

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
7 E-mail: Brian.Turner@doj.ca.gov
Attorneys for Complainant
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10 **BEFORE THE**
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:
13 **JAMIE LYNN SCOTT**
6330 Hilltop Drive
14 Carmichael, CA 95608
15 Pharmacy Technician License No. TCH 42484
16 Respondent.

Case No. 5200

A C C U S A T I O N

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18 Virginia Herold (Complainant) alleges:

19 **PARTIES**

- 20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
22 2. On or about August 16, 2002, the Board issued Pharmacy Technician License
23 Number TCH 42484 to Jamie Lynn Scott (Respondent). The Pharmacy Technician License was
24 in full force and effect at all times relevant to the charges brought herein, and will expire on
25 August 31, 2016, unless renewed.

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1 **JURISDICTION**

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

5 4. Code section 118(b), provides, in pertinent part, that the expiration of a license shall
6 not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
7 within which the license may be renewed, restored, reissued, or reinstated.

8 **DRUGS**

9 5. Norco is a brand of a compound consisting of hydrocodone and acetaminophen.
10 Hydrocodone is a Schedule II controlled substance by California Health and Safety Code Section
11 11055(b)(1)(I) and is a dangerous drug pursuant to Business and Professions Code section 4022.

12 6. Code section 4022 provides:

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

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

19 (b) Any device that bears the statement: "Caution: federal law
20 restricts this device to sale by or on the order of a _____," "Rx
21 only," or words of similar import, the blank to be filled in with the
22 designation of the practitioner licensed to use or order use of the
23 device.

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

27 **STATUTORY AND REGULATORY PROVISIONS**

28 7. Code section 4059 provides in relevant part:

(a) A person may not furnish any dangerous drug, except upon
the prescription of a physician, dentist, podiatrist, optometrist, veterinarian,
or naturopathic doctor pursuant to Section 3640.7. A person may not
furnish any dangerous device, except upon the prescription of a physician,

1 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
2 3640.7.

3 8. Code section 4060 provides in relevant part:

4 "No person shall possess any controlled substance, except that
5 furnished to a person upon the prescription of a physician, dentist..."

6 9. Business and Professions Code (all references to Code herein shall refer to
7 Business and Professions Code unless otherwise indicated) section 4300.1 provides:

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

14 10. Section 4300 provides in relevant part:

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

16 11. Section 4301 provides in relevant part:

17 The board shall take action against any holder of a license who is guilty of
18 unprofessional conduct. Unprofessional conduct shall include, but not be limited to, any of the
19 following:

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

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

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

COST RECOVERY

12. Section 125.3 of the Code provides, in pertinent part, that the Director 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

1 and enforcement of the case.

2 **FACTUAL ALLEGATIONS**

3 13. At all relevant times to the charges brought herein, Respondent was a Pharmacy
4 Technician employed at CVS Pharmacy #09814 located at 8101 Greenback Lane, Fair Oaks,
5 California. Beginning in or about December of 2011, Respondent began taking, converting,
6 diverting, possessing, and ingesting Norco tablets consisting of 7.5 milligrams of hydrocodone
7 and 325 milligrams of acetaminophen (7.5/325) . An audit of CVS pharmacy number 09814
8 revealed that between May of 2011 and April of 2013 Respondent converted, diverted, took,
9 stole, or otherwise took possession of 1,539 tablets without a valid or lawful prescription of the
10 dangerous drug and controlled substance Norco. Respondent's diversion, acquisition, possession
11 and ingestion of the 7.5/325 Norco included time while Respondent was in the course and scope
12 of her job duties and responsibilities as a pharmacy technician.

13 14. The CVS audit further revealed that between October of 2011 and June of 2013
14 Respondent diverted, took, stole, or otherwise took possession of 10,667 tablets of the dangerous
15 drug and controlled substance Norco comprised of 10 milligrams of hydrocodone and 325
16 milligrams of acetaminophen (10/325) without a valid or lawful prescription. Respondent's
17 conversion, diversion, acquisition, possession and ingestion of the 10/325 Norco included time
18 while Respondent was in the course and scope of her job duties and responsibilities as a
19 pharmacy technician.

20 15. During the relevant time, Respondent took, used or ingested Norco tablets, up to as
21 much as 10 to 12 tablets daily, and was under the influence of the dangerous drug Norco while in
22 the course and scope of her job duties and responsibilities as a pharmacy technician. Respondent
23 furnished a portion of the Norco to others without a lawful prescription including but not limited
24 to Respondent's father.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Moral Turpitude, Dishonesty, Corruption)

3 16. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 section 4301(f) because Respondent while in the course and scope of her job duties and
5 responsibilities as a pharmacy technician took, stole, diverted and possessed the dangerous drug
6 and controlled substance Norco. The circumstances are as follows:

7 17. Paragraphs 13 through 15 are incorporated herein as though set forth at length.
8 Respondent took, diverted, stole and possessed at least one thousand five hundred (1,500) tablets
9 of 7.5/325 Norco and at least five thousand (5,000) tablets of 10/325 Norco and up to as much as
10 ten thousand five hundred (10,556) tablets of Norco. Respondent possessed the Norco without
11 lawful authority to take or possess Norco while in the course and scope of her job duties and
12 responsibilities as a pharmacy technician

13 SECOND CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct-Self Administration/Dangerous Conduct)

15 18. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
16 section 4301(h) because Respondent used a dangerous drug and controlled substance to an extent
17 and in a manner that was dangerous to herself or others. The circumstances are as follows:

18 19. Paragraphs 13 through 15 are incorporated herein as though set forth at length.
19 Respondent admitted ingesting and using Norco while in the course and scope of her job duties
20 and responsibilities as a pharmacy technician to an extent and in a manner that was dangerous to
21 herself an others. Respondent admitted to consuming up to 10 to 12 Norco tablets per day
22 without a lawful prescription. By working in the pharmacy after ingesting Norco without a
23 prescription, Respondent demonstrated a lack of fitness and judgment to safely perform the
24 functions, duties and obligations of a pharmacy technician and constituted a danger to public
25 health, safety and welfare.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct-Violation of Statutes)**

3 20. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 sections 4301(j) and 4060 in that Respondent violated statutes and laws regulating controlled
5 substances and dangerous drugs. The circumstances are as follows:

6 21. Paragraphs 13 and 15 are incorporated herein as though set forth at length.
7 Respondent's acts and conduct in converting, diverting, possessing and consuming Norco to the
8 extent and in the admitted amounts without a lawful prescription rendered Respondent unfit and
9 lacking the judgment necessary to perform the duties, obligations and functions of a pharmacy
10 technician.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct-Furnishing Controlled Substances)**

13 22. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
14 sections 4301(j) and 4059 in that Respondent furnished a controlled substance to another without
15 a valid or lawful prescription. The circumstances are as follows:

16 23. Paragraphs 13 through 15 are incorporated herein as though set forth at length.
17 Respondent took, diverted, and stole then supplied Norco to her father without a valid or lawful
18 prescription.

19 **PRAYER**

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

22 1. Revoking or suspending Pharmacy Technician license No. TCH 42484, issued to
23 Jaime Lynn Scott;

24 2. Ordering Jamie Lynn Scott to pay the Board of Pharmacy the reasonable costs of
25 the investigation and enforcement of this case, pursuant to Business and Professions Code section
26 125.3; and

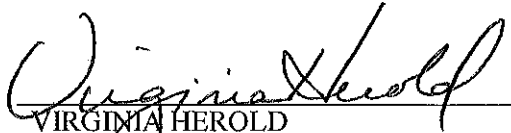
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3. Taking such other and further action as deemed necessary and proper.

DATED: 1/19/15


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