 through 25, and their subparts.

8 **PRAAYER**

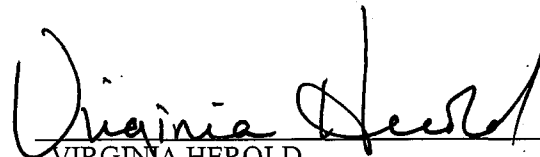
9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking or suspending Pharmacist License Number RPH 50183, issued to Debra
12 Leah Short;

13 2. Ordering Debra Leah Short to pay the Board of Pharmacy the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;

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

17
18
19 DATED: 11/4/13



20 VIRGINIA HEROLD
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 Complainant

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