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8  
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. 4991

13 **SIR LANCE CHARLES COULTER**  
14 **19196 Alamo Lane**  
**Yorba Linda, CA 92886**

**A C C U S A T I O N**

15 **Pharmacy Technician Registration No. TCH**  
16 **77612**

17 Respondent.

18  
19  
20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about March 17, 2009, the Board of Pharmacy issued Pharmacy Technician  
25 Registration Number TCH 77612 to Sir Lance Charles Coulter (Respondent). The Pharmacy  
26 Technician Registration was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on May 31, 2014, unless renewed.

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1           3.     On or about April 10, 2014, a Decision on Petition for Interim Suspension Order was  
2 issued pursuant to Business and Professions Code section 494 suspending Respondent's  
3 Pharmacy Technician Registration No. TCH 77612.

#### 4   **JURISDICTION**

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

8           5.     Section 4300 of the Code states:

9                     (a) Every license issued may be suspended or revoked.

10          6.     Section 4300.1 of the Code states:

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

#### 15   **STATUTORY PROVISIONS**

16          7.     Section 4301 of the Code states:

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

20                     ....

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

23                     ....

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

25                     ....

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

1 8. Section 4022 of the Code states

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

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

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

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

12 9. Section 4060 of the Code states:

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

26 Nothing in this section authorizes a certified nurse-midwife, a nurse  
27 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own  
28 stock of dangerous drugs and devices.

10. Health and Safety Code section 11173 states in pertinent part that no person shall  
obtain a controlled substance by fraud, deceit, subterfuge or concealment of a material fact.

**COSTS**

11. 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.

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1 **DRUGS**

2 12. Hydrocodone, or Vicodin, is a semi-synthetic opioid derived from codeine, is a  
3 Schedule II controlled substance as designated by Health and Safety Code section 11055(b), and  
4 is a dangerous drug as designated by Business and Professions Code section 4022.

5 **FACTS**

6 13. From May 2013 through September 27, 2013, Respondent was employed as a  
7 pharmacy technician at the Target Pharmacy located on Jamboree Road in Irvine, California.

8 14. In September 2013, Target discovered a discrepancy between the number of  
9 Hydrocodone pills ordered, the number dispensed and the number in the inventory at the Target  
10 Pharmacy located on Jamboree Road. There were over 5,000 Hydrocodone pills that were  
11 unaccounted for.

12 15. On September 25, 2013, Target installed a hidden surveillance camera over the  
13 Hydrocodone section in the Target Pharmacy located on Jamboree Road.

14 16. On or about September 26, 2013, video surveillance captured Respondent walking to  
15 the Hydrocodone section of the Target Pharmacy, opening a bottle of Hydrocodone and turning  
16 the bottle upside down into his free hand. Respondent collected a handful of Hydrocodone pills  
17 and placed the pills into his right front pant's pocket and returned the bottle of Hydrocodone to  
18 the shelf in the pharmacy. A pill count was conducted on the bottle of Hydrocodone pills and 61  
19 Hydrocodone pills were missing.

20 17. On September 27, 2013, Target Loss Prevention staff confronted Respondent about  
21 the missing 61 Hydrocodone pills. Respondent admitted that he had taken the 61 Hydrocodone  
22 pills. Respondent also admitted that he had stolen 5,566 Hydrocodone pills over the previous 5  
23 months from the Target Pharmacy.

24 18. The Irvine Police Department was called and Respondent admitted to the officer that  
25 he had been taking approximately 50 Hydrocodone pills from the Target Pharmacy twice a week  
26 since May 2013 and had been selling them on the street for \$3.00 per pill.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct: Possession of a Controlled Substance Without a Prescription)

3 19. Respondent is subject to discipline for unprofessional conduct under Code section  
4 4301(o) in that from approximately May 2013 through September 2013, Respondent possessed  
5 controlled substances without a prescription in violation of Code section 4060, when he stole  
6 approximately 5,566 Hydrocodone pills from the Target Pharmacy while working there as a  
7 pharmacy technician. The circumstances are set forth in detail in paragraphs 13 through 18,  
8 above, and are incorporated herein by reference.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct: Obtaining a Controlled Substance by Fraud, Deceit or Subterfuge)

11 20. Respondent is subject to discipline for unprofessional conduct under Code section  
12 4301(j) for obtaining controlled substances by fraud, deceit, or subterfuge in violation of Health  
13 and Safety Code section 11173, when he stole approximately 5,566 Hydrocodone pills from the  
14 Target Pharmacy from approximately May 2013 through September 2013. The circumstances are  
15 set forth in detail in paragraphs 13 through 18, above, and are incorporated herein by reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 (Unprofessional Conduct: Acts Involving Dishonesty)

18 21. Respondent's license is subject to discipline for unprofessional conduct under Code  
19 section 4301(f) for acts involving dishonesty when he stole approximately 5,566 Hydrocodone  
20 pills from Target Pharmacy, while working there as a pharmacy technician. The circumstances  
21 are set forth in detail in paragraphs 13 through 18, above, and are incorporated herein by  
22 reference.

23 **PRAYER**

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

- 26 1. Revoking or suspending Pharmacy Technician Registration Number TCH 77612  
27 issued to Sir Lance Charles Coulter;

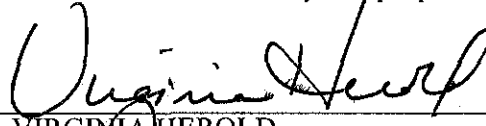
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1           2.     Ordering Sir Lance Charles Coulter to pay the Board of Pharmacy the reasonable  
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
3 Code section 125.3; and

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

5  
6 DATED:

4/21/14



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

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