

**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

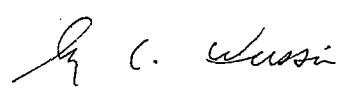
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

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
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9 **BEFORE THE**
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 4433

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

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Technician Registration No. TCH**
16 **108623**

17 Respondent.

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

3. On or about February 11, 2011, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 108623 to Stacey Ann Watson (Respondent). The Pharmacy Technician Registration expired on September 30, 2012, and has not been renewed.

JURISDICTION

4. Accusation No. 4433 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 12, 2013. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 4433 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 4433. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 4433, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration No. TCH 108623 for the Board's formal acceptance.

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.
28

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 108623,
issued to Respondent Stacey Ann Watson, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license 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 Respondent's license history with the Board of Pharmacy.

2. 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.

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

4. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 4433 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

Respondent may not apply or reapply for, or petition for reinstatement of, any license, permit, or registration from the Board for three (3) years from the effective date of this Decision and Order.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$16,560.00 prior to issuance of a new or reinstated license.


6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 4433 shall be deemed

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


10 STACEY ANN WATSON
11 Respondent

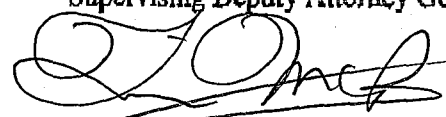
12 ENDORSEMENT

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

15 Dated: 8-26-2013

Respectfully submitted,

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


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

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Exhibit A

Accusation No. 4433

1 KAMALA D. HARRIS
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2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 TIMOTHY J. McDONOUGH
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11 In the Matter of the Accusation Against:

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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

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

5. Section 4300 of the Code states:

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

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

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

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

"(4) Revoking his or her license.

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

...

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

6. Section 4300.1 of the Code states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license 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 10. Section 4060 of the Code states:

2 "No person shall possess any controlled substance, except that furnished to a person upon
3 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
4 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
5 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
6 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
7 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
8 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
9 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
10 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
11 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
12 labeled with the name and address of the supplier or producer.

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

16 11. Section 4022 of the Code states

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

19 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
20 prescription," "Rx only," or words of similar import.

21 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale
22 by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled
23 in with the designation of the practitioner licensed to use or order use of the device.

24 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
25 prescription or furnished pursuant to Section 4006."

26 DRUG STATUTES

27 12. Hydrocodone is a Schedule III controlled substance as designated by Health and
28 Safety Code section 11056, subdivision (e)(5), and a dangerous drug as designated by Business

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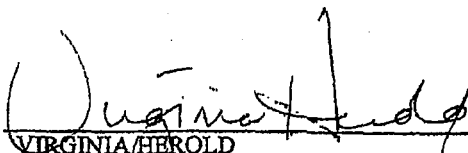
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3. Taking such other and further action as deemed necessary and proper.

DATED:

6/27/13



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

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