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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. 3594

**AMANDA R. HUGHES,  
aka AMANDA RENEE HUGHES  
10175 Caminito Volar  
San Diego, CA 92126-4104**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**Pharmacy Technician Registraton No.  
TCH-61994**

Respondent.

**FINDINGS OF FACT**

1. On or about July 27, 2011, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3594 against Amanda R. Hughes, aka Amanda Renee Hughes (“Respondent”) before the Board of Pharmacy. (Accusation No 3594 attached as Exhibit A.)

2. On or about April 6, 2005, the Board of Pharmacy (“Board”) issued Pharmacy Technician Registration No. TCH-61994 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

///

1           3.     On or about August 23, 2011, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 3594, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 136 and/or agency specific statute or regulation, is required to be reported and maintained  
6 with the Board, which was and is:

7     10175 Caminito Volar  
8     San Diego, CA 92126-4104.

9           4.     Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
11 124.

12           5.     Government Code section 11506 states, in pertinent part:

13                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
15 of the accusation not expressly admitted. Failure to file a notice of defense shall  
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
17 may nevertheless grant a hearing.

18           6.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3594.

20           7.     California Government Code section 11520 states, in pertinent part:

21                   (a) If the respondent either fails to file a notice of defense or to appear at the  
22 hearing, the agency may take action based upon the respondent's express admissions  
23 or upon other evidence and affidavits may be used as evidence without any notice to  
24 respondent.

25           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
28 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
therein on file at the Board's offices regarding the allegations contained in Accusation No. 3594,  
finds that the charges and allegations in Accusation No. 3594, are separately and severally true  
and correct by clear and convincing evidence.

1 9. Taking official notice of its own internal records, pursuant to Business and  
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
3 and Enforcement is \$3,500.00 as of December 16, 2011.

4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent Amanda R. Hughes has  
6 subjected her Pharmacy Technician Registration No. TCH-61994 to discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
9 Registration based upon the following violations alleged in the Accusation which are supported  
10 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.:

11 a. Violation of Business and Professions Code section 4301, subdivision (l) –  
12 Conviction of Substantially Related Crime;

13 b. Violation of Business and Professions Code section 4301, subdivisions (j) and  
14 (o) – Unauthorized prescription refills;

15 c. Violation of Business and Professions Code section 4301, subdivisions (g), (j)  
16 and (o) – Fraudulent Prescription;

17 d. Violation of Business and Professions Code section 4301, subdivision (f) –  
18 Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption; and

19 e. Violation of Business and Professions Code section 4301, subdivisions (j) and  
20 (o) – Violating Drug Statutes, to wit, Health and Safety Code sections 11170 and 11173,  
21 subdivision (a).

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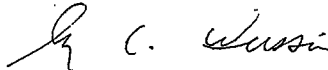
ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH-61994, heretofore issued to Respondent Amanda R. Huges, 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 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 14, 2012.

It is so ORDERED February 13, 2012.



STANLEY C. WEISSER, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID:LA2010500659

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation, Case No. 3594

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 ALVARO MEJIA  
Deputy Attorney General  
4 State Bar No. 216956  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-0083  
6 Facsimile: (213) 897-2804

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:

Case No. 3594

12 **AMANDA R. HUGHES**  
13 **aka AMANDA RENEE HUGHES**  
14 **10175 Caminito Volar**  
**San Diego, CA 92126-4104**

**ACCUSATION**

15 **Pharmacy Technician Registration**  
16 **No. TCH 61994**

17 Respondent.

18  
19  
20 Complainant alleges:

21 **PARTIES**

22 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity  
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

24 2. On or about April 6, 2005, the Board of Pharmacy ("Board") issued Pharmacy  
25 Technician Registration No. TCH 61994 to Amanda R. Hughes, aka Amanda Renee Hughes  
26 ("Respondent"). The Pharmacy Technician Registration was in full force and effect at all times  
27 relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

28 ///

1 JURISDICTION

2 3. This Accusation is brought before the Board, under the authority of the following  
3 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
4 indicated.

5 4. Section 4011 of the Code provides that the Board shall administer and enforce both  
6 the Pharmacy Law [Bus. & Prof. Code, s 4000 et seq.] and the Uniform Controlled Substances  
7 Act [Health & Safety Code, s 11000 et seq.].

8 5. Section 4300, subdivision (a), of the Code provides that every license issued by the  
9 Board may be suspended or revoked.

10 6. Section 118, subdivision (b), of the Code states:

11 "The suspension, expiration, or forfeiture by operation of law of a license issued by a board  
12 in the department, or its suspension, forfeiture, or cancellation by order of the board or by order  
13 of a court of law, or its surrender without the written consent of the board; shall not, during any  
14 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
15 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
16 provided by law or to enter an order suspending or revoking the license or otherwise taking  
17 disciplinary action against the licensee on any such ground."

18 STATUTORY PROVISIONS

19 7. Section 490 of the Code provides that a board may suspend or revoke a license on the  
20 ground that the licensee has been convicted of a crime substantially related to the qualifications,  
21 functions, or duties of the business or profession for which the license was issued.

22 8. Section 4063 of the Code states:

23 "No prescription for any dangerous drug or dangerous device may be refilled except upon  
24 authorization of the prescriber. The authorization may be given orally or at the time of giving the  
25 original prescription. No prescription for any dangerous drug that is a controlled substance may  
26 be designated refillable as needed."

27 9. Section 4300 of the Code provides, in pertinent part, that every license issued by the  
28 Board is subject to discipline, including suspension or revocation.

1           10. Section 4301 of the Code states:

2           “The board shall take action against any holder of a license who is guilty of unprofessional  
3 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

4 Unprofessional conduct shall include, but is not limited to, any of the following:

5           .....

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

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

11           .....

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

14           .....

15           “(l) The conviction of a crime substantially related to the qualifications, functions, and  
16 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
17 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
18 substances or of a violation of the statutes of this state regulating controlled substances or  
19 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
20 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
21 The board may inquire into the circumstances surrounding the commission of the crime, in order  
22 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
23 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
24 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
25 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
26 of this provision. The board may take action when the time for appeal has elapsed, or the  
27 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
28 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of



1 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
2 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
3 indictment.

4 . . . .  
5 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
6 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
7 federal and state laws and regulations governing pharmacy, including regulations established by  
8 the board or by any other state or federal regulatory agency.

9 . . . .”

#### 10 REGULATORY PROVISIONS

11 11. California Code of Regulations, title 16, section 1770, states:

12 “For the purpose of denial, suspension, or revocation of a personal or facility license  
13 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
14 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
15 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
16 licensee or registrant to perform the functions authorized by his license or registration in a manner  
17 consistent with the public health, safety, or welfare.”

#### 18 DRUG STATUTES

19 12. Health and Safety Code section 11157 state:

20 “No person shall issue a prescription that is false or fictitious in any respect.”

21 13. Health and Safety Code section 11170 provides that no person shall prescribe,  
22 administer, or furnish a controlled substance for himself or herself.

23 14. Health and Safety Code section 11173, subdivision (a), provides that no person shall  
24 obtain or attempt to obtain controlled substances or a prescription therefore, (1) by fraud, deceit,  
25 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

#### 26 COST RECOVERY

27 15. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
28 administrative law judge to direct a licentiate found to have committed a violation or violations of

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 16. Section 4021 of the Code state:

5 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with  
6 Section 11053) of Division 10 of the Health and Safety Code.”

7 17. Section 4022 of the Code state, in pertinent part:

8 “‘Dangerous drug’ of ‘dangerous device’ means any drug or device unsafe for self-use,  
9 except veterinary drugs that are labeled as such, and include the following:

10 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
11 prescription,’ ‘Rx only,’ or words of similar import. . . .

12 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
13 prescription or furnished pursuant to Section 4006.”

14 18. “Tylenol #3 with Codeine,” is a trade name for codeine with the non-narcotic  
15 ingredient acetaminophen. It is a Schedule III controlled substance as designated by Health and  
16 Safety Code section 11056, subdivision (e)(2) and is categorized as a “dangerous drug” pursuant  
17 to Business and Professions Code section 4022.

18 WALGREENS PHARMACY

19 19. In and between the years 2005 through March 16, 2007, Respondent was employed as  
20 a pharmacy technician at Walgreens, 15480 Main Street, Hesperia, California 92345. In or about  
21 February 2007, Walgreens Pharmacy (Hesperia location) initiated an internal pharmacy  
22 investigation regarding the alteration of prescriptions for Acetaminophen with Codeine. On or  
23 about March 6, 2007, Walgreens personnel confronted Respondent regarding the alteration of  
24 prescriptions and Respondent admitted altering prescriptions for Acetaminophen with Codeine in  
25 2005 and 2006. On or about March 6, 2007, Walgreens terminated Respondent’s employment as  
26 a pharmacy technician.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Substantially Related Crime)**

3 20. Respondent is subject to disciplinary action under Code sections 490, 4300, and 4301,  
4 subdivision (l), in that on or about May 1, 2007, Respondent sustained a conviction of a crime  
5 substantially related to the qualifications, functions, and duties of a registered pharmacy  
6 technician, as follows:

7 a. On or about May 1, 2007, after pleading nolo contendere, Respondent was convicted  
8 of violating Business and Professions Code section 4324(a) [forged prescriptions], a  
9 misdemeanor, in the criminal proceeding entitled *The People of the State of California v. Amanda*  
10 *Renee Hughes* (Super. Ct. San Bernardino County, 2007, No. MVI700646). The Court placed  
11 Respondent on informal probation for thirty-six (36) months. On or about June 9, 2008, the  
12 Court expunged the conviction, pursuant to Penal Code section 1203.4.

13 b. Complainant refers to and by this reference incorporates the allegations set for above  
14 in paragraph 20 as though set forth fully.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unauthorized Refills)**

17 21. Respondent is subject to disciplinary action under Code section 4063, in conjunction  
18 with Code sections 4300 and 4301, subdivisions (j) and/or (o), in that in and between October  
19 2005 through in or about February 2007, Respondent attempted to refill and/or refilled  
20 prescriptions, as evidenced by her patient profile, from Dr. Waleed, which were not authorized.  
21 Specifically, Respondent refilled and/or attempted to refill prescriptions on the following dates:

- 22 a. October 25, 2005      b. May 29, 2006      c. August 3, 2006  
23 d. August 4, 2006      e. August 14, 2006      f. September 8, 2006.  
24 g. October 2, 2006      h. February 28, 2007.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Fraudulent Prescription)**

3 22. Respondent is subject to disciplinary action under Health and Safety Code section  
4 11157 and Code section 4324, in conjunction with Code sections 4300 and 4301, subdivisions  
5 (g), (j) and/or (o), in that in and between October 2005 through in or about February 2007,  
6 Respondent attempted to refill prescriptions, as evidenced by her patient profile, from Dr.  
7 Waléed, which were not authorized. Specifically, forged a prescription and obtained  
8 Acetaminophen with Codeine on three (3) separated dates: October 25, 2006, May 29, 2006, and  
9 October 2, 2006. Complainant refers to and by this reference incorporates the allegations set  
10 forth above in paragraphs 20-22, inclusive, as though set forth fully.

11 **FORTH CAUSE FOR DISCIPLINE**

12 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

13 23. Respondent is subject to disciplinary action under Code sections 4300 and 4301,  
14 subdivision (f), on the ground of unprofessional conduct, in that Respondent committed acts  
15 involving moral turpitude, dishonesty, fraud, deceit and/or corruption. Complainant refers to and  
16 by this reference incorporates the allegations set forth above in paragraphs 20-22, inclusive, as  
17 though set forth fully.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Violating Drug Statutes)**

20 24. Respondent is subject to disciplinary action under Code sections 4300 and 4301,  
21 subdivisions (j) and/or (o), on the grounds of unprofessional conduct, for violating provisions of  
22 the Health and Safety Code as follows:

23 a. Health and Safety Code section 11170 for prescribing, administering and/or  
24 furnishing controlled substances for herself.

25 b. Health and Safety Code section 11173, subdivision (a), for obtaining controlled  
26 substances by fraud, deceit, or subterfuge.

27 Complainant refers to and by this reference incorporates the allegations set forth above in  
28 paragraphs 20-22, inclusive, as though set forth fully.

PRAYER

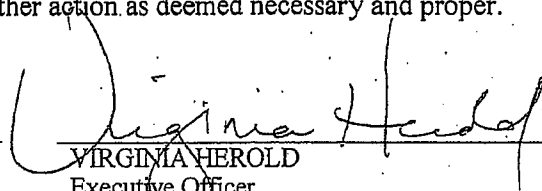
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Pharmacy Technician Registration No. TCH 61994, issued to Amanda R. Hughes, aka Amanda Renee Hughes;

2. Ordering Amanda R. Hughes, aka Amanda Renee Hughes, to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 7/27/11

  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

DOJ Matter ID: LA2010500659  
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