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

10 In the Matter of the Accusation Against:

Case No. Case 2742

11 **JACKIE LANETTE MACEDO**
12 1650 University
Hanford, CA 93230,

OAH No. N2004060240

**STIPULATED SURRENDER OF
REGISTRATION AND ORDER**

13 Respondent.
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16 IT IS HEREBY STIPULATED AND AGREED by and between the parties
17 to the above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board
20 of Pharmacy. Complainant has brought this action solely in her official capacity and is
21 represented in this matter by Bill Lockyer, Attorney General of the State of California, and
22 by Arthur D. Taggart, Lead Supervising Deputy Attorney General.

23 2. Respondent Jackie Lanette Macedo (Respondent) has been advised of
24 her right to be represented by private legal counsel at her own expense, and has chosen to
25 represent herself.

26 3. On or about January 19, 1994, the Board of Pharmacy issued Original
27 Pharmacy Technician Registration Number TCH 11425 to Jackie Lanette Macedo
28 (Respondent).

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JURISDICTION

4. Accusation No. 2742 was filed before the Board of Pharmacy and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 27, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2742 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read and understands the charges and allegations in Accusation No. 2742. Respondent has also carefully read and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation Accusation No. 2742, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration Number TCH 11425 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

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CONTINGENCY

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2 10. This stipulation shall be subject to approval by the Board of
3 Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of
4 the Board of Pharmacy may communicate directly with the Board regarding this stipulation
5 and settlement, without notice to or participation by Respondent. By signing the stipulation,
6 Respondent understands and agrees that she may not withdraw her agreement or seek to
7 rescind the stipulation prior to the time the Board considers and acts upon it. If the Board
8 fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and
9 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be
10 inadmissible in any legal action between the parties, and the Board shall not be disqualified
11 from further action by having considered this matter.

12 11. The parties understand and agree that facsimile copies of this
13 Stipulated Surrender of Registration and Order, including facsimile signatures thereto, shall
14 have the same force and effect as the originals.

15 12. In consideration of the foregoing admissions and stipulations, the
16 parties agree that the Board may, without further notice or formal proceeding, issue and
17 enter the following Order:

ORDER

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19 IT IS HEREBY ORDERED that Pharmacy Technician Registration Number
20 TCH 11425 issued to Respondent JACKIE LANETTE MACEDO is surrendered and
21 accepted by the Board of Pharmacy.

22 13. The surrender of Respondent's Pharmacy Technician Registration and
23 the acceptance of the surrendered registration by the Board shall constitute the imposition of
24 discipline against Respondent. This stipulation constitutes a record of the discipline and
25 shall become a part of Respondent's registration history with the Board.

26 14. Respondent shall lose all rights and privileges as a Pharmacy
27 Technician in California as of the effective date of the Board's Decision and Order.

28 15. Respondent shall cause to be delivered to the Board her pocket

1 registration certificate on or before the effective date of the Decision and Order.

2 16. Respondent fully understands and agrees that if she ever files an
3 application for licensure or a petition for reinstatement in the State of California, the Board
4 shall treat it as a petition for reinstatement. Respondent must comply with all the laws,
5 regulations and procedures for reinstatement of a revoked registration in effect at the time
6 the petition is filed, and all of the charges and allegations contained in Accusation No. 2742
7 shall be deemed to be true, correct, and admitted by Respondent when the Board determines
8 whether to grant or deny the petition. Respondent shall meet all requirements applicable to
9 that technician registration as of the date the application is submitted to the Board,
10 including, but not limited to certification by a nationally recognized body prior to the
11 issuance of a new registration.

12 17. Prior to reinstatement of the license or issuance of a new license,
13 Respondent shall pay to the Board costs associated with its investigation and enforcement
14 pursuant to Business and Profession Code section 125.3. Said costs in the present case are
15 \$5000.00. Respondent shall be permitted to pay these costs in a payment plan approved by
16 the Board.

17 18. Should Respondent ever apply or reapply for a new registration,
18 license or certification, or petition for reinstatement of same, by any other health care
19 licensing agency in the State of California, all of the charges and allegations contained in the
20 Accusation No. 2742 shall be deemed to be true, correct, and admitted by Respondent for
21 the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict
22 said registration, licensure, or certification.

23 19. Respondent shall not apply for registration or petition for
24 reinstatement for three (3) years from the effective date of the Board of Pharmacy Decision
25 and Order.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of Registration and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of Registration and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 1-14-05



JACKIE LANETTE MACEDO
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: 1/14/05

BILL LOCKYER, Attorney General
of the State of California



ARTHUR D. TAGGART
Lead Supervising Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against:

JACKIE LANETTE MACEDO
1650 University
Hanford, CA 93230,

Respondent.

Case No. Case 2742

OAH No. N2004060240

DECISION AND ORDER


The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, as its Decision in this matter.

This Decision shall become effective on March 31, 2005.

It is so ORDERED March 1, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. Case 2742

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
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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:
12 JACKIE LANETTE MACEDO
1650 University
13 Hanford, CA 93230
14 Pharmacy Technician Registration
No. TCH 11425
15
16 Respondent.

Case No. 2742

ACCUSATION

17 Complainant alleges:

18 PARTIES

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

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

23 1. On or about January 19, 1994, the Board issued Original Pharmacy
24 Technician Registration Number TCH 11425 to Jackie Lanette Macedo, to act as a pharmacy
25 technician in California. The address of record is 1650 University, Hanford, California 93230.
26 The registration was in full force and effect during the periods herein and expired on April 30,
27 2003.

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1 2. Vicodin is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022
2 and a Schedule 3 Controlled Substance pursuant to Health and Safety Code section 11056(e)(4).
3 Its generic name is Hydrocodone/APAP and it is used for pain relief.

4 3. Adipex Fasten is a Dangerous Drug pursuant to Bus. & Prof. Code section
5 4022 and is a Schedule 4 Controlled Substance pursuant to Health and Safety Code section
6 11057(f)(4). Its generic name is Phentermine and it is used for short-term obesity treatment.

7 4. Darvocet-N 100 is a Dangerous Drug pursuant to Bus. & Prof. Code
8 section 4022 and a Schedule 4 Controlled Substance pursuant to Health and Safety Code section
9 11057(c)(2). Its generic name is Propoxyphene Napsylate/APAP and it is used for pain relief.

10 5. Fioricet is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022.
11 It is not a controlled substance. Its generic Name is Butalbital/APAP and it is used for vascular
12 headaches.

13 6. Fiorinal is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022.
14 It is a Schedule 3 Controlled Substance pursuant to Health and Safety Code section 11056(c)(3).
15 Its generic name is Butalbital and it is used for vascular headaches.

16 7. Soma is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022.
17 It is not a controlled substance. Its generic name is Carisoprodol and it is used as a skeletal
18 muscle relaxant.

19 8. Valium is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022.
20 It is a Schedule 4 Controlled Substance pursuant to Health and Safety Code section 11057(d)(9).
21 Its generic name is Diazepam and it is used for anxiety.

22 9. Xanax is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022.
23 It is a Schedule 4 Controlled Substance pursuant to Health and Safety Code section 11057(d)(1).
24 Its generic name is Alprazolam and it is used for anxiety.

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

27 Unprofessional conduct includes:

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

5 (g) Knowingly making or signing any certificate or
6 other document that falsely represents the existence or
7 nonexistence of a state of facts.

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

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

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

18 14. Respondent engaged in unprofessional conduct pursuant to Code sections
19 4301(f) and (g), 4059(d) and 4060 and Health and Safety Code section 11173(a) as follows:

20 A.

21 Respondent, while employed as a pharmacy technician at Long's Drug Store,
22 #107, 150 South 11th Avenue, Hanford, California from September 21, 2001 to September 10,
23 2002, refilled 6 Soma prescriptions for 564 tablets, 1 diazepam prescription for 10 tablets and 3
24 Fiorinal prescriptions for 270 tablets in her own name without authorization. Respondent
25 Macedo, while employed as a pharmacy technician at Longs 107, used the patient profile for CW
26 to process or refill 14 Soma prescriptions for 1260 tablets, 2 Fioricet prescriptions for 120 tablets
27 and 4 Vicodin ES prescriptions for 360 tablets without authorization and for her own use. She
28 printed call slips and fraudulently increased the refills on the prescriptions without prescriber
authorization. Respondent picked up the filled prescriptions for her personal use. On eleven
occasions Respondent processed unauthorized prescriptions for Soma totaling 990 tablets. On
September 10, 2002, Respondent processed an unauthorized prescription for 60 Fioricet tablets.

1 B.

2 Respondents Macedo and Donna Strong conspired to fill or refill unauthorized
3 prescriptions in Donna Strong's husband's name. Respondent Macedo picked up the
4 prescriptions for her own use or use by another, accounting for 16 Soma prescriptions for 1030
5 tablets, 2 Vicodin prescriptions for 100 tablets and 11 Xanax prescriptions for 840 tablets.

6 C.

7 During the period April 7, 1998 to March 22, 2002, Respondent Macedo obtained
8 12 unauthorized prescriptions by either processing unauthorized refills or creating unauthorized
9 phone in refills in her own name as follows:

- 10 ● 4 Soma prescriptions totaling 384 tablets at Kmart, prescription number
11 (Rx) 6694805. The signature on the signature log is "Macedo".
- 12 ● 1 Diazepam 2mg prescription for 10 tablets at Rite Aid 5796, Rx 106774
- 13 ● 3 Fiorinal prescriptions totaling 270 tablets at Wal-Mart Pharmacy, Rx
14 6964937
- 15 ● 2 Soma prescriptions totaling 180 tablets at Wal-Mart Pharmacy,
16 Rx 6964937

17 Respondent took 6 to 14 Soma tablets a day. She became addicted to Soma.

18 D.

19 Pharmacy Technicians Jackie Macedo and Donna Strong conspired to fill or refill
20 unauthorized prescriptions in Donna Strong's husband's name during employment at Longs Drug
21 Store #107, 150 South 11th Avenue, Hanford, California.

22 PRAYER

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

- 25 1. Revoking or suspending Pharmacy Technician Registration (TCH #11425)
26 issued to Jackie Lanette Macedo;

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2. Ordering Jackie Lanette Macedo to pay the Pharmacy 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 deemed necessary and proper.

DATED: 4/20/04



PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant