

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1299
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 5575

12 **KATHERINE R. WILLIAMS**
13 **2 Marina Blvd., 5C9**
Pittsburg, CA 94565

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 32771**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about March 23, 2000, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 32771 to Katherine R. Williams (Respondent). The Pharmacy Technician
22 License was in full force and effect at all times relevant to the charges brought herein. It expired
23 on August 31, 2015 and has not been renewed, so it is now in delinquent status.

24 JURISDICTION

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

28 ///

1 8. California Code of Regulations, title 16, section 1770, states:

2 “For the purpose of denial, suspension, or revocation of a personal or facility license
3 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
4 crime or act shall be considered substantially related to the qualifications, functions or duties of a
5 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
6 licensee or registrant to perform the functions authorized by her license or registration in a manner
7 consistent with the public health, safety, or welfare.”

8 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
9 drug or dangerous device except upon the prescription of an authorized prescriber.

10 10. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
11 controlled substance, except that furnished upon a valid prescription/drug order.

12 11. Health and Safety Code section 11170 provides that no person shall prescribe,
13 administer, or furnish a controlled substance for himself or herself.

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

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

21 COST RECOVERY

22 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation of the licensing
24 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

25 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

26 15. Section 4021 of the Code states:

27 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
28 11053) of Division 10 of the Health and Safety Code.”

1 19. During the tenure of her employment by Safeway Pharmacy, Respondent used her
2 access to divert/steal controlled substances and dangerous drugs, including **Hydrocodone with**
3 **APAP** and/or other **hydrocodone**-containing controlled substance/dangerous drug products.

4 20. The exact number of instances of diversion/theft by Respondent, and the full quantity
5 of controlled substances or dangerous drugs diverted/stolen by Respondent, are not known, but in
6 the course of investigations conducted by the pharmacy, by police, and by the Board of Pharmacy,
7 the following were among the observations, admissions, and revelations reported:

8 a. Subsequent to her departure from the Safeway Pharmacy in Pittsburg, CA for a
9 leave of absence, Respondent continued to visit that pharmacy to fill her own prescriptions and to
10 socialize. On those occasions, she often came into the secure area of the pharmacy. This practice
11 continued after she returned from her leave of absence and was employed in the corporate offices
12 of Safeway Pharmacy, and on several occasions she used the computer(s) in the pharmacy for the
13 ostensible purpose(s) of checking her paystubs, acquiring further information for her job, etc.

14 b. On or about April 2, 2014, the Pharmacist in Charge (PIC) at the Pittsburg store
15 was alerted that it appeared possible diversion/theft of narcotics was taking place in the store, as
16 records suggested that there was a variance of generic **Norco (Hydrocodone with APAP 10/325**
17 **mg)** of between 6,000 and 7,000 tablets. The PIC began taking steps to monitor narcotics in the
18 pharmacy, including by creating a perpetual inventory log (PIL) to track real-time inventory, more
19 carefully tracking the computerized quantity on hand (QOH) inventory, and reconciling the two.

20 c. On or about April 5, 2014, upon opening the pharmacy, the PIC did a physical
21 check of generic **Norco (Hydrocodone with APAP 10/325 mg)** and identified two 1000-count
22 bottles, one full and one partially-used, containing 480 tablets (1,480 tablets total). Shortly after,
23 Respondent entered the pharmacy and, as was her custom, began using the computer(s) to “check
24 her paystub.” A short time later, after Respondent left the pharmacy, the PIC filled a prescription
25 for 90 tablets of generic **Norco**, and noted that the partial bottle of generic **Norco** was missing.
26 He checked with other staff, and checked the prescriptions dispensed, and there was no other way
27 to explain the missing bottle. He checked the QOH, which showed an expected inventory of only
28 890 tablets, rather than the $1,480 - 90 = 1,390$ that should have been reflected in the record.

1 d. Subsequent review of the surveillance video from the pharmacy for that time
2 period revealed Respondent working on the pharmacy computer(s), then walking to the back of
3 the pharmacy where the generic **Norco** was located carrying a large purse. Subsequent review of
4 the QOH records for the Pittsburg store also revealed an unusual number of changes to the QOH
5 records made at the Pittsburg store, including a change made on or about April 5, 2014 at 9:21
6 a.m. to reduce the quantity on hand from 1,480 to 980 tablets (thus subtracting 500 tablets) that
7 was made by user KW (Respondent). There were also a substantial number of QOH changes at
8 the Pittsburg store made between on or about June 19, 2013 and on or about August 12, 2013,
9 dates that Respondent was employed at the store. Review of orders placed and dispensing for the
10 store between on or about April 1, 2013 and on or about December 31, 2013 revealed that there
11 was a total variance (shortage) of more than 7,000 tablets of generic **Norco**, of which more than
12 5,400 tablets went missing during months that Respondent was employed at the store.

13 d. On or about May 23, 2014, Respondent was interviewed by Safeway Pharmacy
14 supervisors/investigators and admitted to taking/diverting/stealing generic **Norco (Hydrocodone**
15 **with APAP 10/325 mg)** for her personal use. She admitted that she had been “using **Norco** for
16 the last year,” and that she had been stealing it from the Pittsburg store ever since she worked as a
17 pharmacy technician in the store. She further admitted that she continued to steal **Norco** from the
18 Pittsburg store while she was on her leave of absence and after she returned to her position in the
19 corporate offices. She also made a practice of changing the QOH in the computer in an attempt to
20 cover up her theft(s), both while she worked in the store and subsequently. She admitted to taking
21 the partial bottle of generic **Norco** that was discovered missing on or about April 5, 2014. She
22 could not provide an exact number of tablets diverted/stolen, but estimated it was in excess of
23 5,000 tablets of generic **Norco**. She said she diverted/stole them all for self-use to feed what she
24 said was her increasing addiction. She also admitted to giving some of the pills to friends.

25 e. On or about May 23, 2014, Respondent resigned from Safeway Pharmacy.

26 f. On or about January 5, 2015, Respondent declined an in-person interview with
27 Board Inspector(s). In a telephone interview, she confirmed her addiction to narcotics, her
28 “problem” with drugs, and her theft(s) from Safeway Pharmacy to feed her addiction.

1 g. Audit(s) of the dangerous drug/controlled substance stock of the Safeway
2 Pharmacy in Pittsburg, CA where Respondent worked revealed shortages experienced during the
3 period of employment including 600 tablets, 300 tablets, 9,189 tablets, and 380 tablets (10,469
4 tablets total) of three different NDCs of generic **Norco (Hydrocodone with APAP 10/325 mg)**.

5
6
7 FIRST CAUSE FOR DISCIPLINE

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

9 21. Respondent is subject to discipline under section 4301(f) of the Code, in that
10 Respondent, as described in paragraphs 18 and 19 above, committed acts involving moral
11 turpitude, dishonesty, fraud, deceit, or corruption.

12
13 SECOND CAUSE FOR DISCIPLINE

14 (Self-Administration of Controlled Substance(s))

15 22. Respondent is subject to discipline under section 4301(h), (j) and/or (o) of the Code,
16 and/or Health and Safety Code section 11170, in that Respondent, as described in paragraphs 18
17 and 19 above, self-administered, conspired to self-administer, and/or assisted or abetted self-
18 administration of, a controlled substance.

19
20 THIRD CAUSE FOR DISCIPLINE

21 (Furnishing of Controlled Substance(s))

22 23. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
23 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described
24 in paragraphs 18 and 19 above, furnished to herself or another without a valid prescription, and/or
25 conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

26 ///

27 ///

28 ///

1 FOURTH CAUSE FOR DISCIPLINE

2 (Possession of Controlled Substance(s))

3 24. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
4 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described
5 in paragraphs 18 and 19 above, possessed, conspired to possess, and/or assisted in or abetted
6 possession of, a controlled substance, without a valid prescription.

7
8 FIFTH CAUSE FOR DISCIPLINE

9 (Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

10 25. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
11 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs
12 18 and 19 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a
13 controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

14
15 SIXTH CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct)

17 26. Respondent is subject to discipline under section 4301 of the Code in that
18 Respondent, as described in paragraphs 18 to 25 above, engaged in unprofessional conduct.

19
20
21
22
23 PRAYER

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

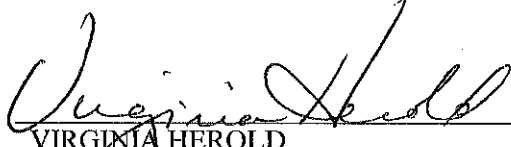
26 1. Revoking or suspending Pharmacy Technician License Number TCH 32771, issued to
27 Katherine R. Williams (Respondent);
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 11/30/15



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

SF2015402435
41390818.doc