

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

In the Matter of the Accusation Against:

Case No. 3916

**DEBRA JO BLAKEMAN**  
9452 Linden Avenue  
Bloomington, CA 92316-1433

Pharmacy Technician Registration No. TCH 1184

Respondent.

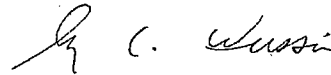
**DECISION AND ORDER**

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 November 23, 2011.

It is so ORDERED October 24, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LANGSTON M. EDWARDS  
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*Attorneys for Complainant*

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9 **DEPARTMENT OF CONSUMER AFFAIRS**  
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Case No. 3916

11 **DEBRA JO BLAKEMAN**  
12 **9452 Linden Avenue**  
13 **Bloomington, CA 92316-1433**  
14 **Pharmacy Technician Registration No. TCH**  
**1184**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

15 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
19 proceeding that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
22 She brought this action solely in her official capacity and is represented in this matter by Kamala  
23 D. Harris, Attorney General of the State of California, by Langston M. Edwards, Deputy Attorney  
24 General.

25 2. Debra Jo Blakeman (Respondent) is representing herself in this proceeding and has  
26 chosen not to exercise her right to be represented by counsel.

27 3. On or about October 29, 1992, the Board of Pharmacy issued Pharmacy Technician  
28 Registration No. TCH 1184 to Debra Jo Blakeman (Respondent). The Pharmacy Technician

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. 3916 and will expire on December 31, 2011, unless renewed.

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4 **JURISDICTION**

5 4. Accusation No. 3916 was filed before the Board of Pharmacy (Board), Department of  
6 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
7 statutorily required documents were properly served on Respondent on May 24, 2011.  
8 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation  
9 No. 3916 is attached as Exhibit A and incorporated by reference.

10  
11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in  
13 Accusation No. 3916. Respondent also has carefully read, and understands the effects of this  
14 Stipulated Surrender of License and Order.

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

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

24  
25 **CULPABILITY**

26 8. Respondent admits the truth of each and every charge and allegation in Accusation  
27 No. 3916, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician  
28 Registration No. TCH 1184 for the Board's formal acceptance.



**ORDER**

1  
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 1184, issued  
3 to Respondent Debra Jo Blakeman, is surrendered and accepted by the Board of Pharmacy.

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

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

10 16. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
11 issued, her wall certificate on or before the effective date of the Decision and Order.

12 17. Respondent surrenders Pharmacy Technician license number Registration No. TCH  
13 1184 as of the effective date of this decision. Respondent shall relinquish her pharmacy  
14 technician license to the board within ten (10) days of the effective date of this decision. The  
15 surrender of respondent's license and the acceptance of the surrendered license by the board shall  
16 constitute the imposition of discipline against Respondent. This decision constitutes a record of  
17 discipline and shall become a part of Respondent's license history with the board. Respondent  
18 understands and agrees that if she ever files an application for licensure or a petition for  
19 reinstatement in the State of California, the board shall treat it as a new application for licensure.

20 18. Respondent may not apply for any license, permit, or registration from the board for  
21 three (3) years from the effective date of this decision. Respondent stipulates that should she  
22 apply for any license from the board on or after the effective date of this decision, all allegations  
23 set forth in Accusation No. 3916 shall be deemed to be true, correct and admitted by Respondent  
24 when the board determines whether to grant or deny the application. Respondent shall satisfy all  
25 requirements applicable to that license as of the date the application is submitted to the board,  
26 including, but not limited to certification by a nationally recognized body prior to the issuance of  
27 a new license. Respondent is required to report this surrender as disciplinary action.

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1 Respondent stipulates that should she apply for any license from the board on or after the  
2 effective date of this decision, investigation and prosecution costs in the amount of \$5,277.50  
3 shall be paid to the board prior to issuance of the license.

4 19. If Respondent should ever apply or reapply for a new license or certification, or  
5 petition for reinstatement of a license, by any other health care licensing agency in the State of  
6 California, all of the charges and allegations contained in Accusation, shall be deemed to be true,  
7 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other  
8 proceeding seeking to deny or restrict licensure.

9  
10 ACCEPTANCE

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

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16 DATED:

July 14, 2011

Debra Jo Blakeman  
DEBRA JO BLAKEMAN  
Respondent

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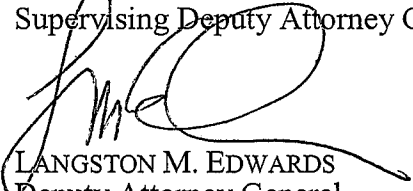
**ENDORSEMENT**

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.

Dated: July 20, 2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General



LANGSTON M. EDWARDS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 3916**



1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 LANGSTON M. EDWARDS  
Deputy Attorney General  
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13 **Bloomington, CA 92316-1433**  
14 **Pharmacy Technician Registration No. TCH**  
**1184**

**A C C U S A T I O N**

15 Respondent.

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18 Complainant alleges:

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20 **PARTIES**

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

23 2. On or about October 29, 1992, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 1184 to Debra Jo Blakeman ("Respondent"). The Pharmacy  
25 Technician Registration was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on December 31, 2011, unless renewed.

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**JURISDICTION**

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

4. Section 4300 states, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation or taking actions in relation to disciplining him or her as the board in its discretion deems proper.

5. 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."

6. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

(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.

...

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug ... to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

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(p) Actions or conduct that would have warranted denial of a license."

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7. 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 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.”

8. Section 11170 of the Health and Safety Code states, “[n]o person shall prescribe, administer, or furnish a controlled substance for himself.”

9. Section 11173 of the Health and Safety Code states:

“(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.”

10. Section 11350 of the Health and Safety Code states:

“(a) Except as otherwise provided in this division, every person who possesses ... 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.”

**DRUG DEFINITIONS**

11. Butalbital 50 mg, Caffeine 40 mg with APAP 325 mg, trade name Fioricet is a Schedule III controlled substance pursuant to Health and Safety Code Section 11056(c)(3) and a dangerous drug per Bus. and Prof. Code Section 4022.

12. Butalbital 50 mg, Caffeine 40 mg with ASA 325 mg, trade name Fiorinal is a Schedule III controlled substance pursuant to Health and Safety Code Section 11056(c)(3) and a dangerous drug per Bus. and Prof. Code Section 4022.

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**BACKGROUND FACTS**

13. Debra Jo Blakeman ("Respondent") was employed by Kaiser Permanente Pharmacy #156 ("Kaiser") as Pharmacy Technician in 2009 when investigation and video surveillance revealed that Respondent took and self-administered butalbital-containing controlled substances to herself on at least 22 days. Kaiser terminated Respondent after she admitted theft of generic butalbital-containing products, Fiorinal and Fioricet. The background facts are as follows:

14. Inventory counts of butalbital products taken at the Kaiser Pharmacy from approximately 8/17/09 to 10/27/09 showed almost daily losses of generic butalbital-containing products, Fiorinal and Fioricet.

15. On or around 9/8/09, D.P., a Kaiser Pharmacy Technician, informed N.M., an Outpatient Pharmacy Director, that when working with Respondent, she observed the Respondent procure and conceal in her hand, a butalbital-containing product from pharmacy inventory.

16. Then, on or around 9/17/09, M.G., a Staff Kaiser Pharmacist, discovered that a full bottle containing 100 butalbital tabs was missing from the inventory count which she had taken earlier that morning, only hours prior.

17. After learning of the missing bottle, M.G. immediately contacted J.M., a Pharmacist-in-Charge, to inform him of the missing butalbital-containing product.

1           18.     Shortly thereafter, J.M. informed Kaiser's Compliance and Audit Department of  
2 the losses and began counting inventories of seven different butalbital-containing products.

3           19.     On or around 10/8/09, video surveillance cameras were installed which monitored  
4 activity at Kaiser until 10/27/09.  
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6           20.     Auditing summaries of Fioricet inventory at Kaiser during the time period between  
7 9/17/09 and 10/27/09 resulted in the following findings:  
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<b>Drug</b>	<b>Beginning Inventory</b>	<b>Received Inventory</b>	<b>Quantity Dispensed</b>	<b>Ending Inventory</b>	<b>Variance (Missing Tabs)</b>
Fioricet	471	610	750	163	168

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18           21.     Auditing summaries of Fiorinal inventory at Kaiser during the time period between  
19 9/17/09 and 10/27/09 resulted in the following findings:  
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<b>Drug</b>	<b>Beginning Inventory</b>	<b>Received Inventory</b>	<b>Quantity Dispensed</b>	<b>Ending Inventory</b>	<b>Variance (Missing Tabs)</b>
Fiorinal	149	450	310	119	170

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1           22.     The surveillance cameras captured visual footage and evidence that Respondent  
2 fraudulently obtained, procured and self-administered butalbital-containing products on multiple  
3 occasions.

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5           23.     Respondent admitted to having a substance abuse problem and an addiction to  
6 butalbital-containing products when confronted with evidence against her on 10/28/09 and again  
7 on 1/6/10 in her written correspondence to the Board.

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10   **FIRST CAUSE FOR DISCIPLINE**

11                                   **(Furnishing Dangerous Drugs without a Prescription)**

12           24.     Respondent is subject to discipline under Code section 4059, subdivision (a) in  
13 conjunction with Health and Safety Code section 11170 on the grounds that she furnished  
14 dangerous drugs, as defined in Health and Safety Code section 11056 subdivision (c)(3), without  
15 a prescription while working as a pharmacy technician for Kaiser Pharmacy. Complainant  
16 incorporates by reference paragraphs 13 – 23 as if fully set forth herein.  
17

18  
19   **SECOND CAUSE FOR DISCIPLINE**

20                                   **(Possession of Dangerous Drugs without a Prescription)**

21           25.     Respondent is subject to discipline under Code section 4060 in conjunction with  
22 Health and Safety Code section 11350, subdivision (a) on the grounds that she possessed  
23 dangerous drugs, as defined in Health and Safety Code section 11056, subdivision (c)(3), without  
24 a prescription while working as a pharmacy technician for Kaiser Pharmacy. Complainant  
25 incorporates by reference paragraphs 13 – 23 as if fully set forth herein.  
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**THIRD CAUSE FOR DISCIPLINE**

**(Obtaining Controlled Substances by Fraud, Deceit and Subterfuge)**

26. Respondent is subject to discipline under Health and Safety Code section 11173, subdivision (a)(1) on the grounds that she obtained dangerous drugs, as defined in Health and Safety Code section 11056(c)(3), by fraud, deceit and subterfuge while working as a pharmacy technician for Kaiser Pharmacy. Complainant incorporates by reference paragraphs 13 – 23 as if fully set forth herein.

**FOURTH CAUSE FOR DISCIPLINE**

**(Commission of Acts Involving Dishonesty, Fraud and Deceit)**

27. Respondent is subject to discipline under Code section 4301, subdivision (f) on the grounds that engaged in unprofessional conduct when she committed acts involving dishonesty, fraud and deceit when she obtained, procured and self-administered dangerous drugs, as defined in Health and Safety Code section 11056, subdivision (c)(3), without a prescription while working as a pharmacy technician for Kaiser Pharmacy. Complainant incorporates by reference paragraphs 13 – 23 as if fully set forth herein.

**FIFTH CAUSE FOR DISCIPLINE**

**(Self-Administration/Dangerous Use of a Controlled Substance)**

28. Respondent is subject to discipline under Code section 4301, subdivision (h) on the grounds that she engaged in unprofessional conduct when she self-administered and used in a dangerous manner, a controlled substance as defined in Health and Safety Code section 11056, subdivision (c)(3), without a prescription while working as a pharmacy technician for Kaiser Pharmacy. Complainant incorporates by reference paragraphs 13 – 23 as if fully set forth herein.

**SIXTH CAUSE FOR DISCIPLINE**

**(Actions Warranting Denial of a License)**

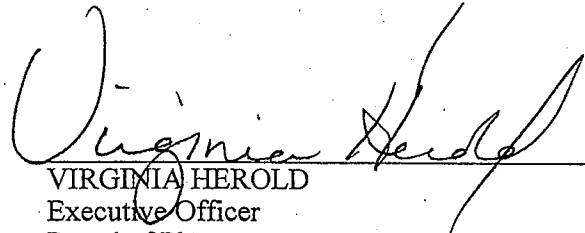
29. Respondent is subject to discipline under Code section 4301, subdivision (p) on the grounds that she engaged in actions that would have warranted denial of a license when she fraudulently obtained, procured and used in a dangerous manner, a controlled substance as defined in Health and Safety Code section 11056, subdivision (c)(3), without a prescription while working as a pharmacy technician for Kaiser Pharmacy. Complainant incorporates by reference paragraphs 13 – 23 as if fully set forth herein.

**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 1184, issued to Debra Jo Blakeman;
2. Ordering Debra Jo Blakeman to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/9/11



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

STATE OF CALIFORNIA  
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