

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

In the Matter of the Accusation Against:

Case No. 4433

**STACEY WATSON**  
304 Hillcrest Court  
San Ramon, CA 94583

Pharmacy Technician Registration No.  
TCH 108623

Respondent.

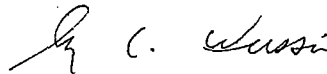
**DECISION AND ORDER**

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 October 28, 2013.

It is so ORDERED on October 23, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STAN C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 TIMOTHY J. McDONOUGH  
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*Attorneys for Complainant*

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10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
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13 **STACEY ANN WATSON**  
304 Hillcrest Court  
14 San Ramon, CA 94583  
15 **Pharmacy Technician Registration No. TCH**  
16 **108623**  
17 Respondent.

Case No. 4433

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

21 PARTIES

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

26 2. Stacey Ann Watson (Respondent) is representing herself in this proceeding and has  
27 chosen not to exercise her right to be represented by counsel.  
28



1 9. Respondent understands that by signing this stipulation she enables the Board to issue  
2 an order accepting the surrender of her Pharmacy Technician Registration without further  
3 process.

4 RESERVATION

5 10. The admissions made by Respondent herein are only for the purposes of this  
6 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.

9 CONTINGENCY

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

19 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
20 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
21 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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




1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
2 other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

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

8  
9 DATED: 8/27/13

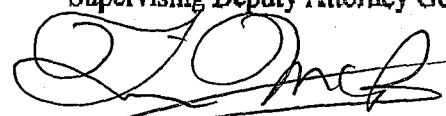
  
STACEY ANN WATSON  
Respondent

11 ENDORSEMENT

12 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
13 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

14 Dated: 8-26-2013

15 Respectfully submitted,  
16 KAMALA D. HARRIS  
17 Attorney General of California  
18 DIANN SOKOLOFF  
19 Supervising Deputy Attorney General

  
TIMOTHY J. McDONOUGH  
20 Deputy Attorney General  
21 Attorneys for Complainant

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**Exhibit A**

**Accusation No. 4433**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 TIMOTHY J. McDONOUGH  
Deputy Attorney General  
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10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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11 In the Matter of the Accusation Against:

Case No. 4433

12 **STACEY ANN WATSON**  
13 **304 Hillcrest Court**  
14 **San Ramon, CA 94583**

**ACCUSATION**

15 **Pharmacy Technician Registration No. TCH**  
**108623**

16 Respondent.

17  
18  
19 Complainant alleges:

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 February 11, 2011, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 108623 to Stacey Ann Watson (Respondent). The Pharmacy  
25 Technician Registration expired on September 30, 2012, and has not been renewed.

26 ///

27 ///

28 ///



JURISDICTION

1  
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 4011 of the Code provides that the Board shall administer and enforce both  
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
7 Act [Health & Safety Code, § 11000 et seq.].

8       5.    Section 4300 of the Code states:

9       "(a) Every license issued may be suspended or revoked.

10       "(b) The board shall discipline the holder of any license issued by the board, whose default  
11 has been entered or whose case has been heard by the board and found guilty, by any of the  
12 following methods:

13       "(1) Suspending judgment.

14       "(2) Placing him or her upon probation.

15       "(3) Suspending his or her right to practice for a period not exceeding one year.

16       "(4) Revoking his or her license.

17       "(5) Taking any other action in relation to disciplining him or her as the board in its  
18 discretion may deem proper.

19       ...

20       "(e) The proceedings under this article shall be conducted in accordance with Chapter 5  
21 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board  
22 shall have all the powers granted therein. The action shall be final, except that the propriety of  
23 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of  
24 Civil Procedure."

25       6.    Section 4300.1 of the Code states:

26       "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
27 operation of law or by order or decision of the board or a court of law, the placement of a license  
28 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board

1 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
2 proceeding against, the licensee or to render a decision suspending or revoking the license."

3 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
4 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
5 disciplinary action during the period within which the license may be renewed, restored, reissued  
6 or reinstated.

7 STATUTORY PROVISIONS

8 8. Section 4301 of the Code states, in relevant part:

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

12 "(a) Gross immorality.

13 ...

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

17 ...

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

20 ...

21 "(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the  
22 board."

23 9. Section 4059 of the Code states, in relevant part:

24 "(a) A person may not furnish any dangerous drug, except upon the prescription of a  
25 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
26 3640.7. A person may not furnish any dangerous device, except upon the prescription of a  
27 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
28 3640.7."



1 and Professions Code section 4022. Hydrocodone is a pain medication and is combined with  
2 Acetaminophen or Ibuprofen.

3 COST RECOVERY

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

8 FACTUAL BACKGROUND

9 14. Respondent worked as a pharmacy technician at CVS Pharmacy # 9348 (CVS) in San  
10 Ramon, California from June of 2011, until October of 2011. From approximately the middle of  
11 August of 2011, to October 18, 2011, Respondent stole drugs from CVS while she was working  
12 as a pharmacy technician. Respondent took handful of pills and put them in her pocket and then  
13 left the store with them. She would not take actual bottles of the drugs. The drugs she took  
14 included Hydrocodone/Acetaminophen and Hydrocodone/Ibuprofen.

15 15. CVS had suspected Respondent of possibly taking drugs when drugs were missing  
16 from the pharmacy. On or about October 21, 2011, Shannon Prior, the CVS Loss Prevention  
17 Manager, interviewed Respondent about stealing pills from the pharmacy. At that time,  
18 Respondent admitted to taking pills from the pharmacy and submitted a written statement  
19 explaining the theft of the drugs. In this statement, she indicated that she stole the drugs to give  
20 to three people who were suffering from pain—her grandmother, a cousin, and a friend.  
21 Respondent estimated that she took approximately 925 pills.

22 **FIRST CAUSE FOR DISCIPLINE**  
23 **(Furnishing Dangerous Drugs without a Prescription)**  
24 **(Bus. & Prof Code 4059, subd. (a))**

25 16. Respondent has subjected her Pharmacy Technician License to disciplinary action  
26 under Code section 4059, subdivision (a), in that she furnished controlled substances and  
27 dangerous drugs to three people without a prescription. The circumstances are explained more  
28 fully in paragraphs 14 and 15, above.

///

1 **SECOND CAUSE FOR DISCIPLINE**  
2 **(Unprofessional Conduct--Act of Dishonesty, Fraud, or Deceit)**  
3 **(Bus & Prof. Code 4301, subd. (f))**

4 17. Respondent has subjected her Pharmacy Technician License to disciplinary action  
5 under Code section 4301, subdivision (f), in that she stole prescription drugs from CVS, her  
6 employer. The circumstances are explained more fully in paragraphs 14 and 15, above.

7 **THIRD CAUSE FOR DISCIPLINE**  
8 **(Possession of Controlled Substance without a Prescription)**  
9 **(Bus. & Prof. Code 4060)**

10 18. Respondent has subjected her Pharmacy Technician License to disciplinary action  
11 under Code section 4060, in that she possessed controlled substances without a prescription. The  
12 circumstances are explained more fully in paragraphs 14 and 15, above.

13 **FOURTH CAUSE FOR DISCIPLINE**  
14 **(Unprofessional Conduct-Subversion of Investigation)**  
15 **(Bus. & Prof. Code 4301, subd. (q))**

16 19. Respondent has subjected her Pharmacy Technician License to disciplinary action  
17 under Code section 4301, subdivision (q), in that she subverted or attempted to subvert an  
18 investigation by the Board of Pharmacy. Specifically, Respondent failed to respond to  
19 correspondence from the Board of Pharmacy regarding her theft of controlled substances from  
20 CVS. Correspondence was sent to Respondent on November 28, 2011, February 22, 2012, and  
21 May 24, 2012 requesting a meeting. Respondent did not respond to these letters.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
24 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 108623,  
26 issued to Stacey Ann Watson;

27 2. Ordering Stacey Ann Watson to pay the Board of Pharmacy the reasonable costs of  
28 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
125.3;

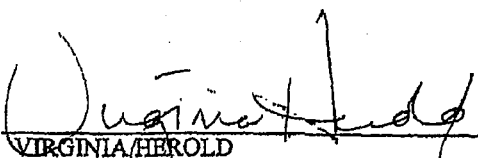
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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/27/13



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

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