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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. 4908

12 **MEGAN JOYCE MARGETTS**  
13 **aka MEGAN MARGETTS**  
14 **8481 Skyway**  
**Paradise, CA 95969**

**ACCUSATION**

15 **Pharmacy Technician Registration No. 131276**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about March 14, 2013, the Board issued Pharmacy Technician Registration  
23 Number 131276 to Megan Joyce Margetts, also known as Megan Margetts, ("Respondent"). The  
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on December 31, 2014, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
4 indicated.

5 4. Section 4300 of the Code provides, among other things, that the Board may suspend,  
6 revoke, or take any other action in relation to disciplining a licensee as the board in its discretion  
7 may deem proper.

8 5. Section 4300.1 of the Code states:

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

13 **STATUTORY PROVISIONS**

14 6. Code section 4301 states, in pertinent part:

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

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

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

28 (i) The conviction of a crime substantially related to the qualifications,  
functions, and duties of a licensee under this chapter. The record of conviction of a  
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
States Code regulating controlled substances or of a violation of the statutes of this  
state shall be conclusive evidence of unprofessional conduct,. In all other cases, the  
record of conviction shall be conclusive evidence only of the fact that the conviction  
occurred. The board may inquire into the circumstances surrounding the  
commission of the crime, in order to fix the degree of discipline or, in the case of a  
conviction not involving controlled substances or dangerous drugs, to determine if  
the conviction is of an offense substantially relate to the qualifications, functions,  
and duties of 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.

8. Code section 4022 states, in pertinent part:

“Dangerous drug” or “dangerous device” means any drug . . . unsafe for self-use in humans or animals, and includes the following:

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

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

9. **DRUGS**

Brand Name	Generic Name	Dangerous Drug - BP 4022	Controlled Substance	Indications for Use
Endocet, Percocet	Oxycodone / Acetaminophen	Yes	II - HS Code § 11055(b)(1)(M) <sup>1</sup>	Pain Relief
Soma	Carisprodol	Yes	IV - CFR, § 1308.14(c)(5) <sup>2</sup>	Muscle Relaxant

**COST RECOVERY**

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

**FIRST CAUSE FOR DISCIPLINE**

**(Criminal Conviction)**

11. Respondent’s license is subject to discipline under Code sections 4301, subdivision (l), in that on or about June 27, 2013, in the case titled *People v. Megan Joyce Margetts*, Butte County Superior Court Case No. SCR93459, Respondent was convicted on her plea of nolo

<sup>1</sup> “HS Code” refers to the Health and Safety Code.

<sup>2</sup> “CFR” refers to the Code of Federal Regulations.

1 contendere to driving under the influence of alcohol or drugs in violation of Vehicle Code section  
2 23152, subdivision (a), a misdemeanor. Said crime is substantially related to the qualifications,  
3 duties and functions of a Pharmacy Technician.

4 a. On or about April 18, 2013, a Chico Police Department officer observed Respondent  
5 driving at a high rate of speed and failing to stop at stop signs. He pulled her over for a traffic  
6 stop. Upon contact with Respondent, the officer immediately detected the odor of alcohol  
7 emanating from her breath and observed Respondent had bloodshot, watery eyes and slurred  
8 speech. Respondent admitted to taking Soma 350mg and Oxycodone 325mg and drinking two 12  
9 ounce Rum and Coke drinks at a local bar, Banshee. The Oxycodone and Soma had been  
10 prescribed to Respondent. The officer administered Field Sobriety Tests to Respondent, which  
11 she failed to satisfactorily pass.

#### 12 **BACKGROUND**

13 12. On or about January 24, 2013, Respondent was employed as a clerk in the pharmacy  
14 department of Paradise Drug, located in Paradise, California, and awaiting licensure as a  
15 Pharmacy Technician.

16 13. On or about January 24, 2013, Respondent admittedly took 120 tablets of the  
17 controlled substance Oxycodone /Acetaminophen 10/325mg (Endocet) from Paradise Drug. The  
18 controlled substance had been prescribed and dispensed to her but she did not pay for it or have it  
19 charged to her account with the pharmacy.

20 14. On or about January 24, 2013, Paradise Drug terminated Respondent due to her theft.

21 15. On or about March 14, 2013, the Board issued Pharmacy Technician Registration No.  
22 TCH 131276 to Respondent.

#### 23 **SECOND CAUSE FOR DISCIPLINE**

##### 24 **(Acts of Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

25 16. Respondent is subject to discipline under Code section 4301, subdivision (f), in that  
26 on or about January 24, 2013, Respondent committed acts involving moral turpitude, dishonesty  
27 fraud, deceit, or corruption, as set forth in paragraphs 12 through 15, above, incorporated herein  
28 by reference.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Self-Administered or Use of Controlled Substances and Alcohol**

3 **- Dangerous or Injurious to Self or Others)**

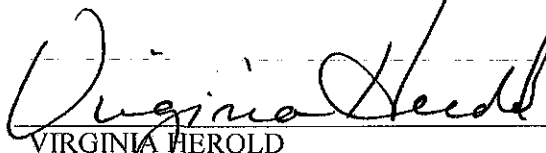
4 17. Respondent is subject to discipline under Code section 4301, subdivision (h), in that  
5 Respondent used controlled substances (Oxycodone and Soma) and alcohol to the extent or in a  
6 manner dangerous or injurious to herself, any person, or to the public, which impaired her ability  
7 to safely practiced as a pharmacy technician. The underlying circumstances are set forth in  
8 paragraph 11, and its subpart, above, incorporated herein by reference.

9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Technician Registration Number 131276, issued  
13 to Megan Joyce Margetts, also known as Megan Margetts;
- 14 2. Ordering Megan Joyce Margetts, also known as Megan Margetts, to pay the Board of  
15 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to  
16 Business and Professions Code section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: 5/8/14



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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