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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 JAMIE S. SIMPSON
13 3708 W. Myrtle Court
Visalia, CA 93277

14 Pharmacy Technician Registration No. TCH
15 33920

16 Respondent.

Case No. 2714

OAH No. 2004110351

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
21 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
22 by Bill Lockyer, Attorney General of the State of California, by Jessica M. Amgwerd, Deputy
23 Attorney General.

24 2. JAMIE S. SIMPSON (Respondent) is represented by Robert F. Hahn.

25 3. On or about July 17, 2000, the Board of Pharmacy issued Pharmacist
26 Technician License No. TCH 33920 to JAMIE S. SIMPSON.

27 JURISDICTION

28 4. Accusation No. 2714 was filed before the Board of Pharmacy (Board),

1 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
2 and all other statutorily required documents were properly served on Respondent on April 22,
3 2004. Respondent filed a Notice of Defense contesting the Accusation. A copy of Accusation
4 No. 2714 is attached as exhibit A and incorporated herein by reference.

5 ADVISEMENT AND WAIVERS

6 5. Respondent has carefully read, and understands the charges and allegations
7 in Accusation No. 2714. Respondent also has carefully read, and understands the effects of this
8 Stipulated Surrender of License and Order.

9 6. Respondent is fully aware of her legal rights in this matter, including the right to a
10 hearing on the charges and allegations in the Accusation; the right to be represented by counsel,
11 at her own expense; the right to confront and cross-examine the witnesses against her; the right to
12 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
13 compel the attendance of witnesses and the production of documents; the right to reconsideration
14 and court review of an adverse decision; and all other rights accorded by the California
15 Administrative Procedure Act and other applicable laws.

16 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
17 each and every right set forth above.

18 CULPABILITY

19 8. Respondent admits to a violation of Business and Professions Code
20 section 4301(f). More specifically, Respondent was involved in diverting approximately 2,000
21 Hydrocodone 5/500 mg over a four month period. Respondent agrees that cause exists for
22 discipline and hereby surrenders her Pharmacy Technician Registration No. TCH 33920 for the
23 Board's formal acceptance.

24 9. Respondent understands that by signing this stipulation, she enables the
25 Board to issue an order accepting the surrender of his pharmacy license without further process.

26 CONTINGENCY

27 10. This stipulation shall be subject to approval by the Board of Pharmacy.
28 Respondent understands and agrees that counsel for Complainant and the staff of the Board of

1 Four Thousand One Hundred Seventy Dollars (\$4,170.00) shall be paid to the board prior to
2 issuance of the new license.

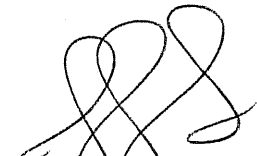
3 4. The surrender of Respondent's Pharmacy Technician Registration No. TCH 33920
4 and the acceptance of the surrendered license by the Board shall constitute the imposition of
5 discipline against Respondent. This stipulation constitutes a record of the discipline and shall
6 become a part of Respondent's license history with the Board.

7 5. Respondent shall lose all rights and privileges as a Pharmacy Technician in
8 California as of the effective date of the Board's Decision and Order.

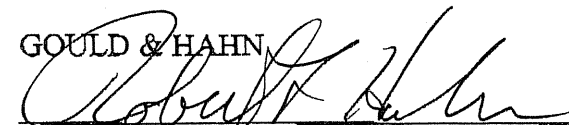
9 ACCEPTANCE

10 I have carefully read the Stipulated Surrender of License and Order. I understand
11 the stipulation and the effect it will have on my Pharmacy Technician License TCH 33920. I
12 enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and
13 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

14 DATED: 3/10/05

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16 
17 JAMIE S. SIMPSON
Respondent

18 Dated: 3-14-05

19
20 GOULD & HAHN
By: 
Robert F. Hahn
21 **Attorney for Respondent**

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: March 14, 2005.

BILL LOCKYER, Attorney General
of the State of California

Jessica M. Amgwerd
JESSICA M. AMGWERD
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 2714

JAMIE S. SIMPSON
3708 W. Myrtle Court
Visalia, CA 93277

OAH No. 2004110351

Pharmacy Technician Registration No. TCH
33920

Respondent.

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DECISION AND ORDER

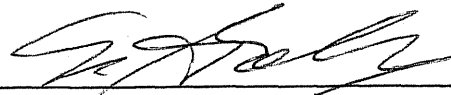
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 27, 2005.

It is so ORDERED April 27, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


STANLEY W. GOLDENBERG
Board President

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Exhibit A
Accusation No. 2714

1 BILL LOCKYER, Attorney General
of the State of California
2 JOEL S. PRIMES, State Bar No. 42568
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
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5 Telephone: (916) 324-5340
Facsimile: (916) 327-8643
6 E-mail: joel.primes@doj.ca.gov

7 Attorneys for Complainant

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. 271A

12 JAMIE S. SIMPSON
13 3708 W. Myrtle Court
Visalia, CA 93277

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH
15 33920

16 Respondent.

17 PARTIES

18 Patricia F. Harris, for causes of discipline, alleges:

19 Complainant, Patricia F. Harris makes and files this Accusation in her official
20 capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs (hereinafter
21 "Board").

22 1. On July 17, 2000 the Board issued Original Pharmacy Technician
23 Registration Number TCH 33920, to Jamie S. Simpson, to act as a pharmacy technician in
24 California and that the address of record is 3708 W. Myrtle Court, Visalia, CA 93277. The
25 registration is in full force and effect until August 31, 2004.

26 2. Vicodin is a dangerous drug pursuant to Bus. & Prof. Code section 4022
27 and a controlled substance pursuant to Health and Safety Code section 11056(e)(4). It's generic
28 name is Hydrocodone/APAP and is used for pain relief.

1 3. Business and Professions Code section 4301 provides that the Board shall
2 take action against any holder of a license who is guilty of unprofessional conduct.

3 Unprofessional conduct includes:

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

8 (g) Knowingly making or signing any certificate or
9 other document that falsely represents the existence or
10 nonexistence of a state of facts.

11 4. Business and Professions Code section 4059(d) provides that a person may
12 not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist,
13 optometrist, or veterinarian.

14 5. Business and Professions Code section 4060 provides that no person shall
15 possess any controlled substance, except that furnished to a person upon the prescription of a
16 physician, dentist, podiatrist, or veterinarian.

17 6. Health and Safety Code section 11352(a) provides that except as otherwise
18 provided in this division, every person who transports, imports into this state, sells, furnishes,
19 administers, or gives away, or offers to transport, import into this state, sell, furnish, administer,
20 or give away, or attempts to import into this state or transport (1) any controlled substance
21 specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,
22 specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in
23 subdivision (b), (c), or (g) of Section 11055, or (2) any controlled substance classified in
24 Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a
25 physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished
26 by imprisonment in the state prison for three, four, or five years.

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

///

1 Respondent engaged in unprofessional conduct pursuant to Code sections 4301(f)
2 and (g), 4059(a) and 4060 and Health and Safety Code sections 11352(a) and 11173(a) as
3 follows:


4 During the period July 2002 through October 2002, Respondent, pharmacy
5 technician Jamie Simpson, unlawfully appropriated approximately 2000 Vicodin tablets (4
6 bottles of 500) from her employer, Walgreens, store #3476, 100 W. Walnut Avenue, Visalia,
7 California. Respondent misfilled prescriptions for generic Vicodin by attaching labels with false
8 names and incorrect labeling prescription container labels listing the contents of the containers,
9 which contained Vicodin, as drugs other than Vicodin. Respondent then sold the Vicodin and
10 received between \$40.00 and \$45.00 per hundred tablets of Vicodin. The false prescriptions
11 were filled under a false name and label contents in quantities of 100 tablets of Vicodin.

12 PRAYER

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

- 15 1. Revoking or suspending Pharmacy Technician Registration issued to
16 Jamie S. Simpson;
- 17 2. Ordering Jamie S. Simpson to pay the Pharmacy Board the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3; and,
- 20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 4/20/04

22
23 
24 PATRICIA F. HARRIS
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

27 SA2003104883
10036971.wpd
28 psd 2-4-04