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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. 6079

12 **ALEXA MARIE CORSBY-VAUGHAN**
7524 24th Street
13 Sacramento, CA 95822

A C C U S A T I O N

14 **Pharmacy Technician Registration**
15 **No. TCH 125227**

16 Respondent.

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about August 8, 2012, the Board issued Pharmacy Technician Registration
22 Number TCH 125227 to Alexa Marie Corsby-Vaughan ("Respondent"). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on February 28, 2018, unless renewed.

25 **JURISDICTION**

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

1 4. Code section 4300 states, in pertinent part:

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

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

6 (1) Suspending judgment.

7 (2) Placing him or her upon probation.

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

9 (4) Revoking his or her license.

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

12 5. Code section 4300.1 states:

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

19 **STATUTORY AND REGULATORY PROVISIONS**

20 6. Code section 4301 states, in pertinent part:

21 The board shall take action against any holder of a license who is guilty of
22 unprofessional conduct or whose license has been issued by mistake. Unprofessional
23 conduct shall include, but is not limited to, any of the following:

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

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

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

34 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
35 abetting the violation of or conspiring to violate any provision or term of this chapter
36 or of the applicable federal and state laws and regulations governing pharmacy,

1 including regulations established by the board or by any other state or federal
2 regulatory agency.

3 7. Code section 4060 states, in pertinent part:

4 A person shall not possess any controlled substance, except that furnished to a
5 person upon the prescription of a physician, dentist, podiatrist, optometrist,
6 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
7 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to
Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
pursuant to Section 4052.1, 4052.2, or 4052.6. . . .

8 8. Code section 4327 states, "Any person who, while on duty, sells, dispenses or
9 compounds any drug while under the influence of any dangerous drug or alcoholic beverages
10 shall be guilty of a misdemeanor.

11 9. Health and Safety Code section 11170 states, "No person shall prescribe, administer,
12 or furnish a controlled substance for himself."

13 9. Health and Safety Code section 11173(a) states:

14 No person shall obtain or attempt to obtain controlled substances, or procure or
15 attempt to procure the administration of or prescription for controlled substances, (1)
16 by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a
material fact.

17 COST RECOVERY

18 10. Code section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
23 included in a stipulated settlement.

24 DRUGS

25 11. *Hydrocodone bitartrate* compounded with acetaminophen, is designated a
26 Schedule III controlled substance by Health and Safety Code section 11056(e)(4), and is a
27 dangerous drug pursuant to Code section 4022. Hydrocodone is designated a Schedule II
28 controlled substance by the Code of Federal Regulations, Title 21, section 1308.12(b)(1)(vi).

1 12. *Hydromorphone*, is a Schedule II controlled substance as designated by Health and
2 Safety Code section 11055(b)(1)(J), and a dangerous drug pursuant to Code section 4022.

3 13. *Oxazepam* is a Schedule IV controlled substance as designated by Health and Safety
4 Code section 11057(d)(23), and is a dangerous drug pursuant to Code section 4022.

5 14. *Oxycodone* is a Schedule II controlled substance as designated by Health and Safety
6 Code section 11055(b)(1)(M), and is a dangerous drug pursuant to Code section 4022.

7 15. *Oxymorphone* is a Schedule II controlled substance as designated by Health and
8 Safety Code section 11055(b)(1)(N), and is a dangerous drug pursuant to Code section 4022.

9 16. *Marihuana* (also known as marijuana and cannabis) is a Schedule I controlled
10 substance as designated by United States Code, title 21, section 812(c)(10).

11 17. *Vicodin* is a compound consisting of 5 mg hydrocodone bitartrate, also known as
12 dihydrocodeinone, and 500 mg. acetaminophen per tablet, and is a Schedule III controlled
13 substance as designated by Health and Safety Code section 11056(e)(4). It is a dangerous drug as
14 designated by Code section 4022.

15 **FACTUAL BACKGROUND**

16 18. Between on or about October 13, 2013, and April 7, 2016, Respondent worked as a
17 Pharmacy Technician at Walgreens Pharmacy #12840 (“Walgreens”), located at 8230 Saratoga
18 Way, El Dorado Hills, California.

19 19. On or about March 29, 2016, Respondent reported to work at Walgreens. Y.B., the
20 on-duty pharmacist, observed that Respondent’s speech was slurred and her behavior abnormal,
21 and asked to have Respondent escorted out of the pharmacy. Walgreens management arranged for
22 Respondent to be drug tested that same day. While waiting to be drug-tested, Respondent asked to
23 re-enter the pharmacy area to gather her belongings. Video surveillance recordings show
24 Respondent entering the pharmacy, taking a bottle off the “fast mover” shelf, disappear down an
25 aisle and return, and then place a bottle on the counter behind a bin. Respondent was recorded
26 shortly thereafter entering the pharmacy area a second time, going down a pharmacy aisle,
27 returning, throwing a large bottle away (which was later identified as an empty bottle labeled
28 Vicodin 5-300 mg.), placing something in her pocket, and taking something off the “fast mover”

1 shelf. When the store manager intervened, Respondent was found with a medication bottle in her
2 hand.

3 20. Respondent's drug test was positive for marihuana, hydromorphone, hydrocodone,
4 oxycodone, oxymorphone, and oxazepam.

5 21. On or about April 7, 2016, in the course of an investigation conducted by Walgreens,
6 Respondent admitted that while working as a pharmacy technician at Walgreens she stole
7 medications from Walgreens for her own personal use. Walgreens tallied restitution owed by
8 Respondent due to her theft, as follows:

Description	Quantity	Retail Price Each	Total Retail Price
Hydrocodone/Acetaminophen 10/325 mg.	300	\$0.78	\$234.24
Hydrocodone/Ibuprof. 7.5/200 mg. TB	150	1.15	172.50
Hydrocodone/Acetaminophen tab 7.5/325 mg.	75	.69	52.33
Vicodin 5/300 mg.	20	1.97	39.53
TOTAL LOSS			\$498.60

14
15 Respondent entered into a written agreement to pay restitution in the amount of \$496.62 in
16 recognition of her wrongful appropriation of money and/or property from Walgreens.

17 Respondent's employment at Walgreens was terminated that same day.

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Violation of State Laws Regulating Controlled Substances)

20 22. Paragraphs 16 through 19 set forth above are incorporated herein by reference.
21 Respondent is subject to disciplinary action pursuant to Code section 4301(j), on the grounds of
22 unprofessional conduct, in that while on duty as a registered pharmacy technician at Walgreens,
23 Respondent violated statutes regarding controlled substances and dangerous drugs, as follows:

24 a. **Health & Safety Code section 11173(a)**: Respondent obtained hydrocodone/
25 ibuprofen, hydrocodone/acetaminophen, and Vicodin, controlled substances, by fraud, deceit,
26 misrepresentation, or subterfuge.

27 b. **Health & Safety Code section 11170**: Respondent furnished and administered to
28 herself, marihuana, hydromorphone, hydrocodone, oxycodone, oxymorphone, and oxazepam.

1 c. **Code section 4060:** Respondent unlawfully possessed hydromorphone,
2 hydrocodone, oxycodone, oxymorphone, and oxazepam, controlled substances and dangerous
3 drugs.

4 **SECOND CAUSE FOR DISCIPLINE**

5 (Unprofessional Conduct - Dishonesty, Corruption)

6 23. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
7 Code section 4301(f), in that Respondent committed acts involving dishonesty, fraud, deceit,
8 and/or corruption, as set forth in paragraphs 18 through 21, above.

9 **THIRD CAUSE FOR DISCIPLINE**

10 (Use of Controlled Substances in a Dangerous or Injurious Manner)

11 24. Respondent is subject to disciplinary action pursuant to Code section 4301(h), in that
12 on or about March 29, 2016, while on duty as a pharmacy technician, Respondent used
13 marihuana, hydromorphone, hydrocodone, oxycodone, oxymorphone, and oxazepam in a manner
14 dangerous or injurious to herself and/or others, as set forth in paragraphs 18 through 21, above.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 (Violation of the Pharmacy Law)

17 25. Respondent is subject to disciplinary action pursuant to Code section 4301(o), for
18 unprofessional conduct, in that Respondent violated laws governing pharmacy, as set forth in
19 paragraphs 16 through 20, above.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician Registration Number TCH 125227,
24 issued to Alexa Marie Corsby-Vaughan

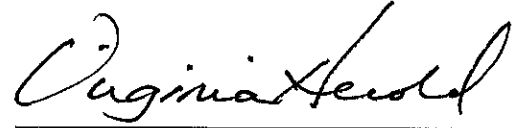
25 2. Ordering Alexa Marie Corsby-Vaughan to pay the Board of Pharmacy the reasonable
26 costs of the investigation and enforcement of this case, pursuant to Business and Professions
27 Code section 125.3; and,

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

DATED: 9/13/17



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

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