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

In the Matter of the Accusation Against:  
  
**REBECCA A. SHARP**  
12913 Woodridge Avenue  
La Mirada, CA 90638  
  
Pharmacy Technician Registration  
No. TCH 35153  
  
Respondent.

Case No. 4666  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about February 4, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4666 against Rebecca A. Sharp (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about November 8, 2000, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 35153 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4666 and will expire on December 31, 2015, unless renewed.
3. On or about March 5, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 4666, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
2 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
3 is required to be reported and maintained with the Board. Respondent's address of record was  
4 and is: 12913 Woodridge Avenue, La Mirada, CA 90638.

5 4. Service of the Accusation was effective as a matter of law under the provisions of  
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
7 124.

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

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

14 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
15 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4666.

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

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

21 8. Pursuant to its authority under Government Code section 11520, the Board finds  
22 Respondent is in default. The Board will take action without further hearing and, based on the  
23 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
24 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
25 file at the Board's offices regarding the allegations contained in Accusation No. 4666, finds that  
26 the charges and allegations in Accusation No. 4666, are separately and severally, found to be true  
27 and correct by clear and convincing evidence.

28 9. Taking official notice of its own internal records, pursuant to Business and  
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
and Enforcement is \$3,668.50 as of July 29, 2014.

///

**DETERMINATION OF ISSUES**

1  
2       1.     Based on the foregoing findings of fact, Respondent Rebecca A. Sharp has subjected  
3 her Pharmacy Technician Registration No. TCH 35153 to discipline.

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

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

8       (a)    Business and Profession Code sections 4300, subdivision (a) and 4301, subdivision  
9 (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving moral  
10 turpitude, dishonesty, fraud, deceit, and/or corruption.

11       (b)    Business and Profession Code sections 4301(h), (j), and/or (o) of the Code, section  
12 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent repeatedly  
13 furnished and/or administered to herself unknown quantities of a controlled substance and/or  
14 dangerous drug.

15       (c)    Business and Professions Code section 4301(j) and/or (o) of the Code, and/or section  
16 4059 of the Code, in that Respondent furnished unknown quantities of a controlled substance  
17 and/or dangerous drug to herself, without a valid prescription.

18       (d)    Business and Professions Code section 4301(j) and/or (o) of the Code, and/or section  
19 4060 of the Code, in that Respondent possessed, unknown quantities of a controlled substance  
20 and/or dangerous drug without a valid prescription.

21       (e)    Business and Professions Code section 4301(j) and/or (o) of the Code, and/or Health  
22 and Safety Code section 11173(a), in that Respondent obtained unknown quantities of controlled  
23 substances, by fraud, deceit, misrepresentation, subterfuge, or concealment of material fact.

24       (f)    Business and Professions Code section 4301(j) and/or (o) of the Code, and/or Health  
25 and Safety Code section 11350, in that Respondent possessed narcotic controlled substances,  
26 without a valid prescription.

27     ///

28     ///

1 (g) Business and Professions Code section 4301(j) and/or (o) of the Code, and/or Health  
2 and Safety Code section 11350, in that Respondent used and/or was under the influence of  
3 controlled substances, not administered by or under the direction of an authorized licensee.

4 **ORDER**

5 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 35153, heretofore  
6 issued to Respondent Rebecca A. Sharp, is revoked.

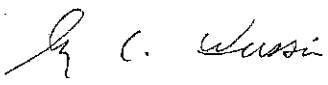
7 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
8 written motion requesting that the Decision be vacated and stating the grounds relied on within  
9 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
10 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

11 This decision shall become effective on January 9, 2015.

12 It is so ORDERED on December 10, 2014.

13 BOARD OF PHARMACY  
14 DEPARTMENT OF CONSUMER AFFAIRS  
15 STATE OF CALIFORNIA

16  
17 By \_\_\_\_\_

  
18 STAN C. WEISSER  
19 Board President

20 51566607.DOC  
21 DOJ Matter ID:LA2013509448  
22 Jz(7/29/14)

23 Attachment: Exhibit A: Accusation  
24  
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27  
28

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 KIMBERLEE D. KING  
Deputy Attorney General  
4 State Bar No. 141813  
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5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4666

12 **REBECCA A. SHARP**  
12913 Woodridge Avenue  
13 La Mirada, CA 90638

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

14 **Pharmacy Technician Registration No. TCH**  
15 **35153**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about November 8, 2000, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 35153 to Rebecca A. Sharp (Respondent). The Pharmacy Technician  
23 Registration was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on December 31, 2013, unless renewed.

25 **JURISDICTION**

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

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

4           5.     Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
5 revoked."

6           6.     Section 4301 of the Code states:

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

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

10               ....

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

14               ....

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

17               ....

18           "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
19 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
20 federal and state laws and regulations governing pharmacy, including regulations established by  
21 the board or by any other state or federal regulatory agency.

## 22                               STATUTORY PROVISIONS

23           7.     Section 4059 of the Code states, in pertinent part, that a person may not furnish any  
24 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,  
25 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

26           8.     Section 4060 of the Code states:

27           "No person shall possess any controlled substance, except that furnished upon a valid  
28 prescription/drug order.

1 9. Health and Safety Code section 11170 provides that no person shall prescribe,  
2 administer, or furnish a controlled substance for himself or herself.

3 10. Health and Safety Code section 11173, subdivision (a), provides that no person shall  
4 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
5 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
6 or subterfuge; or (2) by the concealment of a material fact.

7 11. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
8 Schedule II (Health and Safety Code section 11055), subdivision (c), or any narcotic drug in  
9 Schedules III-V, unless upon written prescription of an authorized prescriber.

10 12. Health and Safety Code section 11550, in pertinent part, makes it unlawful for any  
11 person to use or be under the influence of any controlled substance in Schedule II (Health and  
12 Safety Code section 11055), subdivision (c), or any narcotic drug in Schedules III-V, except when  
13 administered by or under the direction of an authorized licensee.

#### 14 COST RECOVERY

15 13. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licentiate found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

#### 19 REGULATORY PROVISIONS

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

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

27 ///

28 ///



1 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

2 15. Section 4021 of the Code states:

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

5 16. Section 4022 of the Code states, in pertinent part:

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

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

10 ...

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

13 17. “Lorazepam” is a dangerous drug as defined in code section 4022 and classified as a  
14 schedule IV controlled substance as listed in the Health & Safety Code section 11057 (d) (16). It  
15 is typically used for anxiety.

16 **FIRST CAUSE FOR DISCIPLINE**

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

18 18. Respondent is subject to disciplinary action under sections 4300, subdivision (a) and  
19 4301, subdivision (f), on the grounds of unprofessional conduct, in that, Respondent committed  
20 acts involving moral turpitude, dishonesty, fraud, deceit, and/or corruption as follows:

21 a. On or about July 29, 2011, while on duty as a pharmacy technician at Rite Aid #6313,  
22 Respondent was observed on the pharmacy’s surveillance videotape taking a bottle of Lorazepam,  
23 placing it in her lab coat pocket, and thereafter, going to the restroom. After she returned from the  
24 restroom, Respondent went outside of the pharmacy. When confronted by the Loss Prevention  
25 Manager about the theft, Respondent admitted that she stole the medication for her personal use.

26 b. Rite Aid #6313 contacted the Los Angeles Sheriff’s Department (LASD) regarding  
27 the aforementioned theft. Respondent told the LASD officer that she stole approximately 100  
28 tablets of Lorazepam to calm her down because she was stressed. She further stated that the first

1 time she stole medication from the pharmacy was sometime in 2010 and, as recently as July 1,  
2 2011. She stated that she would take one tablet two to three times daily.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Unlawful Self-Administration of a Controlled Substance)

5 19. Respondent is subject to discipline under section 4301(h), (j), and/or (o) of the Code,  
6 section 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as  
7 described in paragraph 18 above, repeatedly furnished and/or administered to herself unknown  
8 quantities of a controlled substance and/or dangerous drug.

9 **THIRD CAUSE FOR DISCIPLINE**

10 (Unlawful Furnishing)

11 20. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
12 and/or section 4059 of the Code, in that Respondent, as described in paragraph 18 above,  
13 furnished unknown quantities of a controlled substance and/or dangerous drug to herself, without  
14 a valid prescription.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 (Unlawful Possession of Controlled Substances)

17 21. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
18 and/or section 4060 of the Code, in that Respondent, as described in paragraph 18 above,  
19 possessed, unknown quantities of a controlled substance and/or dangerous drug without a valid  
20 prescription.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 (Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

23 22. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
24 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraph 18  
25 above, obtained unknown quantities of controlled substances, by fraud, deceit, misrepresentation,  
26 subterfuge, or concealment of material fact.

27 ///

28 **SIXTH CAUSE FOR DISCIPLINE**

1 (Unlawful Possession of Narcotic Controlled Substances)

2 23. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
3 and/or Health and Safety Code section 11350, in that, as described in paragraph 18 above,  
4 Respondent possessed narcotic controlled substances, without a valid prescription.

5 **SEVENTH CAUSE FOR DISCIPLINE**

6 (Unlawful Use of Narcotic Controlled Substances)

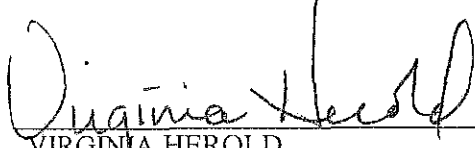
7 24. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
8 and/or Health and Safety Code section 11350, in that, as described in paragraph 18 above,  
9 Respondent used and/or was under the influence of controlled substances, not administered by or  
10 under the direction of an authorized licensee.

11 **PRAYER**

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

- 14 1. Revoking or suspending Pharmacy Technician Registration Number TCH 35153,  
15 issued to Rebecca A. Sharp
- 16 2. Ordering Rebecca A. Sharp to pay the Board of Pharmacy the reasonable costs of the  
17 investigation and enforcement of this case, pursuant to Business and Professions Code section  
18 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: 2/4/14

  
22 VIRGINIA HEROLD  
23 Executive Officer  
24 Board of Pharmacy  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant

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