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

In the Matter of the Accusation Against:
**NATALIE CROSSMAN
1333 Castro Street
San Francisco, CA 94114
Pharmacy Technician License No. TCH 87607**

Respondent.

Case No. 4939

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 4, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4939 against Natalie Crossman (Respondent) before the Board of Pharmacy. (A copy of the Accusation is attached as Exhibit A.)

2. On or about December 3, 2008, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 87607 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 4939 and will expire on March 31, 2014, unless renewed.

3. On or about November 22, 2013, Respondent was served by Certified and First Class Mail with copies of: Accusation No. 4939; a Statement to Respondent; a Notice of Defense (2

1 copies); a Request for Discovery; and the text of the Discovery Statutes (Government Code
2 sections 11507.5, 11507.6, and 11507.7), at Respondent's address of record which was and is:
3 1333 Castro Street, San Francisco, CA 94114. On that same date, Respondent was also served
4 by Certified and First Class Mail with copies of all of the above-listed documents to another
5 address for Respondent known to the Board: 1253 46th Avenue, San Francisco, CA 94114.

6 4. Pursuant to Business and Professions Code section 136 and/or 4100, and/or California
7 Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes
8 thereto, are required to be reported and maintained with the Board.

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

11 6. Government Code section 11506 states, in pertinent part:

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

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
18 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4808.

19 8. California Government Code section 11520 states, in pertinent part:

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

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 4939, finds that
the charges and allegations in Accusation No. 4939, are separately and severally, found to be true
and correct by clear and convincing evidence.

///

1 10. 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 \$2,062.50 as of February 10, 2014.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Natalie Crossman has subjected
6 her Pharmacy Technician License No. TCH 87607 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 License based upon the following violations alleged in the Accusation which are supported by the
10 evidence contained in the Default Decision Evidence Packet in this case.:

11 a. Respondent's License is subject to revocation pursuant to Business and Professions
12 Code section 4301(f), for acts involving moral turpitude, dishonesty, fraud, deceit, or corruption,
13 in that between on or about December 20, 2008 and on or about December 28, 2012, Respondent,
14 while employed as a pharmacy technician, diverted/stole controlled substances and dangerous
15 drugs, including **Hydrocodone with APAP** drug products, which she said were given to a friend,
16 and/or used her access to computer systems to create unauthorized refills for a patient;

17 b. Respondent's License is subject to revocation pursuant to Business and Professions
18 Code section(s) 4301(j), (o) and/or 4059, and/or Health and Safety Code section 11170, in that
19 Respondent, as described above, furnished to herself or another, conspired to furnish, and/or
20 assisted in or abetted furnishing of, a controlled substance.

21 c. Respondent's License is subject to revocation pursuant to Business and Professions
22 Code section(s) 4301(j), (o) and/or 4060, and/or Health and Safety Code section 11350 and/or
23 11377, in that Respondent, as described above, possessed, conspired to possess, and/or assisted in
24 or abetted possession of, a controlled substance, without a prescription.

25 d. Respondent's License is subject to revocation pursuant to Business and Professions
26 Code section(s) 4301(j), (o) and/or 4063, in that Respondent, as described above, dispensed,
27 conspired to dispense, and/or assisted in or abetted dispensing of, a dangerous drug pursuant to a
28 refill, without a valid authorization from the prescriber for said refill.

1 e. Respondent's License is subject to revocation pursuant to Business and Professions
2 Code section(s) 4301(j) and/or (o), and/or Health and Safety Code section 11173(a), in that
3 Respondent, as described above, obtained, conspired to obtain, and/or assisted in or abetted the
4 obtaining of a controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

5 f. Respondent's License is subject to revocation pursuant to Business and Professions
6 Code section 4301, in that Respondent, as described above, engaged in unprofessional conduct.

7
8 ORDER


9 IT IS SO ORDERED that Pharmacy Technician License No. TCH 87607, heretofore issued
10 to Respondent Natalie Crossman, is revoked.

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

15 This Decision shall become effective on April 7, 2014.

16 It is so ORDERED ON March 6, 2014.

17 BOARD OF PHARMACY
18 DEPARTMENT OF CONSUMER AFFAIRS
19 STATE OF CALIFORNIA

20 
21 By _____
22 STAN C. WEISSER
23 Board President

22 40889780.DOC
23 DOJ Matter ID:SF2013405685

24 Attachment:
25 Exhibit A: Accusation

26
27
28

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
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455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4939

11 **NATALIE CROSSMAN**
12 **1333 Castro Street**
13 **San Francisco, CA 94114**

ACCUSATION

14 **Pharmacy Technician License No. TCH 87607**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about December 3, 2008, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 87607 to Natalie Crossman (Respondent). The Pharmacy Technician
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on March 31, 2014, unless renewed.

24
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 (Code) unless otherwise indicated.

1 10. Section 4063 of the Code provides, in pertinent part, that no prescription for a
2 dangerous drug may be refilled except upon authorization of the prescriber.

3 11. Health and Safety Code section 11171 provides that no person shall prescribe,
4 administer, or furnish a controlled substance except under the conditions and in the manner
5 provided by Division 10 (commencing with section 11000) of the Health and Safety Code.

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

10 13. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
11 certain Schedule I-III controlled substances, or any controlled substance in Schedules III-V which
12 is a narcotic drug, unless upon written prescription of an authorized prescriber.

13 14. Health and Safety Code section 11377, in pertinent part, makes it unlawful to possess
14 certain Schedule I-III controlled substances, or any controlled substance in Schedules III-V which
15 is not a narcotic drug, unless upon written prescription of an authorized prescriber.

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

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

23

24

COST RECOVERY

25 16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation of the licensing
27 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

28

CONTROLLED SUBSTANCES / DANGEROUS DRUGS

17. Section 4021 of the Code states:

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

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

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

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

...

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

19. **Norco, Vicodin, Vicodin ES, Lortab, and Lorcet** are among the brand names for compounds of varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous drug as designated by Business and Professions Code section 4022. The varying compounds are also known generically as **Hydrocodone with APAP**. These are all narcotic drugs.

20. **Ativan** is a brand name for **lorazepam**, a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(16) and dangerous drug as designated by Business and Professions Code section 4022. It is a medication used to treat anxiety disorders.

21. **Cogentin** is a brand name for **benztropine**, a dangerous drug as designated by Business and Professions Code section 4022, used for extrapyramidal disorders and parkinsonism.

22. **Neurontin** is a brand name for **gabapentin**, a dangerous drug as designated by Business and Professions Code section 4022, used for epilepsy and postherpetic neuralgia.

23. **Zoloft** is a brand name for **sertraline**, a dangerous drug as designated by Business and Professions Code section 4022, used for depression, OCD, and panic disorders.

24. **Trifluoperazine** is a dangerous drug as designated by Business and Professions Code section 4022, used for schizophrenia and nonpsychotic anxiety.

1 FACTUAL BACKGROUND

2 25. Between on or about December 20, 2008 and on or about December 28, 2012,
3 Respondent was employed as a pharmacy technician at a Walgreens Pharmacy (PHY 35277) in
4 San Francisco, CA, where by virtue of her employment she had access to controlled substances
5 and dangerous drugs, and to the means for entering prescriptions and refills into the data system.

6 26. During the tenure of her employment by Walgreens Pharmacy, Respondent used her
7 access to divert/steal controlled substances and dangerous drugs, including **Hydrocodone with**
8 **APAP** controlled substance/dangerous drug products, and/or to create unauthorized refills.

9 27. The exact number of instances of diversion/theft or creation of unauthorized refills by
10 Respondent, and the full quantity of controlled substances or dangerous drugs diverted/stolen by
11 Respondent, or dispensed pursuant to unauthorized refills created by her, are not known, but in
12 the course of investigations conducted by the pharmacy and by the Board of Pharmacy, the
13 following were among the observations, admissions, and revelations reported:

14 a. On or about December 28, 2012, a prescriber located in Massachusetts (Dr.
15 N.S.) reported to the pharmacist(s) at the Walgreens Pharmacy which employed Respondent that
16 unauthorized refills had been added to prescriptions previously written for patient J.R.¹ The
17 pharmacist(s) recognized the name of the patient as being a friend/cohabitant of Respondent.

18 b. During the course of an interview with Walgreens Pharmacy supervisor(s)
19 and/or Loss Prevention staff conducted on or about December 28, 2012, Respondent admitted
20 both verbally and in writing that she: had on at least ten (10) occasions taken/diverted from the
21 pharmacy at least three to four (3-4) tablets/doses of **Hydrocodone with APAP 10/325** (generic
22 **Norco**), which she had given to a friend; and had on at least one (1) occasion entered refills into
23 the Walgreens Pharmacy data system for four (4) medications prescribed for patient J.R., without
24 a valid prescriber authorization for any of the four (4) refills entered into the system.

25 c. Audit(s) of the controlled substances inventory between June 1, 2011 and June
26 25, 2013 at the Walgreens where Respondent worked revealed the following shortages:

27 ¹ All names herein have been reduced to initials to protect confidentiality. The full names
28 can be provided to Respondent during discovery.

- 1 • 46 tablets **Hydrocodone with APAP 5/325** (generic **Norco**);
- 2 • 18 tablets **Hydrocodone with APAP 10/300** (generic **Vicodin**);
- 3 • 832 tablets **Hydrocodone with APAP 10/325** (generic **Norco**);
- 4 • 382 tablets **Lorazepam 1mg** (generic **Ativan**).

5 d. Review of the patient profile and other records maintained by the pharmacy for
6 patient J.R., and further communications with Dr. N.S., revealed that unauthorized refills were
7 added to prescriptions previously issued by Dr. N.S. for patient J.R. for **Lorazepam 1mg** (generic
8 **Ativan**), **Benztropine 0.5mg** (generic **Cogentin**), **Gabapentin 100mg** (generic **Neurontin**),
9 **sertraline 100mg** (generic **Zoloft**), and **Trifluoperazine 5mg**. Specifically, on or about July 24,
10 2012, unauthorized refills were added to prescription number 1835161, for **Sertraline 100mg**, to
11 prescription number 1835162, for **Gabapentin 100mg**, to prescription number 1835163, for
12 **Trifluoperazine 5mg**, and to prescription number 1835164, for **Benzotropine 0.5mg**. Then, on or
13 about August 19, 2012, unauthorized refills were added to prescription number 1840749, for
14 **Lorazepam 1mg**. The unauthorized refills were created using a copy/create function within the
15 Walgreens pharmacy system, and the majority were entered using Respondent's log on initials.
16 The unauthorized refills for patient J.R. were subsequently dispensed/sold as follows:

- 17 • **Lorazepam 1mg** (120 tablets per refill) – August 19, September 16,
18 October 18, and November 15, 2012;
- 19 • **Benzotropine 0.5mg** (60 tablets per refill) – July 24, August 28,
20 September 27, October 18, and November 15, 2012;
- 21 • **Gabapentin 100mg** (180 tablets per refill) – July 24, September 10,
22 October 18, and November 15, 2012;
- 23 • **Sertraline 100mg** (45 tablets per refill) – July 24, October 18, and
24 November 15, 2012; and
- 25 • **Trifluoperazine 5mg** (30 tablets per refill) – July 24, September 10,
26 October 5, November 4, and December 9, 2012.

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28 ///

1 FIRST CAUSE FOR DISCIPLINE

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

3 28. Respondent is subject to discipline under section 4301(f) of the Code, in that
4 Respondent, as described in paragraphs 25 to 27 above, committed acts involving moral turpitude,
5 dishonesty, fraud, deceit, or corruption.

6
7 SECOND CAUSE FOR DISCIPLINE

8 (Furnishing of Controlled Substance(s))

9 29. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
10 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described
11 in paragraphs 25 to 27 above, furnished, and/or conspired to furnish, and/or assisted or abetted
12 furnishing of, a controlled substance, without a valid prescription.

13
14 THIRD CAUSE FOR DISCIPLINE

15 (Possession of Controlled Substance(s))

16 30. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
17 4060 of the Code, and/or Health and Safety Code section(s) 11350 and/or 11377, in that
18 Respondent, as described in paragraphs 25 to 27 above, possessed, conspired to possess, and/or
19 assisted in or abetted possession of, a controlled substance, without a prescription.

20
21 FOURTH CAUSE FOR DISCIPLINE

22 (Dispensing Dangerous Drug Without Authorized Refill)

23 31. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
24 4063 of the Code, in that Respondent, as described in paragraphs 25 to 27 above, dispensed,
25 conspired to dispense, and/or assisted in or abetted dispensing of, a dangerous drug pursuant to a
26 refill, without a valid authorization from the prescriber for said refill.

27 ///

28 ///

1 FIFTH CAUSE FOR DISCIPLINE

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

3 32. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
4 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs
5 25 to 27 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a
6 controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

7
8 SIXTH CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

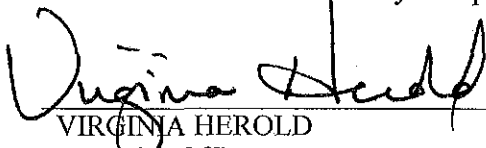
10 33. Respondent is subject to discipline under section 4301 of the Code in that
11 Respondent, as described in paragraphs 25 to 32 above, engaged in unprofessional conduct.

12
13 PRAYER

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

- 16 1. Revoking or suspending Pharmacy Technician License Number TCH 87607, issued to
17 Natalie Crossman (Respondent);
- 18 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
19 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 20 3. Taking such other and further action as is deemed necessary and proper.

21 DATED: 11/4/13

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

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