1	BILL LOCKYER, Attorney General		
2	of the State of California FRANK H. PACOE, State Bar No. 91740 Supervising Deputy Attorney General		
3			
4	Attorneys for Complainant		
5	LYDIA ZANE, Senior Legal Analyst California Department of Justice		
6	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 Telephones (415) 702 5572		
7	Telephone: (415) 703-5573 Facsimile: (415) 703-5480		
8			
9	BEFORE T BOARD OF PHA		
10	DEPARTMENT OF CON STATE OF CAL	SUMER AFFAIRS	
11	In the Matter of the Accusation Against:	Case No. 2749	
12	MELISSA SUE PETERSON	OAH No. 2004120189	
13	4769 Eastus Drive San Jose, CA 95129	STIPULATED SURRENDER OF	
14	Pharmacy Technician	LICENSE AND ORDER	
15	License No. TCH 41017		
16	Respondent.		
17	1		
18	IT IS HEREBY STIPLILATED AND	AGREED by and between the parties in this	
19	proceeding that the following matters are true:		
20	PARTIE	S	
21	1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of		
22	Pharmacy. She brought this action solely in her offi		
23	by Bill Lockyer, Attorney General of the State of California, by Lydia Zane, Senior Legal		
24	Analyst.		
25	2. Melissa Sue Peterson (Respondent) is represented in this proceeding by		
26	attorney Geoffrey W. Rawlings, whose address is La	, , , , , , , , , , , , , , , , , , , ,	
27	586 North First Street, Suite 101, San Jose, Californ		
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	. 1		

1 3. On or about July 31, 2002, the Board of Pharmacy issued Pharmacy 2 Technician's License No. TCH 41017 to Melissa Sue Peterson (Respondent). The License was 3 in full force and effect at all times relevant to the charges brought in Accusation No. 2749 and 4 will expire on June 30, 2006, unless renewed. 5 JURISDICTION 6 4. Accusation No. 2749 was filed before the Board of Pharmacy (Board), 7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation 8 and all other statutorily required documents were properly served on Respondent on November 4, 9 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of 10 Accusation No. 2749 is attached as exhibit A and incorporated herein by reference. 11 ADVISEMENT AND WAIVERS 5. 12 Respondent has carefully read, fully discussed with counsel, and 13 understands the charges and allegations in Accusation No. 2749. Respondent also has carefully 14 read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of 15 License and Order. 16 6. Respondent is fully aware of her legal rights in this matter, including the 17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by 18 counsel, at her own expense; the right to confront and cross-examine the witnesses against her; 19 the right to present evidence and to testify on her own behalf; the right to the issuance of 20 subpoenas to compel the attendance of witnesses and the production of documents; the right to 21 reconsideration and court review of an adverse decision; and all other rights accorded by the 22 California Administrative Procedure Act and other applicable laws. 23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up 24 each and every right set forth above. 25 CULPABILITY 26 8. Respondent admits the truth of each and every charge and allegation in 27 Accusation No. 2749, agrees that cause exists for discipline and hereby surrenders her Pharmacy 28 Technician License No. TCH 41017 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 License without
 further process.

RESERVATION

5 10. The admissions made by Respondent herein are only for the purposes of
6 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
7 licensing agency is involved, and shall not be admissible in any other criminal or civil
8 proceeding.

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<u>CONTINGENCY</u>

11. 10 This stipulation shall be subject to approval by the Board of Pharmacy. 11 Respondent understands and agrees that counsel for Complainant and the staff of the Board of 12 Pharmacy may communicate directly with the Board regarding this stipulation and surrender, 13 without notice to or participation by Respondent or her counsel. By signing the stipulation, 14 Respondent understands and agrees that she may not withdraw her agreement or seek to rescind 15 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt 16 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall 17 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action 18 between the parties, and the Board shall not be disqualified from further action by having 19 considered this matter.

20 12. The parties understand and agree that facsimile copies of this Stipulated
21 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
22 and effect as the originals.

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

<u>ORDER</u>

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 41017,

issued to Respondent Melissa Sue Peterson is surrendered and accepted by the Board of
 Pharmacy.

The surrender of Respondent's Pharmacy Technician License and the
 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
 against Respondent. This stipulation constitutes a record of the discipline and shall become a
 part of Respondent's license history with the Board.

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

9 3. Respondent shall cause to be delivered to the Board both her License,
10 wall and pocket license certificate on or before the effective date of the Decision and Order.

Respondent may not reapply for any Technician registration of the Board
 for three (3) years from the effective date of the Decision and Order.

5. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure as a Pharmacy Technician in effect on the date that the application is filed, and all of the charges and allegations contained in Accusation No. 2749 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application.

20 6. Respondent shall pay the Board its costs of investigation and enforcement
21 in the amount of \$5,828.00 prior to issuance of a new or reinstated license.

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23

<u>ACCEPTANCE</u>

I have carefully read the above Stipulated Surrender of License and Order and
have fully discussed it with my attorney, Geoffrey W. Rawlings. I understand the stipulation and
the effect it will have on my Pharmacy Technician's License. I enter into this Stipulated
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//

Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound 1 2 by the Decision and Order of the Board of Pharmacy. DATED: _2 - 7-05 3 4 5 elissa Sue Peterson 6 Respondent 7 I concur with this stipulated surrender. 8 DATED: 2.7. 9 10 11 GEOFFREY W. KAWLI Attorney for Respondent W. RAWLINGS 12 13 14 ENDORSEMENT 15 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. 16 '05 DATED: 17 BILL LOCKYER, Attorney General 18 of the State of California 19 20 21 FOR COE \$upervising Deputy Attorney General 22 Attorneys for Complainant 23 LYDIA ZANE 24 Senior Legal Analyst DOJ Matter ID: SF2004400221 25 40044940.wpd 26 27 28

v 1		
1	BEFORE BOARD OF PH	ARMACY
2	DEPARTMENT OF CON STATE OF CAL	NSUMER AFFAIRS LIFORNIA
3		
4	In the Matter of the Accusation Against:	Case No. 2749
5	MELISSA SUE PETERSON	OAH No. 2004120189
6	Respondent.	
7	······	1
8	DECISION AN	DORDER
9	The attached Stipulated Surrender of	License and Order is hereby adopted by the
10	Board of Pharmacy, Department of Consumer Affai	irs, as its Decision in this matter.
11		
12	This Decision shall become effective	e on <u>April 20, 2005</u> .
13	It is so ORDERED <u>March 21, 20</u>	<u>005</u>
14		
15		
16	BOARD OF I	
17		NT OF CONSUMER AFFAIRS ALIFORNIA
18	х. так Х. так	
19	By	20 Cla
20	STAN	ILEY W. GOLDENBERG
21 22	Board	President
22		
23		
25 26		
20 27		
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Exhibit A Accusation No. 2749

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n an		
2	of the State of California FRANK H. PACOE, State Bar No.91740 Supervising Deputy Attorney General	
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2		
4		
6		
7	Telephone: (415) 703-5573 Facsimile: (415) 703-5480	
8		
Ş	BEFORE	
- 10	BOARD OF PH. DEPARTMENT OF CON	
11	STATE OF CAL	IFORNIA
12	In the Matter of the Accusation Against:	Case No. 2749
13	MELISSA SUE PETERSON	OAH No.
14	4769 Eastus Dr San Jose, CA 95129	ACCUSATION
15	Pharmacy Technician	
16	License No. TCH 41017	
17		
18		
19	Complainant alleges:	
. 20	PARTIE	2 <u>S</u>
21	1. Patricia F. Harris (Complaina	nt) brings this Accusation solely in her
22	official capacity as the Executive Officer of the Boa	rd of Pharmacy, Department of Consumer
23	Affairs.	
24	2. On or about July 31, 2002, the	e Board of Pharmacy issued Pharmacy
25	Technician License No. TCH 41017 to Melissa Sue	Peterson (Respondent). The Pharmacy
26	Technician License was in full force and effect at all	l times relevant to the charges brought herein
27	and will expire on June 30, 2006, unless renewed.	
28		
	1	

JURISDICTION

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2	3. This Accusation is brought before the Board of Pharmacy (Board),
3	Department of Consumer Affairs, under the authority of the following laws. All section
4	references are to the Business and Professions Code unless otherwise indicated.
5	4. Section 490 of the Code states in pertinent part that a board may suspend
6	or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is
7	substantially related to the qualifications, functions, or duties of the business or profession for
8	which the license was issued. A conviction within the meaning of the section means a plea or
9	verdict of guilty or a conviction following a plea of nolo contendere.
10	5. Section 4301 of the Code states in parts relevant herein:
11	The Board shall take action against any holder of a license who is guilty of
12	unprofessional conduct or whose license has been procured by fraud or misrepresentation or
13	issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
14	following:
15	(f) The commission of any act involving moral turpitude, dishonesty, fraud,
16	deceit, or corruption, whether the act is committed in the course of relations as a licensee or
17	otherwise, and whether the act is a felony or misdemeanor or not.
18	(g) Knowingly making or signing any certificate or other document that falsely
19	represents the existence or nonexistence of a state of facts.
20	(1) The conviction of a crime substantially related to the qualifications, functions,
21	and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
22	(commencing with Section 801) of Title 21 of the United States Code regulating controlled
23	substances or of a violation of the statutes of this state regulating controlled substances or
24	dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
25	record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
26	The board may inquire into the circumstances surrounding the commission of the crime, in order
27	to fix the degree of discipline or, in the case of a conviction not involving controlled substances
28	or dangerous drugs, to determine if the conviction is of an offense substantially related to the

qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
or a conviction following a plea of nolo contendere is deemed to be a conviction within the
meaning of this provision. The board may take action when the time for appeal has elapsed, or
the judgment of conviction has been affirmed on appeal or when an order granting probation is
made suspending the imposition of sentence, irrespective of a subsequent order under Section
1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,

8 6. Section 4324(a) of the Code states that every person who signs the name of
9 another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or
10 attempts to pass, as genuine, any prescription for any drugs is guilty of forgery and upon
11 conviction thereof shall be punished by imprisonment in the state prison, or by imprisonment in
12 the county jail for not more than one year. information, or indictment.

7. Section 4059 of the Code states:

(a) A person may not furnish any dangerous drug, except upon the prescription of
a physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any
dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or
veterinarian.

18 8. Health and Safety Code section 11171 states that no person shall prescribe,
 19 administer, or furnish a controlled substance except under the conditions and in the manner
 20 provided by this division.

9. Health and Safety Code section 11164(c) states that except as provided in
 Section 11167, no person shall prescribe a controlled substance, nor shall any person fill,
 compound, or dispense such a prescription unless it complies with the requirements of this
 section. Any controlled substance classified in Schedule III, IV, V may be dispensed upon an
 oral prescription or electronically transmitted prescription, which shall be produced in hard copy
 form and signed and dated by the pharmacist filling the prescription or by any other person
 expressly authorized by provisions of the Health and Safety Code.

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10. Section 118, subdivision (b), of the Code provides that the

suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
 jurisdiction to proceed with a disciplinary action during the period within which the license may
 be renewed, restored, reissued or reinstated.

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

8

12. <u>DRUGS</u>

9 "Darvocet-N 100", also referred to as Propoxyphene napsylate, is a Schedule IV
10 controlled substance pursuant to Health and Safety Code section 11057(c)(2) and a dangerous
11 drug pursuant to Business and Professions Code section 4022. Darvocet-N 100 is a mild
12 narcotic analgesic structurally related to methadone.

"Soma", also known as Carisoprodol, is a dangerous drug pursuant to Business
and Professions Code section 4022. Soma is a skeletal muscle relaxant

"Vicodin", also known as Hydrocodone, is a Schedule III controlled substance
pursuant to Health and Safety Code section 11056(e)(4) and a dangerous drug pursuant to
Business and Professions Code section 4022. Vicodin is a semisynthetic narcotic analgesic and
antitussive with multiple actions qualitatively similar to codeine.

19

20

FIRST CAUSE FOR DISCIPLINE

(Conviction)

Respondent is subject to disciplinary action under section 490 and section
 4301(1) of the Code in that on or about September 24, 2003, in the case known as *People of the State of California v. Melissa Sue Peterson*, Santa Clara County Superior Court Case No.
 CC313842, respondent was convicted on her plea of guilty to two felony counts of violating
 Health and Safety Code section 11368 for forging, altering, issuing, or uttering forged or altered
 prescriptions. The circumstances are as follows:

a. On or about December 3, 2002, respondent forged and altered a
prescription , and did issue and utter an altered prescription and a prescription bearing a forged

1	and fictitious signation	ature for a narcotic drug,	hydrocodone.	
2	b.	_	er 17, 2002, respondent forge	ed and altered a
3	prescription, and did issue and utter an altered prescription and a prescription bearing a forged			
4				
5	and fictitious signature for a narcotic drug, hydrocodone.			
	SECOND CAUSE FOR DISCIPLINE			
6	(Unprofessional Conduct)			
7	14. Respondent is subject to disciplinary action under section 4301(g) of the			section 4301(g) of the
8	Code in that respon	ndent knowingly made or	signed document that falsely	y represented a state of
9	facts. The circums	stances are as follows:		
10	a	During the time perio	od beginning on or about Janu	uary 24, 2001, through to
11	approximately Jan	uary 28, 2003, while emp	loyed as a pharmacy technic	ian at Longs Drugs Store
12	#257, located at 51	70 Moorpark Avenue, in	San Jose, respondent knowi	ngly made 65 false new
13	and refill prescript	ions for dangerous drugs	and controlled substances as	set forth below.
14	(1.) Respondent created 30 unauthorized new and refill prescriptions totaling			
1.5	1,068 tablets of Vicodin dispensed to patient Craig C. ¹ as follows:			
15	1,000 Labiels 01 VI	codin dispensed to patien	it Craig C. ⁴ as follows:	
16	RX #	Date	Drug/(# of Tablets)	Physician
				Physician Rutner
16	RX #	Date	Drug/(# of Tablets)	
16 17	RX # 714930	Date 2/20/2001	Drug/(# of Tablets) Vicodin (24)	Rutner
16 17 18 19	RX # 714930 744638	Date 2/20/2001 12/20/2001	Drug/(# of Tablets) Vicodin (24) Vicodin (36)	Rutner Rutner
16 17 18 19 20	RX # 714930 744638 744638	Date 2/20/2001 12/20/2001 12/28/2001	Drug/(# of Tablets) Vicodin (24) Vicodin (36) Vicodin (36)	Rutner Rutner Rutner
16 17 18 19 20 21	RX # 714930 744638 744638 744638	Date 2/20/2001 12/20/2001 12/28/2001 1/11/2002	Drug/(# of Tablets) Vicodin (24) Vicodin (36) Vicodin (36) Vicodin (36)	Rutner Rutner Rutner Rutner
 16 17 18 19 20 21 22 	RX # 714930 744638 744638 744638 744638	Date 2/20/2001 12/20/2001 12/28/2001 1/11/2002 1/25/2002	Drug/(# of Tablets) Vicodin (24) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36)	Rutner Rutner Rutner Rutner Rutner
16 17 18 19 20 21	RX # 714930 744638 744638 744638 744638 744638 750229	Date 2/20/2001 12/20/2001 12/28/2001 1/11/2002 1/25/2002 2/15/2002	Drug/(# of Tablets) Vicodin (24) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36)	Rutner Rutner Rutner Rutner Rutner Rutner
 16 17 18 19 20 21 22 	RX # 714930 744638 744638 744638 744638 750229 750229 750229 750229	Date 2/20/2001 12/20/2001 12/28/2001 1/11/2002 1/25/2002 2/15/2002 2/28/2002 3/14/2002 3/19/2002	Drug/(# of Tablets) Vicodin (24) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36)	Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner
 16 17 18 19 20 21 22 23 	RX # 714930 744638 744638 744638 744638 750229 750229 750229 750229 750229 750229	Date 2/20/2001 12/20/2001 12/28/2001 1/11/2002 1/25/2002 2/15/2002 2/28/2002 3/14/2002 3/19/2002 3/25/2002	Drug/(# of Tablets) Vicodin (24) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36)	Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner
 16 17 18 19 20 21 22 23 24 	RX # 714930 744638 744638 744638 744638 750229 750229 750229 750229	Date 2/20/2001 12/20/2001 12/28/2001 1/11/2002 1/25/2002 2/15/2002 2/28/2002 3/14/2002 3/19/2002	Drug/(# of Tablets) Vicodin (24) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36)	Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner
 16 17 18 19 20 21 22 23 24 25 	RX # 714930 744638 744638 744638 744638 750229 750229 750229 750229 750229 750229	Date 2/20/2001 12/20/2001 12/28/2001 1/11/2002 1/25/2002 2/15/2002 2/28/2002 3/14/2002 3/19/2002 3/25/2002	Drug/(# of Tablets) Vicodin (24) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36)	Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner
 16 17 18 19 20 21 22 23 24 25 26 	RX # 714930 744638 744638 744638 744638 750229 750229 750229 750229 750229 750229 750229 750229 750229	Date 2/20/2001 12/20/2001 12/28/2001 1/11/2002 1/25/2002 2/15/2002 2/28/2002 3/14/2002 3/19/2002 3/25/2002 4/1/2002	Drug/(# of Tablets) Vicodin (24) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36) Vicodin (36)	Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner Rutner

,				
1	RX#	Date	Drug/(# of Tablets)	Physician
2	755644	4/7/2002	Vicodin (36)	Rutner
3	755644	4/17/2002	Vicodin (36)	Rutner
4	755644	4/26/2002	Vicodin (36)	Rutner
5	759441	5/9/2002	Vicodin (36)	Rutner
	759441	5/14/2002	Vicodin (36)	Rutner
6	760979	6/4/2002	Vicodin (36)	Rutner
7	760979	7/22/2002	Vicodin (36)	Rutner
8	760979	8/3/2002	Vicodin (36)	Rutner
9	760979	8/9/2002	Vicodin (36)	Rutner
10	760979	8/28/2002	Vicodin (36)	Rutner
11	770750	9/17/2002	Vicodin (36)	Rutner
12	770750	10/2/2002	Vicodin (36)	Rutner
	770750	10/11/2002	Vicodin (36)	Rutner
13	770750	10/17/2002	Vicodin (36)	Rutner
14	770750	10/27/2002	Vicodin (36)	Rutner
15	777181	12/3/2002	Vicodin (36)	Rutner
16	777181	12/17/2002	Vicodin (36)	Rutner
17	777181	1/14/2003	Vicodin (36)	Rutner
18	777181	1/28/2002	Vicodin (36)	Rutner
19				
	(2	.) Respondent created 5 ur	nauthorized new and refill pa	rescriptions totaling 130
20	tablets of Soma d	ispensed to patient Christin	ne C. as follows:	•
21	RX #	Date	Drug/(# of Tablets)	Physician
22	745515	1/25/2002	Soma (30)	Lee
23	745515	4/8/2002	Soma (20)	Lee
24	745515	6/4/2002	Soma (30)	Lee
25	745515	6/12/2002	Soma (20)	Lee
26	745515	8/9/2002	Soma (30)	Lee
27				
28				
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			6	

1	(3.) Respondent created 12 unauthorized prescriptions totaling 252 tablets of				
2	Vicodin dispensed to patient Christine C. as follows:				
3	RX #	Date	Drug/(# of Tablets)	Physician	
4	751354	4/19/2002	Vicodin (20)	Wong	
5	751354	5/6/2002	Vicodin (20)	Wong	
6	763163	6/17/2002	Vicodin (20)	Wong	
7	763163	7/3/2002	Vicodin (20)	Wong	
	763163	7/11/2002	Vicodin (20)	Wong	
8	763163	8/14/2002	Vicodin (20)	Wong	
9	769195	8/28/2002	Vicodin (20)	Wong	
10	769195	9/16/2002	Vicodin (20)	Wong	
11	769195	11/11/2002	Vicodin (20)	Wong	
12	776608	12/3/2002	Vicodin (24)	Reiss PA	
13	776608	12/17/2003	Vicodin (24)	Reiss PA	
14	776608	1/28/2003	Vicodin (24)	Reiss PA	
15					
	(4	4.) Respondent created 18 t	inauthorized prescriptions to	taling 720 tablets of	
16		 Respondent created 18 u dispensed to patient Christi 		taling 720 tablets of	
			ne C. as follows:	taling 720 tablets of Physician	
16	Darvocet-N 100	dispensed to patient Christi			
16 17	Darvocet-N 100 RX #	dispensed to patient Christi Date	ne C. as follows: Drug/(# of Tablets)	Physician	
16 17 18	Darvocet-N 100 RX # 711933	dispensed to patient Christi Date 4/16/2001	ne C. as follows: Drug/(# of Tablets) - Darvocet-N 100 (40)	Physician Wong	
16 17 18 19	Darvocet-N 100 RX # 711933 724445	dispensed to patient Christi Date 4/16/2001 5/14/2001	ne C. as follows: Drug/(# of Tablets) - Darvocet-N 100 (40) Darvocet-N 100 (40)	Physician Wong Wong	
16 17 18 19 20 21	Darvocet-N 100 RX # 711933 724445 724445	dispensed to patient Christi Date 4/16/2001 5/14/2001 5/20/2001	 Ine C. as follows: Drug/(# of Tablets) Darvocet-N 100 (40) Darvocet-N 100 (40) Darvocet-N 100 (40) 	Physician Wong Wong Wong	
 16 17 18 19 20 21 22 	Darvocet-N 100 RX # 711933 724445 724445 724445	dispensed to patient Christi Date 4/16/2001 5/14/2001 5/20/2001 6/1/2001	 Ine C. as follows: Drug/(# of Tablets) Darvocet-N 100 (40) Darvocet-N 100 (40) Darvocet-N 100 (40) Darvocet -N 100 (40) 	Physician Wong Wong Wong Wong	
 16 17 18 19 20 21 22 23 	Darvocet-N 100 RX # 711933 724445 724445 724445 724445 724445	dispensed to patient Christi Date 4/16/2001 5/14/2001 5/20/2001 6/1/2001 6/8/2001	ne C. as follows: Drug/(# of Tablets) Darvocet-N 100 (40) Darvocet-N 100 (40) Darvocet-N 100 (40) Darvocet -N 100 (40) Darvocet-N 100 (40)	Physician Wong Wong Wong Wong Wong	
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1	RX #	Date	Drug (# of Tablets)	Physician	
2	739153	10/16/2001	Darvocet-N 100 (40)	Wong	
3	739153	11/2/2001	Darvocet-N 100 (40)	Wong	
4	739153	11/16/2001	Darvocet-N 100 (40)	Wong	
5	739153	11/21/2001	Darvocet-N 100 (40)	Wong	
6	739153	12/7/2001	Darvocet-N 100 (40)	Wong	
7	748779	1/25/2002	Darvocet-N 100 (40)	Wong	
8	15. O	n or about June 24, 2003	3, respondent admitted to	an investigator for	
9	Long's Asset Protection	and to the Board's inve	stigators that during the t	ime she worked as a	
10	pharmacy technician at I	ong's Drug Store #257	, she input unauthorized	refills of prescriptions	
11	on the pharmacy's computer to dispense Vicodin and other pain medications to Craig C. and				
12	Christine C Responder	nt also admitted that she	e used the initials of othe	r pharmacy staff to	
13	make the unauthorized prescriptions go through the Pharmacy's computer system.				
14	THIRD CAUSE FOR DISCIPLINE				
15	(Unprofessional Conduct - Fraudulent Acts)				
16	16. Ro	espondent is subject to d	lisciplinary action under	section 4301(f) of the	
17	Code in that respondent committed fraudulent acts by creating unauthorized prescription refills				
18	while employed as a pharmacy technician at Long's Drug Store #257 as set forth in paragraphs				
19	13, 14 and 15, above.				
20		FOURTH CAUSE	FOR DISCIPLINE		
21		(Unprofessional Conduc	ct - False Representation))	
22	17. Re	espondent is subject to c	lisciplinary action under	section 490 of the Code	
23	for the violation of Code section 4301(g) in that respondent knowingly made false			nade false	
24	representations of the existence of a state of facts in order to fill unauthorized prescriptions for			ized prescriptions for	
25	Craig C. and Christine C	. as set forth in paragrap	ohs 13, 14 and 15, above).	
26		<u>FIFTH CAUSE F</u>	FOR DISCIPLINE		
27	(F	Furnishing Dangerous D	rugs Without Prescriptio	n)	
28	18. Re	espondent is subject to a	disciplinary action under	section 4301(f) of the	
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1	Code for the violation of Code section 4059(a) in that respondent furnished dangerous drugs to
2	Craig C. and Christine C. by creating unauthorized prescription refills for Vicodin, Darvocet-N
3	100 and Soma as set forth in paragraphs 13, 14 and 15, above.
4	SIXTH CAUSE FOR DISCIPLINE
5	(Furnishing Controlled Substances Without Prescription)
6	19. Respondent is subject to disciplinary action under section 4301(f) of the
7	Code for the violation of Health and Safety Code sections 11171 and 11164(c) in that
8	respondent furnished controlled substances to Craig C. and Christine C. by creating
9	unauthorized prescription refills for Vicodin and Darvocet-N 100 as set forth in paragraphs 13,
10	14 and 15, above.
11	PRAYER
12	WHEREFORE, Complainant requests that a hearing be held on the matters herein
13	alleged, and that following the hearing, the Board of Pharmacy issue a decision:
14	A. Revoking or suspending Pharmacy Technician License No. TCH 41017,
15	issued to respondent Melissa Sue Peterson.
16	B. Ordering respondent Melissa Sue Peterson to pay the Board of Pharmacy
17	the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18	Professions Code section 125.3;
19	C. Taking such other and further action as deemed necessary and proper.
20	DATED: 11/104
21	
22	P. 7 dantis
23	PATRICIA F. HARRIS Executive Officer
24	Board of Pharmacy
25	Department of Consumer Affairs State of California Complainant
26	
27	SF2004400221 LLZ 9/01/2004 40032840.wpd
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