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

In the Matter of the Accusation Against:	Case No. 3558
PHYLLIS ANN FARMER 10095 MARTIS VALLEY RD. #2C TRUCKEE, CA 96161	
Pharmacy Technician License No. TCH 53610	
Respondent.	

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 August 5, 2010.

It is so ORDERED on July 6, 2010.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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STANLEY C. WEISSER Board President

1	EDMUND G. BROWN JR.		
2	Attorney General of California JANICE K. LACHMAN		
3	Supervising Deputy Attorney General KENT D. HARRIS		
4	Deputy Attorney General State Bar No. 144804		
5	1300 I Street, Suite 125 P.O. Box 944255		
6	Sacramento, CA 94244-2550 Telephone: (916) 324-7859		
7	Facsimile: (916) 327-8643 Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against: Case No. 3558		
12	PHYLLIS ANN FARMER		
13	10095 Martis Valley Rd. #2C Truckee, CA 96161 STIPULATED SURRENDER OF DECISITE A TION AND ODDED		
14	Pharmacy Technician Registration No. TCH 53610		
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16	Respondent.		
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. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.		
21	She brought this action solely in her official capacity and is represented in this matter by Edmund		
22	G. Brown Jr., Attorney General of the State of California, by Kent D. Harris, Deputy Attorney		
23	General.		
24	2. Phyllis Ann Farmer (Respondent) is representing herself in this proceeding and has		
25	chosen not to exercise her right to be represented by counsel.		
26	3. On or about December 29, 2003, the Board of Pharmacy issued Pharmacy Technician		
27	Registration No. TCH 53610 to Phyllis Ann Farmer (Respondent). The registration was in full		
28	force and effect at all times relevant to the charges brought in Accusation No. 3558.		
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1	JURISDICTION	
2	4. Accusation No. 3558 was filed before the Board of Pharmacy (Board) Department of	
3	Consumer Affairs, and is currently pending against Respondent. The Accusation and all other	
4	statutorily required documents were properly served on Respondent on April 8, 2010. A copy of	
5	Accusation No. 3558 is attached as exhibit A and incorporated herein by reference.	
6	ADVISEMENT AND WAIVERS	
7	5. Respondent has carefully read, and understands the charges and allegations in	
. 8	Accusation No. 3558. Respondent also has carefully read, and understands the effects of this	
9	Stipulated Surrender of Registration and Order.	
10	6. Respondent is fully aware of her legal rights in this matter, including the right to a	
11	hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at	
12	her own expense; the right to confront and cross-examine the witnesses against her; the right to	
13	present evidence and to testify on her own behalf; the right to the issuance of subpoenas to	
14	compel the attendance of witnesses and the production of documents; the right to reconsideration	
15	and court review of an adverse decision; and all other rights accorded by the California	
16	Administrative Procedure Act and other applicable laws.	
17	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and	
18	every right set forth above.	
19	CULPABILITY	
20	8. Respondent admits the truth of each and every charge and allegation in Accusation	
21	No. 3558, agrees that cause exists for discipline, and hereby surrenders her Pharmacy Technician	
22	Registration No. TCH 53610 for the Board's formal acceptance.	
23	9. Respondent understands that by signing this stipulation she enables the Board to issue	
24	an order accepting the surrender of her Pharmacy Technician Registration without further	
25	process.	
26	CONTINGENCY	
27	10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent	
28	understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may	
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communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

The parties understand and agree that electronic or facsimile copies of this Stipulated 11. 8 Surrender of Registration and Order, including electronic or facsimile signatures thereto, shall 0 have the same force and effect as the originals. 10

This Stipulated Surrender of Registration and Order is intended by the parties to be an 12. 11 integrated writing representing the complete, final, and exclusive embodiment of their agreement. 12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions, 13 negotiations, and commitments (written or oral). This Stipulated Surrender of Registration and 14 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a 15 writing executed by an authorized representative of each of the parties. 16

13. In consideration of the foregoing admissions and stipulations, the parties agree that 17 the (Board) may, without further notice or formal proceeding, issue and enter the following 18 Order: 19

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 53610, issued 21 to Respondent Phyllis Ann Farmer, is surrendered and accepted by the Board of Pharmacy. 22

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The surrender of Respondent's Pharmacy Technician Registration and the acceptance 14. of the surrendered registration 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 25 Respondent's registration history with the Board. 26

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

16. Respondent shall cause to be delivered to the Board both her wall registration 1 certificate and, if one was issued, pocket registration on or before the effective date of the 2 Decision and Order. 3

17. Respondent shall not apply for a new registration or petition for reinstatement for a period of three (3) years. If she ever applies for registration or petitions for reinstatement in the State of California, the Board shall treat it as a new application for registration. Respondent must comply with all the laws, regulations and procedures for registration in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 3558 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition. 10

Respondent shall pay the Board its costs of investigation and enforcement in the 9. amount of \$892.50 prior to issuance of a new or reinstated registration.

ACCEPTANCE

I have carefully read the 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.

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PHYLLIS ANN FARMER Respondent

Stipulated Surrender of Registration (Case No. 3558)

1	ENDORSEMENT		
2	The foregoing Stipulated Surrender of Registration and Order is hereby respectfully		
3	submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.		
4	Dated: $5/17/10$ Respectfully submitted,		
5	EDMUND G. BROWN JR. Attorney General of California		
6	JANICE K. LACHMAN Supervising Deputy Attorney General		
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8	Keroffann		
. 9	KÉNT D. HARRI'S Deputy Attorney General Attorneys for Complainant		
10	Attorneys for Complainant		
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	Stipulated Surrender of Registration (Case No. 3558)		

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Stipulated Surrender of Registration (Case No. 3558)

Exhibit A

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Accusation No. 3558

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· . 1 2 3 4 5 6 7	EDMUND G. BROWN JR. Attorney General of California JANICE K. LACHMAN Supervising Deputy Attorney General KENT D. HARRIS Deputy Attorney General State Bar No. 144804 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 324-7859 Facsimile: (916) 327-8643 Attorneys for Complainant	
8		RE THE
9		
10	STATE OF C	CALIFORNIA
11		
12	In the Matter of the Accusation Against:	Case No. 3558
13	PHYLLIS ANN FARMER 10095 Martis Valley Rd. #2C	
14	Truckee, California 96161	ACCUSATION
15	Pharmacy Technician Registration No. TCH 53610	
16	Respondent.	
17		
18	Complainant alleges:	
19	PAR	TIES
20	1. Virginia Herold (Complainant) bring	s this Accusation solely in her official capacity
21	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.	
22	2. On or about December 29, 2003, the Board of Pharmacy issued Pharmacy Technician	
23	Registration Number TCH 53610 to Phyllis Ann Farmer (Respondent). The Pharmacy	
24	Technician Registration was in full force and effect at all times relevant to the charges brought	
25	herein and expired on January 31, 2010	
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- 1	JURISDICTION
2	3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3	Consumer Affairs, under the authority of the following laws. All section references are to the
4	Business and Professions Code unless otherwise indicated.
5	4. Section 4300 of the Code states in pertinent part:
_6	"(a) Every license issued may be suspended or revoked.
7	"(b) The board shall discipline the holder of any license issued by the board, whose default
8	has been entered or whose case has been heard by the board and found guilty, by any of the
9	-following methods:
10	"(1) Suspending judgment.
11	"(2) Placing him or her upon probation.
12	"(3) Suspending his or her right to practice for a period not exceeding one year.
13	"(4) Revoking his or her license.
14	"(5) Taking any other action in relation to disciplining him or her as the board in its
15	discretion may deem proper.
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17	"(e) The proceedings under this article shall be conducted in accordance with Chapter 5
18	(commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
19	shall have all the powers granted therein. The action shall be final, except that the propriety of
20	the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of
21	Civil Procedure."
22	5. Section 4301 of the Code states in pertinent part:
23	"The board shall take action against any holder of a license who is guilty of unprofessional
24	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
25	Unprofessional conduct shall include, but is not limited to, any of the following:
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Accusation

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

"(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.

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"(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."

6. 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.

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7. Section 4060 of the Code states in pertinent part:

"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.

8. Section 125.3 of the Code states, 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

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1	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and	
2	enforcement of the case.	
3	CONTROLLED SUBSTANCES/DANGEROUS DRUGS	
4	9. Hydrocodone/Acetaminophen, also known by the brand names "Vicodin ES",	
5	"Vicodin 5/500", and "Norco 10/325", is an analgesic for the control of pain, and is a Schedule	
6	III Controlled Substance pursuant to Health & Safety Code section 11056(e).	
7	FIRST CAUSE FOR DISCIPLINE	
8	(Conviction of Substantially Related Crime)	
-9-		
10	4301(l), in that on April 14, 2009 she was convicted on her plea of Nolo Contendere of one count	
11	of violating Penal Code section 484(a)(Misdemeanor Theft) in the Superior Court of Nevada	
12	County in the case of People of the State of California vs. Phyllis Ann Farmer Case no.	
13	T09/138M. The circumstances are as follows:	
14	11. Between the dates of August 1, 2008 and January 12, 2009, while employed as a	
15	pharmacy technician at Rite Aid Pharmacy in Truckee, California, she stole undetermined	
16	quantities of Vicodin, Vicodin 5/500, and Norco 10/325, for her own use.	
17	SECOND CAUSE FOR DISCIPLINE	
18	(Acts of Dishonesty)	
19	12. Respondent is subject to disciplinary action for unprofessional conduct under section	
20	4301(f), in that by her own admission, she stole unknown quantities of Vicodin, Vicodin 5/500,	
21	and Norco 10/325 from her employer, Rite Aid Pharmacy in Truckee, California, for her own use,	
22	without having a valid prescription as set forth in paragraph 11 above.	
23	THIRD CAUSE FOR DISCIPLINE	
24	(Furnishing Controlled Substances and Dangerous Drugs Without a Prescription)	
25	13. Respondent is subject to disciplinary action under sections 4059(a),4301(j) and 4301	
26	(0), in conjunction with Health and Safety Code section 11170, in that she furnished controlled	
27	substances and dangerous drugs to herself without a valid prescription, as set forth in paragraphs	
28	11 and 12 above.	
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1	FOURTH CAUSE FOR DISCIPLINE	
2	(Unlawful Possession of Controlled Substances)	
3	14. Respondent is subject to disciplinary action under section 4060 in conjunction with	
4	Health and Safety Code section 11350 in that she unlawfully possessed controlled substances	
5	without a valid prescription as set forth in paragraphs 11 and 12 above.	
6	PRAYER	
7	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
8	and that following the hearing, the Board of Pharmacy issue a decision:	
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10	issued to Phyllis Ann Farmer Phyllis Ann Farmer.	
11	2. Ordering Phyllis Ann Farmer to pay the Board of Pharmacy the reasonable costs of	
12	the investigation and enforcement of this case, pursuant to Business and Professions Code section	
13	125.3;	
14	3. Taking such other and further action as deemed necessary and proper.	
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16	DATED: 4/1/10 (here terde	
17	VIRGINIA HEROLD Executive Officer	
18	Board of Pharmacy Department of Consumer Affairs	
19	State of California Complainant	
20	Comptantant	
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