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

12 In the Matter of the Accusation Against:

Case No. 5157

13 **SATNAM S. BAJWA**
14 **16387 Silkwood Court**
15 **Delhi, CA 95315**

A C C U S A T I O N

16 **Pharmacy Technician Registration No. TCH 60415**

Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about January 27, 2005, the Board issued Pharmacy Technician Registration
22 Number TCH 60415 to Satnam S. Bajwa ("Respondent"). The pharmacy technician registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 April 30, 2014, unless renewed.

25 **JURISDICTION**

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

28 ///

STATUTORY PROVISIONS

4. Code section 4300 states, in pertinent part:

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

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper . . .

5. Code section 4300.1 states:

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

6. Code section 4301 states, in pertinent part:

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:

. . . .

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

. . . .

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

. . . .

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

2

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

6 7. Code section 4022 states:

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

9 (a) Any drug that bears the legend: "Caution: federal law prohibits
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 similar
import, the blank to be filled in with the designation of the practitioner licensed to use
12 or order use of the device.

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

14 8. Code section 4060 states, in pertinent part:

15 No person shall possess any controlled substance, except that furnished to
16 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
17 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to
18 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist
pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
19 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

20 9. Health and Safety Code section 11170 states that no person shall prescribe,
21 administer, or furnish a controlled substance for himself.

22 10. Health and Safety Code section 11173, subdivision (a), states, in pertinent part, that
23 "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to
24 procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
25 misrepresentation, or subterfuge . . ."

26 **COST RECOVERY**

27 11. Code section 125.3 provides, in pertinent part, that a Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 DRUGS

4 12. "Norco", a brand of hydrocodone bitartrate and acetaminophen, is a Schedule III
5 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).
6 Norco is also a dangerous drug within the meaning of Code section 4022 in that it requires a
7 prescription under federal law.

8 BACKGROUND

9 13. At all times relevant to the charges brought herein, Respondent was employed as a
10 pharmacy technician at Raley's Pharmacy #310 ("Raley's") located at 2900 Geer Road in
11 Turlock, California.

12 14. On or about September 11, 2013, the Board received a written notice from Pharmacy
13 Supervisor J. A. that Respondent had stolen hydrocodone/acetaminophen 10/325 mg from
14 Raley's. J. A. stated that Raley's pharmacist-in-charge ("PIC") had performed an audit of the
15 stolen drugs from May 8, 2013 to September 4, 2013, and had found a shortage of 574 tablets of
16 Watson brand hydrocodone/acetaminophen 10/325 mg. J. A. provided the Board with copies of,
17 among other things, Respondent's handwritten statement dated September 4, 2013. Respondent
18 stated that about one year ago, he suffered a third degree sprain to his ankle. Respondent wore an
19 ankle brace for over six months and was on medication for about two months. Once
20 Respondent's medication ran out, he felt lethargic, depressed, and anxious "all the time."
21 Respondent admitted that he started taking Watson brand hydrocodone/APAP 10 mg from
22 Raley's without paying for the medication. Respondent stated that the pills alleviated his ankle
23 pain and also "made the lethargy, depression and anxiety go away." Respondent initially took
24 more hydrocodone/APAP per day and then as the "guilt kicked in", tried to wean himself off of
25 the medication. Respondent admitted that he would take a "whole bottle" of 100 tablets and
26 would sometimes take half empty bottles or pills directly out of the bottle. Respondent took 10
27 bottles of hydrocodone/APAP over a period of one year. Respondent would move a bottle of the
28 medication to a lower shelf and would put it his pocket during the final few minutes of his shift.

1 Other times, Respondent would take a handful of pills and place them in his pocket. Respondent
2 was aware that stealing the hydrocodone/APAP was a violation of company policy, but continued
3 taking the medication due to his feelings of depression and anxiety.

4 15. On or about September 20, 2013, the Board's Inspector sent a letter to J. A.,
5 requesting that Raley's conduct an expanded audit to include the entire time period of diversion,
6 starting approximately one year prior to September 4, 2013. The Inspector also requested a
7 detailed explanation of the circumstances surrounding the theft, a copy of the Audit Summary and
8 supporting documents, and all documents pertaining to Raley's internal investigation of the theft.

9 16. On or about October 4, 2013, J. A. submitted copies of, among other things, a written
10 statement from PIC M. S., a Raley's investigative report prepared by J. S., and audit summaries
11 and supporting documentation, indicating a loss of 1,156 dosage units of
12 hydrocodone/acetaminophen 10/325 mg from May 2, 2012 to September 18, 2013.

13 17. M. S. indicated in his written statement that on May 8, 2013, a controlled substance
14 inventory was conducted. On June 17, 2013, M. S. received the delivery of a 100-count bottle of
15 Watson brand hydrocodone/acetaminophen 10/325 mg (the medication was no longer a
16 contracted generic with Raley's). On June 25, 2013, M. S. received another delivery of a 100-
17 count bottle of Watson brand hydrocodone/acetaminophen 10/325 mg. M. S. immediately
18 notified J. A. of the issue, and began his daily count and monitoring of the drug. On July 8, 2013,
19 J. S. discovered a shortage of 100 tablets of hydrocodone/acetaminophen 10/325 mg. Raley's
20 loss prevention initiated an investigation. On July 22, 2013, additional security covert cameras
21 were installed.

22 18. J. S. stated in his investigative report that on July 7, 2013, at closing, M. S. verified
23 the presence of two bottles of Watson brand hydrocodone/acetaminophen 10/325 mg. on the
24 shelf. On July 9, 2013, M. S. discovered that one of the bottles was missing, while the dispensing
25 record showed the medication had not been dispensed between July 8, 2013 and July 9, 2013.
26 J. S. reviewed surveillance video taken at Raley's on September 2, 2013. J. S. observed
27 Respondent relocate a Watson bottle of hydrocodone/acetaminophen 10/325 mg onto a lower
28 shelf. Respondent later withdrew the bottle and concealed it inside his left pocket.

1 **FIRST CAUSE FOR DISCIPLINE**

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

3 19. Respondent is subject to disciplinary action pursuant to Code section 4301,
4 subdivision (f), for unprofessional conduct, in that while employed and on duty as a pharmacy
5 technician at Raley's Pharmacy #310, Respondent committed acts involving moral turpitude,
6 dishonesty, fraud, deceit, or corruption, as follows: On and between September 2012 and
7 September 4, 2013, Respondent stole or took over 1,000 dosage units of the controlled substance
8 hydrocodone/acetaminophen 10/325 mg from the pharmacy for self-administration.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Self-Administration of Controlled Substances)**

11 20. Respondent is subject to disciplinary action pursuant to Code section 4301,
12 subdivision (h), for unprofessional conduct, in that in and between September 2012 and
13 September 2013, while employed and/or on duty as a pharmacy technician at Raley's Pharmacy
14 #310, Respondent self-administered the controlled substance hydrocodone/acetaminophen 10/325
15 mg and/or used the medication to an extent or in a manner dangerous or injurious to himself,
16 others, and/or the public, as set forth above.

17 **THIRD CAUSE FOR DENIAL**

18 **(Violations of State Laws Regulating Controlled Substances)**

19 21. Respondent is subject to disciplinary action pursuant to Code section 4301,
20 subdivision (j), for unprofessional conduct, in that on and between September 2012 and
21 September 4, 2013, while employed and on duty as a pharmacy technician at Raley's Pharmacy
22 #310, Respondent violated state laws regulating controlled substances, as follows:

23 a. Respondent obtained the controlled substance hydrocodone/acetaminophen 10/325
24 mg by fraud, deceit, misrepresentation, or subterfuge, in violation of Health and Safety Code
25 section 11173, subdivision (a), as set forth above.

26 b. Respondent possessed the controlled substance hydrocodone/acetaminophen 10/325
27 mg without a valid prescription from a physician, dentist, podiatrist, optometrist, veterinarian, or
28 naturopathic doctor, in violation of Code section 4060, as set forth above.

1 **FOURTH CAUSE FOR DENIAL**

2 **(Violations of the Pharmacy Law)**

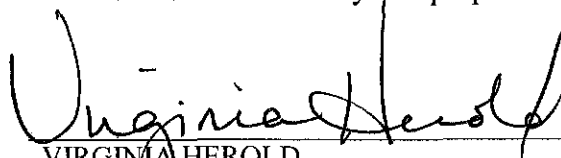
3 22. Respondent is subject to disciplinary action pursuant to Code section 4301,
4 subdivision (o), for unprofessional conduct, in that on and between September 2012 and
5 September 4, 2013, while employed and on duty as a pharmacy technician at Raley's Pharmacy
6 #310, Respondent violated or attempted to violate, directly or indirectly, a provision or term of
7 the Pharmacy Law (Bus. & Prof. Code § 4300, et seq.), specifically, Code section 4060, as set
8 forth above.

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 TCH 60415,
13 issued to Satnam S. Bajwa;
- 14 2. Ordering Satnam S. Bajwa to pay the Board of Pharmacy the reasonable costs of the
15 investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 6/14/14



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

26
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