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7	BEFORE THE		
8	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
9	STATE OF CALIFORNIA		
10	In the Matter of the Accusation Against:	Case No. 5575	
11	KATHERINE R. WILLIAMS	Case 110. 5575	
12	2 Marina Blvd., 5C9 Pittsburg, CA 94565	ACCUSATION	
13	Pharmacy Technician License No. TCH 32771	ACCUBATION	
14	Respondent.		
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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.		
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	-	(KATHERINE R. WILLIAMS) ACCUSATION	

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

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
7 suspension of a Board-issued license, the placement of a license on a retired status, or the
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
10 licensee or to render a decision suspending or revoking the license.

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STATUTORY AND REGULATORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
not be limited to, any of the following:

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

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

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(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.

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

8. California Code of Regulations, title 16, section 1770, states: 1 "For the purpose of denial, suspension, or revocation of a personal or facility license 2 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a 3 crime or act shall be considered substantially related to the qualifications, functions or duties of a 4 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a 5 licensee or registrant to perform the functions authorized by her license or registration in a manner 6 consistent with the public health, safety, or welfare." 7 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous 8 drug or dangerous device except upon the prescription of an authorized prescriber. 9 10. Section 4060 of the Code provides, in pertinent part, that no person shall possess any 10 controlled substance, except that furnished upon a valid prescription/drug order. 11 11. Health and Safety Code section 11170 provides that no person shall prescribe. 12 administer, or furnish a controlled substance for himself or herself. 13 12. Health and Safety Code section 11173, subdivision (a), provides that no person shall 14 obtain or attempt to obtain controlled substances, or procure or attempt to procure the 15 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, 16 or subterfuge; or (2) by the concealment of a material fact. 17 13. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess 18 any controlled substance listed in Schedule II (Health and Safety Code section 11055), 19 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription. 20COST RECOVERY 21 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the 22 administrative law judge to direct a licentiate found to have committed a violation of the licensing 23 act to pay a sum not to exceed its reasonable costs of investigation and enforcement. 24 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS** 25 Section 4021 of the Code states: 15. 26 "Controlled substance' means any substance listed in Chapter 2 (commencing with Section 27 11053) of Division 10 of the Health and Safety Code." 28

16. Section 4022 of the Code states, in pertinent part:

2 "Dangerous drug' or 'dangerous device' means any drug or device unsafe for self use,
3 except veterinary drugs that are labeled as such, and includes the following:

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

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

- 17. Norco, Vicodin, Vicodin ES, Lortab, and Lorcet are among the brand names for 9 compounds of varying dosages of acetaminophen (aka APAP) and hydrocodone, a Schedule III 10controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous 11 drug as designated by Business and Professions Code section 4022. The varying compounds are 12 also known generically as Hydrocodone with APAP. These are all narcotic drugs. Products like 13 these that combine hydrocodone with non-controlled substances are also called hydrocodone 14 15 combination products. Effective October 6, 2014, hydrocodone combination productions were switched at the federal level from Schedule III (21 C.F.R. § 1308.13(e)(1)(iii) and (iv)) to 16 Schedule II (21 C.F.R. § 1308.12(b)(1)). This includes Hydrocodone with APAP drugs. 17
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FACTUAL BACKGROUND

From on or about January 1, 2013 until on or about May 23, 2014, Respondent was 18. 19 employed as a pharmacy technician by Safeway Pharmacy. Between in or about January 2013 20and in or about October 2013, Respondent worked in different Safeway store pharmacies, with 21 her longest tenure being assignment from in or about May 2013 until in or about October 2013 to 22 a Safeway Pharmacy in Pittsburg, CA (PHY 35819, subsequently changed to PHY 52270). After 23 a leave of absence starting in or about October 2013, Respondent returned to Safeway Pharmacy 24 in or about February 2014, as a Specialty Care Pharmacy Technician in its corporate offices. By 25 virtue of her employment, both during her tenure working inside Safeway pharmacies including 2627 the Safeway Pharmacy in Pittsburg, CA, and subsequently when she would return to visit those pharmacies, she had access to controlled substances and dangerous drugs. 28

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

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

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

b. On or about April 2, 2014, the Pharmacist in Charge (PIC) at the Pittsburg store
was alerted that it appeared possible diversion/theft of narcotics was taking place in the store, as
records suggested that there was a variance of generic Norco (Hydrocodone with APAP 10/325
mg) of between 6,000 and 7,000 tablets. The PIC began taking steps to monitor narcotics in the
pharmacy, including by creating a perpetual inventory log (PIL) to track real-time inventory, more
c. On or about April 5, 2014, upon opening the pharmacy, the PIC did a physical

20check of generic Norco (Hydrocodone with APAP 10/325 mg) and identified two 1000-count 21 bottles, one full and one partially-used, containing 480 tablets (1,480 tablets total). Shortly after, 22 Respondent entered the pharmacy and, as was her custom, began using the computer(s) to "check 23 her paystub." A short time later, after Respondent left the pharmacy, the PIC filled a prescription 24 for 90 tablets of generic **Norco**, and noted that the partial bottle of generic **Norco** was missing. 25 He checked with other staff, and checked the prescriptions dispensed, and there was no other way 26to explain the missing bottle. He checked the QOH, which showed an expected inventory of only 27890 tablets, rather than the 1,480 - 90 = 1,390 that should have been reflected in the record. 28

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

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

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

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

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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).	
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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.	
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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.	
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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.	
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·	(KATHERINE R. WILLIAMS) ACCUSATION	

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.		
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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.		
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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.		
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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);		
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	(KATHERINE R. WILLIAMS) ACCUSATION		

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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; Taking such other and further action as is deemed necessary and proper. 3. 11/30/15 DATED: HEROLD VIRGINÍ/ Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant SF2015402435 41390818.doc