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

11 In the Matter of the Accusation Against:

Case No. 5231

12 **DEBORAH G. RINEHART**
13 **AKA DEBORAH GAIL RINEHART**
14 **PO Box 1095**
Magalia, CA 95954

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
25355

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about March 17, 1998, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 25355 to Deborah G. Rinehart, also known as (aka) Deborah Gail
24 Rinehart (Respondent). The Pharmacy Technician Registration was in full force and effect at all
25 times relevant to the charges brought herein and expired on June 30, 2015.

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1 JURISDICTION

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

5 4. Section 4300 of the Code states in pertinent part:

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

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

10 "(1) Suspending judgment.

11 "(2) Placing him or her upon probation.

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

13 "(4) Revoking his or her license.

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

16 5. Section 4300.1 of the Code states:

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

22 6. Section 4301 of the Code states in pertinent part:

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

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

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

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

3 "(l) The conviction of a crime substantially related to the qualifications, functions, and
4 duties of a licensee under this chapter. The record of conviction of a violation of
5 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
6 regulating controlled substances or of a violation of the statutes of this state
7 regulating controlled substances or dangerous drugs shall be conclusive evidence of
8 unprofessional conduct. In all other cases, the record of conviction shall be
9 conclusive evidence only of the fact that the conviction occurred. The board may
10 inquire into the circumstances surrounding the commission of the crime, in order to
11 fix the degree of discipline or, in the case of a conviction not involving controlled
12 substances or dangerous drugs, to determine if the conviction is of an offense
13 substantially related to the qualifications, functions, and duties of a licensee under this
14 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
15 contendere is deemed to be a conviction within the meaning of this provision. The
16 board may take action when the time for appeal has elapsed, or the judgment of
17 conviction has been affirmed on appeal or when an order granting probation is made
18 suspending the imposition of sentence, irrespective of a subsequent order under
19 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
20 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
21 dismissing the accusation, information, or indictment."

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

26 7. Section 4022 of the Code states in pertinent part:

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

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

 "(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."

 8. Section 4059 of the Code states, in pertinent part, that 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.

1 missing on October 17, 2013. After review of the surveillance tapes by the Pharmacist in Charge
2 (PIC), Respondent was identified as the employee who stole the bottle. Respondent admitted to
3 switching the label on a bottle of oxycodone containing four hundred and fifty (450) tablets with a
4 label for a prescription that was intended for her cousin. She then picked up the false prescription
5 from the pharmacy, thereby illegally possessing the controlled substance, and causing the Butte
6 County Health insurance program to be fraudulently billed for her cousin's prescription.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Acts of Moral Turpitude, Dishonesty, Fraud, or Deceit)**

9 14. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
10 section 4301, subdivision (f), in that on or about October 16, 2013 Respondent committed acts of
11 moral turpitude, dishonesty, fraud, and deceit, when she stole controlled substances from the
12 Walgreens pharmacy where she was employed as a Pharmacy Technician. The circumstances are
13 as follows:

14 15. On or about October 24, 2013, during an investigation by Walgreens Pharmacy where
15 Respondent was then employed, Respondent admitted to stealing a bottle with four hundred and
16 fifty (450) tablets of oxycodone. Respondent also admitted that several years previously, she had
17 stolen approximately thirty (30) to forty-five (45) tablets of oxycodone from a different Walgreens
18 Pharmacy where she was working at that time.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Unlawful Possession of Controlled Substances)**

21 16. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
22 section 4301, subdivision (j), in that on or about October 16, 2013, Respondent possessed
23 oxycodone without a prescription. The circumstances are as follows:

24 17. On or about October 24, 2013, during an investigation by Walgreens Pharmacy where
25 Respondent was then employed, Respondent admitted that on or about October 16, 2013, she had
26 switched a label on a bottle of four hundred and fifty (450) tablets of oxycodone with a label on a
27 prescription that was intended for her cousin. She then picked up the false prescription, thereby
28 illegally obtaining and possessing oxycodone without a prescription.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unlawful Furnishing of Dangerous Drugs)**

3 18. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 section 4301, subdivision (o), for violating section 4059, subdivision (a), in that Respondent
5 unlawfully furnished a dangerous drug, oxycodone, to an individual who did not have a valid
6 prescription. The circumstances are as follows:

7 19. From approximately October 16, 2013 through October 24, 2013, Respondent illegally
8 furnished oxycodone to another individual in exchange for work on projects around her home.
9 Respondent also furnished oxycodone to a neighbor. Respondent also admitted to stealing
10 oxycodone from her employer several years prior to this incident, and illegally furnishing
11 oxycodone to her husband on that occasion.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 **(Violation of Laws Governing Controlled Substances)**

14 20. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
15 section 4301, subdivision (j), in that Respondent violated laws governing controlled substances.
16 Respondent violated Health and Safety Code section 11173, subdivision (a), Health and Safety
17 Code section 11350, subdivision (a), and Code section 4060 by unlawfully possessing and
18 furnishing the controlled substance oxycodone. The circumstances are as stated in paragraphs 12-
19 19, above.

20 **SIXTH CAUSE FOR DISCIPLINE**

21 **(Violation of the Laws Governing Pharmacy)**

22 21. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
23 section 4301, subdivision (o), in that Respondent committed acts in violation of the laws governing
24 pharmacy, as set forth in paragraphs 12-20, above.

25 **PRAYER**

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

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