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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:  
12 **MICHAEL EDWARD MCCRORY**  
12126 Magnolia Road  
13 Grass Valley, CA 95949  
14 Pharmacist License No. RPH 60906  
15 Respondent.

Case No. 5184  
**A C C U S A T I O N**

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 April 21, 2008, the Board issued Pharmacist License No. RPH 60906 to  
22 Michael Edward McCrory (Respondent). The Pharmacist License was in full force and effect at  
23 all times relevant to the charges brought herein and will expire on November 30, 2017, unless  
24 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.

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1 STATUTORY PROVISIONS

2 4. Section 4300 provides in pertinent part, that every license issued by the Boards is  
3 subject to discipline, including suspension or revocation.

4 5. Section 4300.1 states:

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

10 6. Section 4301 states, in pertinent part:

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

14 . . . .

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

18 . . . .

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

24 . . . .

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

27 ///

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1 b. "Vicodin," is a brand name for hydrocodone/APAP, is a Schedule III controlled  
2 substance pursuant to Health and Safety Code section 11056, subdivision (e)(4) and a dangerous  
3 drug pursuant to section 4022.

4 c. "Xanax," is a brand name for alprazolam, is an anti-anxiety benzodiazepin and is a  
5 Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision  
6 (d)(1) and a dangerous drug pursuant to section 4022.

#### 7 SUMMARY OF FACTS

8 11. On or about October 24, 2013, Respondent, while working as a pharmacist at  
9 Careplus/CVS Pharmacy #2801, was investigated for theft of a controlled substance. Respondent  
10 admitted to his employer that between August 2012 to October 24, 2013, he stole approximately  
11 1,500 tablets of hydrocodone/APAP 10-325mg and in or about June 2013, he stole approximately  
12 30 tablets of Alprazolam 1mg. The drugs were taken for himself and to give to his partner. On or  
13 about November 7, 2013, the Board received an amended copy of the Report for Theft or Loss  
14 Controlled Substance notification from Careplus/CVS Pharmacy #2801. The report documented  
15 a loss of 1,500 tablets of hydrocodone/APAP 10-325mg and 30 tablets of alprazolam 1mg due to  
16 employee pilferage during the period of August, 2012 to approximately October 24, 2013.

#### 17 FIRST CAUSE FOR DISCIPLINE

##### 18 (Unprofessional Conduct-Dishonesty)

19 12. Respondent is subject to disciplinary action under section 4301, subdivision (f) on the  
20 grounds of unprofessional conduct, in that while working as a pharmacist at Careplus/CVS  
21 Pharmacy #2801, Respondent stole over 1,500 tablets of hydrocodone/APAP 10-325 and 30  
22 tablets of alprazolam 1mg. Complainant refers to and by this reference incorporates the  
23 allegations in paragraph 11, as though set forth fully.

#### 24 SECOND CAUSE FOR DISCIPLINE

##### 25 (Unprofessional Conduct- Dangerous Use of a Controlled Substance)

26 13. Respondent is subject to disciplinary action under section 4301, subdivision (h), on  
27 the grounds of unprofessional conduct, in that while working as a pharmacist at Careplus/CVS  
28 Pharmacy #2801, Respondent, by his own admission, took hydrocodone and alprazolam from the

1 pharmacy for his own use. Complainant refers to and by this reference incorporates the  
2 allegations in paragraph 11, as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct- Illegal Furnishing of Controlled Substance)**

5 14. Respondent is subject to disciplinary action under section 4301, subdivision (j), on  
6 the grounds of unprofessional conduct for violating Health and Safety Code section 11171, in that  
7 while working as a pharmacist at Careplus/CVS Pharmacy #2801, Respondent illegally  
8 prescribed, administered or furnished hydrocodone/APAP 10-325 and alprazolam 1mg to another.  
9 Complainant refers to and by this reference incorporates the allegations in paragraph 11, as  
10 though set forth fully.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Illegal Possession of a Controlled Substance)**

13 15. Respondent is subject to disciplinary action under section 4060, in that while working  
14 as a pharmacist at Careplus/CVS Pharmacy #2801, Respondent illegally possessed over 1,500  
15 tablets of hydrocodone/APAP 10-325 and 30 tablets of alprazolam 1mg. Complainant refers to  
16 and by this reference incorporates the allegations in paragraph 11, as though set forth fully.

17 **DISCIPLINE CONSIDERATIONS**

18 16. To determine the degree of discipline, Complainant alleges that:

19 a. On or about September 27, 2013, the Board issued Respondent a Letter of  
20 Admonishment in case no. CI 2013 58161 for failure to comply with the laws and regulations that  
21 govern the practice of Pharmacy in California.

22 b. The Boards investigation concluded that on or about February 4, 2011, Respondent  
23 violated Civil Code section 56.10 (a) and California Code of Regulations section 1764  
24 (Unauthorized disclosure of prescription and medical information). While working as a staff  
25 pharmacist at Walgreen's in Los Angeles, CA, Respondent dispensed a prescription for patient  
26 MR to patient ZM releasing patient medical information without authorization.

27 c. The Boards investigation also concluded that on or about February 4, 2011,  
28 Respondent violated California Code of Regulations section 1716 (Variation from prescription).

1 While working as a staff pharmacist at Walgreen's in Los Angeles, CA, Respondent dispensed a  
2 prescription filled with Flomax for patient MR to patient ZM instead of amoxicillin as prescribed.

3 **PRAYER**

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

- 6 1. Revoking or suspending Pharmacist License No. RPH 60906, issued to Michael  
7 Edward McCrory;
- 8 2. Ordering Michael Edward McCrory to pay the Board the reasonable costs of the  
9 investigation and enforcement of this case, pursuant to section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

11  
12 DATED: 11/14/16

*Virginia Herold*

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

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