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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. 5236

12 **STEPHANIE E. OLOA**  
13 **15508 Wagner Street**  
**San Lorenzo, CA 94580**

**A C C U S A T I O N**

14 **Pharmacy Technician Registration No. TCH**  
15 **30487**

16 Respondent.

17  
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 (Board), Department of Consumer Affairs.

22 2. On or about August 26, 1999, the Board issued Pharmacy Technician Registration  
23 Number TCH 30487 to Stephanie E. Oloa (Respondent). The Pharmacy Technician Registration  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 April 30, 2015, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4011 of the Code provides that the Board shall administer and enforce both  
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
7 Act [Health & Safety Code, § 11000 et seq.].

8 5. Section 4300.1 of the Code states:

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

14 **STATUTORY PROVISIONS**

15 6. Section 4060 of the Code states:

16 "No person shall possess any controlled substance, except that furnished to a person upon  
17 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
18 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
19 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
20 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
21 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
22 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
23 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
24 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
25 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
26 labeled with the name and address of the supplier or producer.

27 ..."

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1           7.     Section 4301 of the Code provides, in relevant part:

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

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

5           ...

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

9           ...”

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

12          ...

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

17          ...”

18          8.     Health and Safety Code section 11173, subdivision (a), provides that no person shall  
19 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
20 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
21 or subterfuge; or (2) by the concealment of a material fact.

22          9.     Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
23 any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
24 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

25          10.    Norco, Vicodin, Vicodin ES, Lortab, and Lorcet are among the brand names for  
26 compounds of varying dosages of acetaminophen (aka APAP) and hydrocodone, a Schedule III  
27 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4)

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1 and dangerous drug as designated by Business and Professions Code section 4022. The varying  
2 compounds are also known generically as hydrocodone with APAP. These are all narcotic drugs.

### 3 COSTS

4 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
8 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
9 included in a stipulated settlement.

### 10 FACTUAL BACKGROUND

11 12. Between February and April 2013, Respondent was employed as a pharmacy  
12 technician at a Kaiser Permanente pharmacy in Hayward, California. During that time period,  
13 Respondent diverted at least 240 tablets of hydrocodone/APAP 10-325 mg from the pharmacy.

### 14 FIRST CAUSE FOR DISCIPLINE

#### 15 (Commission of an Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, and/or 16 Corruption)

17 13. Respondent is subject to disciplinary action under section 4301, subdivisions (f) and  
18 (o) of the Code in that Respondent committed an act involving moral turpitude, dishonesty, fraud,  
19 deceit, and/or corruption when she diverted hydrocodone/APAP 10-325 mg tablets from the  
20 pharmacy where she was employed. The circumstances of Respondent's conduct are set forth  
21 above in paragraph 12.

### 22 SECOND CAUSE FOR DISCIPLINE

#### 23 (Possession of a Controlled Substance)

24 14. Respondent is subject to disciplinary action under section 4301, subdivisions (j)  
25 and/or (o) and/or section 4060 of the Code, and/or Health and Safety Code section 11350, in that  
26 Respondent possessed, conspired to possess, and/or assisted in or abetted possession of, a  
27 controlled substance, without a prescription. The circumstances of Respondent's conduct are set  
28 forth above in paragraph 12.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Obtaining Controlled Substance by Fraud, Deceit, or Subterfuge)**

3 15. Respondent is subject to disciplinary action under section 4301, subdivisions (j)  
4 and/or (o) of the Code, and/or Health and Safety Code section 11173, subdivision (a), in that  
5 Respondent obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a  
6 controlled substance by fraud, deceit, subterfuge, and/or concealment of a material fact. The  
7 circumstances of Respondent's conduct are set forth above in paragraph 12.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

10 16. Respondent is subject to disciplinary action under section 4301 of the Code in that  
11 Respondent engaged in unprofessional conduct. The circumstances of Respondent's conduct are  
12 set forth above in paragraph 12.

13 **PRAYER**

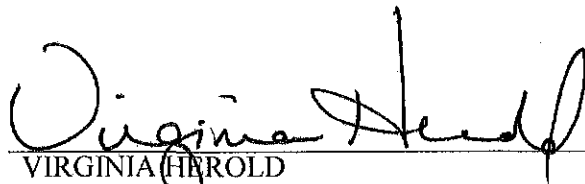
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
15 and that following the hearing, the Board of Pharmacy issue a decision:

16 1. Revoking or suspending Pharmacy Technician Registration Number TCH 30487  
17 issued to Stephanie E. Oloa;

18 2. Ordering Stephanie E. Oloa to pay the Board of Pharmacy the reasonable costs of the  
19 investigation and enforcement of this case pursuant to Business and Professions Code section  
20 125.3;

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

22  
23 DATED: 2/10/15

24 

25 VIRGINIA HEROLD  
26 Executive Officer  
27 Board of Pharmacy  
28 Department of Consumer Affairs  
State of California  
Complainant

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