	· · · · · · · · · · · · · · · · · · ·	
. 1	EDMUND G. BROWN JR., Attorney General	
2	of the State of California ARTHUR D. TAGGART	
3	Supervising Deputy Attorney General ELENA L. ALMANZO, State Bar No. 131058	
4	Deputy Attorney General 1300 I Street, Suite 125	
	P.O. Box 944255	
5	Sacramento, CA 94244-2550 Telephone: (916) 322-5524	
6	Facsimile: (916) 327-8643	
7	Attorneys for Complainant	
. 8	DEEODE 3	Princia
9	BEFORE T BOARD OF PHA	ARMACY
10	DEPARTMENT OF CON STATE OF CAL	
11	In the Matter of the Accusation Against:	Case No. 3138
12	Olivia Goodrow	DEFAULT DECISION
13	1098 Woodcreek Oaks Blvd. #905 Roseville, CA 95747	AND ORDER
	Respondent.	[Gov. Code, §11520]
14		
15	<u>FINDINGS OF</u>	
16		omplainant Virginia Herold, in her official
17	capacity as the Executive Officer of the Board of Ph	armacy, Department of Consumer Affairs,
18	filed Accusation No. 3138 against Olivia A. Goodro	w (Respondent) before the Board of
19	Pharmacy.	
20	2. On or about January 28, 2004	, the Board of Pharmacy (Board) issued
21	Pharmacy Technician License No. TCH 54846 to Re	espondent. The Pharmacy Technician
22	License expired on November 30, 2007, and has not	been renewed.
23	3. On or about June 25, 2008, Do	onna H. Parker, an employee of the
24	Department of Justice, served by Certified and First	Class Mail a copy of the Accusation No.
25	3138, Statement to Respondent, Notice of Defense, I	Request for Discovery, and Government
26	Code sections 11507.5, 11507.6, and 11507.7 to Res	spondent's address of record with the Board,
27	which was and is: 1908 Woodcreek Oaks Blvd. #905	5, Roseville, CA 95747. A copy of the
28	Accusation is attached as exhibit A, and is incorpora	ted herein by reference.

2.

- 5. In June of 2008, the aforementioned documents were returned by the U.S. Postal Service marked "not deliverable as addressed." On or about July 23, 2008, service of the aforementioned documents was also made to respondent at 8509 El Lago Court, Antelope, CA 95843, an address listed in the investigatory report. The documents were sent via certified and regular mail. A green return receipt card was received signed, "Chelsea Schreiner" dated July 24, 2008. A true and correct copy of the return mail documents are attached hereto as exhibit B, and is incorporated herein by reference.
 - 6. Business and Professions Code section 118 states, in pertinent part:
 - (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground.
 - 7. Government Code section 11506 states, in pertinent part:
 - (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.
- 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3138.
 - 9. California Government Code section 11520 states, in pertinent part:
 - (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.
- 10. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on

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DETERMINATION OF ISSUES

Based on the foregoing findings of fact, Respondent Olivia A. Goodrow

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has subjected her Pharmacy Technician License No. TCH 54846 to discipline.

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A copy of the Accusation is attached.

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3. The agency has jurisdiction to adjudicate this case by default.

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4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy

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Technician License based upon the following violations alleged in the Accusation:

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a. On or about May 4, 2007, Respondent admitted that while she was employed

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as a pharmacy technician at Longs Drugs Store Number 387 in Roseville, California, on four occasions she obtained Norco aka Hydrocodone 10/325 in the name of patient B. T.. Each time

13 14

Respondent obtained 240 tablets from the pharmacy and provided it to "Jody" or his roommate in

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exchange for money.

Respondent admitted that she chose a patient in the patient profiles who had a

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16

prescription for Norco and hadn't filled the prescription for a while. Respondent added a refill

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and increased the quantity of the old prescription for Norco. In doing so, Respondent admitted:

19

"By doing this, I was forging the Dr.'s consent to fill the RX."

Prescription

724817

732988

20 21

b. An investigation was conducted by Longs Loss Prevention Office who uncovered the following diversion of Norco aka Hydrocodone APAP 10/325 by the

HC/AP 10/325

HC/AP 10/325

HC/AP 10/35

22	Respondent:
23	Respondent: Patient

B.T

"A"

24

25

26

27

28

Ouantity

240

240

240

240

240

360

Date of Diversion

l/19/2007

2/7/2007

2/28/2007

4/25/2007

4/6/2007

· ' I	•	•		•	•
				•	
1	Patient Prescription	Drug	Quantity	Date of Diversion	
	"B" 729196	HC/AP 10/35	240	3/1/2007	
2			240	3/28/2007	
			240	4/25/2007	
3	"C" 727486	HC/AP 10/35	180	3/16/2007	
4	A total loss of 2,700 tablets of Hyd	drocodone APAP 10/32	5 was uncovere	d.	
5	c. Respondent is subject to	disciplinary action und	der section 4301	(f) in that she was	
6	dishonest and committed fraud or	deceit in falsely creating	g prescriptions i	n order to divert	

- dishonest and committed fraud or deceit in falsely creating prescriptions in order to divert approximately 1,000 dosages of Norco aka Hydrocodone APAP 10/325 in that on or about May 4, 2007, respondent admitted to fraudulently authorizing or modifying a prescriptions.

 d. Respondent is subject to disciplinary action under section 4301 (g) and (o) in that she
- d. Respondent is subject to disciplinary action under section 4301 (g) and (o) in that she falsified prescriptions in order to obtain controlled substances in that on or about May 4, respondent admitted to fraudulently authorizing or creating false prescriptions in order to obtain controlled substances.
- e. Respondent is subject to disciplinary action under section Health and Safety Code section 11350 and Business and Professions Code section 4060 for possession of Schedule III controlled substances without a valid prescription in that on or about May 4, 2007, respondent admitted possession of controlled substances for which she did not have a valid prescription.
- f. Respondent is subject to disciplinary action under section Health and Safety Code section 11351 and 11352 in that she possessed controlled substances for sale, in that on or about May 4, 2007, respondent admitted that she provided the controlled substances that she obtained illegally to another party in exchange for money.

ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 54846, heretofore issued to Respondent Olivia A. Goodrow, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion

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1	may vacate the Decision and grant a hearing on a showing of good cause, as defined in the		
2	statute.		
3	This Decision shall become effective on <u>March</u> 11, 2009		
· 4	It is so ORDERED February 9, 2009		
5			
6	BOARD OF PHARMACY		
7	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
8			
9	By Kgeece & Scheel		
10	30599018.wpd KENNETH H. SCHELL DOJ docket number:SA2007103483 Board President		
11 ²	-up		
12	Attachment:		
13	Exhibit A: Accusation No.3138 Exhibit B: Returned mail		
14			
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Exhibit A
Accusation No. 3138

1	EDMUND G. BROWN JR., Attorney General of the State of California
2	ARTHUR D. TAGGART Supervising Deputy Attorney General
3	ELEÑA L. ALMANZO, State Bar No. 131058 Deputy Attorney General
4	1300 I Street, Suite 125 P.O. Box 944255
5	Sacramento, CA 94244-2550 Telephone: (916) 322-5524
6	Facsimile: (916) 327-8643
. 7	Attorneys for Complainant
8	BEFORE THE BOARD OF PHARMACY
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation Against: Case No. 3138
12	OLIVIA A. GOODROW 1098 Woodcreek Oaks Blvd. #905 ACCUSATION
13	Roseville, CA 95747
14	Pharmacy Technician Registration No. TCH 54846
15	Respondent.
13	Respondent.
16	Respondent.
	Complainant alleges:
16	
16 17	Complainant alleges:
16 17 18	Complainant alleges: <u>PARTIES</u>
16 17 18 19	Complainant alleges: PARTIES 1. Virginia Herold (Complainant) brings this Accusation solely in her official
16 17 18 19 20	Complainant alleges: PARTIES 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs. 2. On or about January 28, 2004, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 54846 to Olivia A. Goodrow (Respondent). The
16 17 18 19 20 21	Complainant alleges: PARTIES 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs. 2. On or about January 28, 2004, the Board of Pharmacy issued Pharmacy
16 17 18 19 20 21 22	Complainant alleges: PARTIES 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs. 2. On or about January 28, 2004, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 54846 to Olivia A. Goodrow (Respondent). The
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16 17 18 19 20 21 22 23 24	Complainant alleges: PARTIES 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs. 2. On or about January 28, 2004, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 54846 to Olivia A. Goodrow (Respondent). The Pharmacy Technician Registration expired on November 30, 2007, and has not been renewed. JURISDICTION
16 17 18 19 20 21 22 23 24 25	Complainant alleges: PARTIES 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs. 2. On or about January 28, 2004, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 54846 to Olivia A. Goodrow (Respondent). The Pharmacy Technician Registration expired on November 30, 2007, and has not been renewed. IURISDICTION 3. This Accusation is brought before the Board of Pharmacy (Board),

substance to an addict.

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

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

7. Section 4022 of the Code states

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:

- "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.
- "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a ______," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.
- "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006."
- 8. Section 4059 of the Code states, in pertinent part, that a person may not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

9. Section 4060 of the Code states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to

Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

"Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices."

10. Section 4323 of the Code states:

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"Every person who, in order to obtain any drug, falsely represents himself or herself to be a physician or other person who can lawfully prescribe the drug, or falsely represents that he or she is acting on behalf of a person who can lawfully prescribe the drug, in a telephone or electronic communication with a pharmacist, shall be punished by imprisonment in the county jail for not more than one year."

11. Section 4324 of the Code states:

"(a) Every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year.

"(b) Every person who has in his or her possession any drugs secured by a forged prescription shall be punished by imprisonment in the state prison, or by imprisonment in the county jail for not more than one year."

12. Section 4328 of the Code states:

"Except as otherwise provided in this chapter, any person who permits the compounding or dispensing of prescriptions, or the furnishing of dangerous drugs in his or her pharmacy, except by a pharmacist, is guilty of a misdemeanor."

13. Health and Safety Code section 11351 states:

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"Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale (1) any controlled substance specified in subdivision (b), (c), or (e) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, shall be punished by imprisonment in the state prison for two, three, or four years."

14. Health and Safety Code section 11352 states:

"(a) Except as otherwise provided in this division, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison for three, four, or five years.

"(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports for sale any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment in the state prison for three, six, or nine years."

15. Health and Safety Code Section 11368 provides:

Every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic drug, or who obtains any narcotic drug by any forged, fictitious, or altered prescription, or who has in possession any narcotic drug secured by a forged, fictitious, or altered prescription, shall be

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punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison.

- 16. "Norco" is a compound consisting of 10 mg. hydrocodone bitartrate also known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4), and 325 mg. acetaminophen per tablet.
- 17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.
- 18. On or about May 4, 2007, Respondent admitted that while she was employed as a pharmacy technician at Longs Drugs Store Number 387 in Roseville, California, on four occasions she obtained Norco aka Hydrocodone 10/325 in the name of patient B. T.. Each time Respondent obtained 240 tablets from the pharmacy and provided it to "Jody" or his roommate in exchange for money.

Respondent admitted that she chose a patient in the patient profiles who had a prescription for Norco and hadn't filled the prescription for a while. Respondent added a refill and increased the quantity of the old prescription for Norco. In doing so, Respondent admitted: "By doing this, I was forging the Dr.'s consent to fill the RX."

19. An investigation was conducted by Longs Loss Prevention Office who uncovered the following diversion of Norco aka Hydrocodone APAP 10/325 by the Respondent:

Patient	Prescription	Drug	Quantity	Date of Diversion
B.T	724817	HC/AP 10/325	240 240 240 240	1/19/2007 2/7/2007 2/28/2007 3/21/2007

		•			
. 1	Patient	<u>Prescription</u>	Drug	Quantity	Date of Diversion
2	B.T.	724817	HC/AP 10/325	240 240	4/7/2007 4/25/2007
3	"A" "B"	732988 729196	HC/AP 10/35 HC/AP 10/35	360 240	4/6/2007 3/1/2007
4	D	729190	11C/A1 10/33	240 240	3/28/2007 4/25/2007
5	"C"	727486	HC/AP 10/35	180	3/16/2007
6	A total loss o	f 2,700 tablets of Hydr	ocodone APAP 10/325	was uncovered	1.
7		FIRS	T CAUSE FOR DISC	IPLINE	
8		(Unprofessiona	l conduct/ Dishonesty,	Fraud, or Dece	eit)
9		20. Respondent is	s subject to disciplinary	y action under s	section 4301 (f) in that
10	she was disho	nest and committed fra	aud or deceit in falsely	creating prescr	iptions in order to
11	divert approx	imately 1,000 dosages	of Norco aka Hydroco	done APAP 10	/325. The
12	circumstances	s are as follows:			
13	4.	21. On or about N	May 4, 2007, responder	nt admitted to fi	raudulently authorizing
14	or modifying	a prescription as set fo	rth more specifically a	bove in paragra	ph 18.
15		<u>SECO</u> 1	ND CAUSE FOR DISC	CIPLINE	
16	*	(Falsifying a Prescripti	on)	
17	``	22. Respondent is	s subject to disciplinary	y action under s	section 4301 (g) and (o)
18	in that she fal	sified prescriptions in o	order to obtain controll	led substances.	The circumstances are
19	as follows:			•	
20	· ·	23. On or about N	1ay 4, Respondent adn	nitted to fraudu	lently authorizing or
21	creating false	prescriptions in order	to obtain controlled sul	bstances as set	forth more specifically
22	above in para	graph 18.			
23	,	THIR	D CAUSE FOR DISC	IPLINE	
24	. •	(Posses	ssion of a Controlled S	ubstance)	
25	-	24. Respondent is	s subject to disciplinary	y action under s	section Health and
26	Safety Code s	section 11350 and Busi	ness and Professions C	Code section 40	60 for possession of
27	Schedule III o	controlled substances w	vithout a valid prescrip	tion. The circu	mstances are as follows:

1	On or about May 4, 2007, respondent admitted possession of controlled
2	substances for which she did not have a valid prescription. The details are set forth in paragraph
3	18, above.
4	FOURTH CAUSE FOR DISCIPLINE
5	(Possession of a Controlled Substance for Sale)
6	26. Respondent is subject to disciplinary action under section Health and
7	Safety Code section 11351 and 11352 in that she possessed controlled substances for sale. The
8	circumstances follow:
9	27. On or about May 4, 2007, respondent admitted that she provided the
10	controlled substances that she obtained illegally to another party in exchange for money. The
11	details are set forth in paragraph 18, above
12	<u>PRAYER</u>
13	WHEREFORE, Complainant requests that a hearing be held on the matters herein
14	alleged, and that following the hearing, the Board of Pharmacy issue a decision:
15	A. Revoking or suspending Pharmacy Technician Registration Number TCH
16	54846, issued to Olivia A. Goodrow,
17	B. Ordering Olivia A. Goodrow to pay the Board of Pharmacy the
18	reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19	Professions Code section 125.3; and
20	C. Taking such other and further action as deemed necessary and proper.
21	DATED: 6/10/08 /
22	VIRGINIA HEROLD, Executive Officer
23	Board of Pharmacy Department of Consumer Affairs
24	State of California Complainant
25	Complanian
26	SA2007103483
27	10415159.wpd

Exhibit B
Returned mail

2. Article Number	COMPLETE THIS SECTION ON DELIVERY A. Beseived by (Please Print Clearly) B. Date of Delivery C. Signature X Agent Addressee D. Is delivery address different from item 1?
3. Service Type CERTIFIED MAIL.	
4. Restricted Delivery? (Extra Fee) Yes	
Article Addressed to:	
Olivia A. Goodrow	
8509 El Lago Court	r _e
Antelope, CA 95843	
	SA2007103483 Elena L. Almanzo Re-serve Accusation Second Tinge
PS Form 3811, January 2005 Domestic R	eturn Receipt

. 4 .





Mailed From US POS

049J8202

STATE OF CALIFORNIA

DEPARTMENT OF JUSTICE

OFFICE OF ATTORNEY GENERAL

P.O. BOX 944255 **SACRAMENTO, CA 94244-2550**

Olivia A. Goodrow 1098 Woodcreek Oaks Blvd. #9 Roseville, CA 95747

Service

Receipt (

Thank you for using Return Receipt Service

C

RETURN RECEIPT REQUESTED USPS MAIL CARRIER DETACH ALONG PERFORATION

2. Article Number 7160 3901 9845 4820 6838 3. Service Type CERTIFIED MAIL 4. Restricted Delivery? (Extra Fee)

Yes 1. Article Addressed to: Olivia A. Goodrow 1098 Woodcreek Oaks, Blyd. #90 Roseville, CA 95747

Thank you for using SA2007103483 Elena L. Almanzo Goodrow Accusation Pac.

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

D. Is delivery address different from item 1? If YES, enter delivery address below:

C. Signature

Agent Addressee

PS Form 3811, January 2005



06/25/2008 Melled From 95814 US POSTAGE

STATE OF CALIFORNIA DEPARTMENT OF JUSTICE

OFFICE OF ATTORNEY GENERAL P.O. BOX 944255 SACRAMENTO, CA 94244-2550

Olivia A. Goodrow 1098 Woodcreek Oaks Blvd. #905 Roseville, CA 95747