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

10  
11 In the Matter of the Accusation Against:  
12 **TARA ROSE ISZLER**  
2 Arlington Drive  
13 Pittsburg, CA 94565  
14 **Pharmacy Technician Registration No. TCH 76599**  
15 Respondent.

Case No. 6148  
**ACCUSATION**

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.  
21 2. On or about July 18, 2007, the Board issued Pharmacy Technician Registration  
22 Number TCH 76599 to Tara Rose Iszler (Respondent). The Pharmacy Technician Registration  
23 expired on March 31, 2017, and has not been renewed.

24 **JURISDICTION**

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

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

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

5 10. Health and Safety Code section 11170 provides that no person shall prescribe,  
6 administer, or furnish a controlled substance for himself or herself.

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

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

#### 14 CONTROLLED SUBSTANCES

15 13. Section 4021 of the Code states:

16 "Controlled substance" means any substance listed in Chapter 2 (commencing with  
17 Section 11053) of Division 10 of the Health and Safety Code.

18 14. Section 4022 of the Code states:

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

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

23 (b) Any device that bears the statement: "Caution: federal law restricts this device to  
24 sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the  
25 blank to be filled in with the designation of the practitioner licensed to use or order  
26 use of the device.

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

15. Soma (carisoprodol) is a muscle relaxant. It is a controlled substance pursuant to 21  
C.F.R., section 1308.14 (c)(5). It is a dangerous drug within the meaning of Code section 4022.

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1 **COST RECOVERY**

2 16. Section 125.3 of the Code provides, in pertinent part, that a Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **FACTUAL BACKGROUND**

7 17. Beginning in or around 2008, and continuing until on or about September 12, 2016,  
8 Respondent was employed as a pharmacy technician at Safeway Pharmacy in Livermore,  
9 California. On multiple occasions during 2015 and 2016, Respondent stole Soma tablets from the  
10 pharmacy for her own use. Respondent did not have a prescription for this medication and did  
11 not have permission to take or possess it.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Possession of a Controlled Substance)**

14 18. Respondent is subject to discipline under Code sections 4301(j), 4301(o), 4060 and/or  
15 Health and Safety Code section 11350, for possession of a controlled substance or substances  
16 without a prescription, as described in paragraph 17, above.

17 **SECOND CAUSE FOR DISCIPLINE**

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

19 19. Respondent is subject to discipline under Code sections 4301(j), 4301(o) and/or  
20 Health and Safety Code section 11173(a), in that Respondent obtained, conspired to obtain,  
21 and/or assisted in or abetted the obtaining of a controlled substance, by fraud, deceit, subterfuge,  
22 or concealment of material fact, as described in paragraph 17, above.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Acts Involving Moral Turpitude, Dishonesty or Fraud)**

25 20. Respondent is subject to discipline under Code section 4301(f) for committing an act  
26 or acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as described in  
27 paragraph 17, above.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Furnishing a Dangerous Drug/Controlled Substance)**

3 21. Respondent is subject to discipline under Code sections 4301(j), 4301(o), 4059,  
4 and/or Health and Safety Code section 11170, in that Respondent furnished to himself or another  
5 without a valid prescription, and/or conspired to furnish, and/or assisted or abetted furnishing of,  
6 a dangerous drug and/or a controlled substance, as described in paragraph 17, above.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(Dangerous Use of Drugs)**

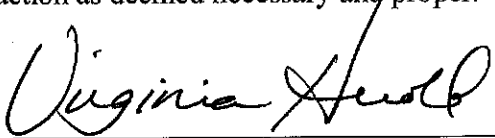
9 22. Respondent is subject to discipline under Code section 4301, subdivision (h), in that  
10 she administered to herself or used controlled substances in a manner dangerous or injurious to  
11 herself, others, or to the extent that her ability to safely practice as a registered pharmacy  
12 technician was impaired, as described in paragraph 17, above.

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 76599,  
17 issued to Tara Rose Iszler;
- 18 2. Ordering Tara Rose Iszler 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; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: 10/13/17

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