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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. 5143

12 **CASEY DANIELLE FLORES**
23015 Del Valle St., #3
13 Woodland Hills, CA 91364

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 104378

15 Respondent.

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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, Department of Consumer Affairs (Board).

22 2. On or about June 25, 2010, the Board issued Pharmacy Technician Registration No.
23 TCH 104378 to Casey Danielle Flores (Respondent). The Pharmacy Technician Registration was
24 in full force and effect at all times relevant to the charges brought herein and will expire on April
25 30, 2016, unless renewed.

26 **JURISDICTION**

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

1 podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7."

2 8. Section 4301 states, in pertinent part:

3 "The board shall take action against any holder of a license who is guilty of unprofessional
4 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

5 Unprofessional conduct shall include, but is not limited to, any of the following:

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

10 "(g) Knowingly making or signing any certificate or other document that falsely represents
11 the existence or nonexistence of a state of facts.

12 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
13 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
14 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
15 to the extent that the use impairs the ability of the person to conduct with safety to the public the
16 practice authorized by the license.

17 . . .

18 "(i) The conviction of a crime substantially related to the qualifications, functions, and
19 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
20 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
21 substances or of a violation of the statutes of this state regulating controlled substances or
22 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
23 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
24 The board may inquire into the circumstances surrounding the commission of the crime, in order
25 to fix the degree of discipline or, in the case of a conviction not involving controlled substances or
26 dangerous drugs, to determine if the conviction is of an offense substantially related to the
27 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
28 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning

1 of this provision. The board may take action when the time for appeal has elapsed, or the
2 judgment of conviction has been affirmed on appeal or when an order granting probation is made
3 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
4 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
5 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
6 indictment.

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

12 9. Section 4323 states:

13 "Every person who, in order to obtain any drug, falsely represents himself or herself to be a
14 physician or other person who can lawfully prescribe the drug, or falsely represents that he or she
15 is acting on behalf of a person who can lawfully prescribe the drug, in a telephone or electronic
16 communication with a pharmacist, shall be punished by imprisonment in the county jail for not
17 more than one year."

18 **REGULATORY PROVISION**

19 10. California Code of Regulations, title 16, section 1770, states:

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

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1 **COST RECOVERY**

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

5 **DANGEROUS DRUG**

6 12. Carisoprodol, a generic name for name Soma, is a dangerous drug according to Code
7 section 4022. Its indicated use is as an adjunct to rest, physical therapy and other measures for
8 acute painful musculoskeletal conditions.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of a Substantially Related Crime)**

11 13. Respondent is subject to disciplinary action under Code sections 490 and 4301,
12 subdivision (I), in conjunction with California Code of Regulations, title 16, section 1770, on the
13 grounds of unprofessional conduct, in that Respondent was convicted of a crime substantially
14 related to the qualifications, functions or duties of a licensed pharmacy technician, which to a
15 substantial degree evidences her present or potential unfitness to perform the functions authorized
16 by her license or registration in a manner consistent with the public health, safety, or welfare, as
17 follows:

18 (a) On or about March 21, 2012, after pleading guilty, Respondent was convicted of one
19 felony count of violating Business and Professions Code section 4324, subdivision (b) [drugs
20 secured by forged prescription] in the criminal proceeding entitled *The People of the State of*
21 *California v. Casey Danielle Flores* (Super. Ct. Ventura County, 2012, No. 2012044416). The
22 Court sentenced Respondent to 120 days in jail, placed her on 36 months probation, ordered her
23 to complete an alcohol and drug program, and ordered her to stay away from all Target
24 Pharmacies.

25 (b) The circumstances underlying the conviction are that:

26 (1) Beginning in or about the middle of 2010 through December 18, 2012,
27 Respondent orchestrated a scheme to obtain fraudulent prescriptions of Soma for herself and her
28 boyfriend W.S. W.S. initially obtained a legitimate Soma prescription plus one refill.

1 Respondent had the prescription transferred to the Target pharmacy where she worked as a
2 pharmacy technician and filled the refill. After the refill ran out, Respondent sent a request for
3 another refill to the prescribing physician's office. Respondent then called the pharmacy
4 pretending to be from the prescribing physician's office and approved the refill and increased the
5 dose and quantity. Respondent continued to call in prescriptions and/or refills for Soma for W.S.,
6 pretending to be from the prescribing physician's office, for approximately one (1) year.

7 (2) After approximately one (1) year, Respondent's neighbor joined the scheme and
8 called into the pharmacy for W.S.'s prescriptions and/or refills, pretending to be from the
9 prescribing physician's office. The neighbor would call the pharmacy when Respondent was able
10 to answer the telephone. In exchange for the neighbor's help, Respondent gave half of the Soma
11 pills to her neighbor, who then allegedly sold the pills.

12 (3) On or about December 17, 2012, Respondent was sent home early from her
13 shift for slurred speech and acting out.

14 (4) On or about December 18, 2012, Respondent's repeated requests for a "rush"
15 refill of W.S.'s Soma prescription concerned the Pharmacist-In-Charge who found that
16 Respondent had filled five of W.S.'s prescriptions of Soma in the past 57 days (10/22/12 –
17 12/18/12).

18 (5) On or about December 20, 2012, Respondent admitted to investigators that she
19 thought she had called in between 26 and 50 Soma prescriptions over the course of an 18 month
20 period.¹ Respondent further admitted that she and W.S. consumed Soma in an abusive manner,
21 were dependent upon Soma, and took up to 15 Soma pills daily. Respondent was terminated from
22 her employment that same day.

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28 ¹ Target investigators determined Respondent processed a total of 31 fraudulent prescriptions.

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SECOND CAUSE FOR DISCIPLINE

(False Records/Prescriptions)

14. Respondent is subject to disciplinary action under Code section 4301, subdivisions (g) and (o), and Code section 4323 on the grounds of unprofessional conduct, in that Respondent knowingly forged prescriptions and self-authored false prescriptions acting either as a licensed physician or on behalf of as a licensed physician. Complainant refers to and by this reference incorporates the allegations set forth above in Paragraph 13, including all subparagraphs, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Unlawful Furnishing a Dangerous Drug)

15. Respondent is subject to disciplinary action under Code section 4301, subdivisions (i) and (o), and Code section 4059, subdivision (a), on the grounds of unprofessional conduct, in that Respondent furnished a dangerous drug, Soma, to W.S., an addict, without a prescription. Complainant refers to and by this reference incorporates the allegations set forth above in Paragraph 13, including all subparagraphs, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Dangerous Use of a Dangerous Drug)

16. Respondent is subject to disciplinary action under Code section 4301, subdivision (h) on the grounds of unprofessional conduct, in that on or about December 17, 2012, Respondent used and was under the influence of Soma, a dangerous drug, to the extent or in a manner as to be dangerous or injurious to herself and /or to the extent that the use impaired her ability to conduct with safety to the public the practice authorized by her license. Complainant refers to and by this reference incorporates the allegations set forth above in Paragraph 13, including all subparagraphs, as though set forth fully.

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FIFTH CAUSE FOR DISCIPLINE

(Acts Involving Dishonesty, Fraud or Deceit)

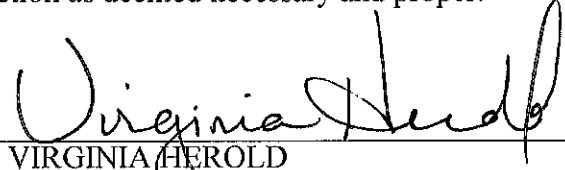
17. Respondent is subject to disciplinary action under Code section 4301, subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving dishonesty, fraud or deceit. Complainant refers to and by this reference incorporates the allegations set forth above in Paragraph 13, including all subparagraphs, as though set forth fully.

PRAYER

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

- 1. Revoking or suspending Pharmacy Technician Registration No. TCH 104378, issued to Casey Danielle Flores;
- 2. Ordering Casey Danielle Flores to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 12/3/14



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