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

In the Matter of the Accusation Against:

**LAURA ALLISON HEIMLER  
21042 Rios St.  
Woodland Hills, CA 91364**

**Pharmacy Technician Registration No. TCH  
109325**

Respondent.

Case No. 5046

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about July 11, 2014, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5046 against Laura Allison Heimler (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

1           2.     On or about December 17, 2010, the Board of Pharmacy (Board) issued Pharmacy  
2 Technician Registration No. TCH 109325 to Respondent. The Pharmacy Technician Registration  
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 5046  
4 and expired on October 31, 2014, and has not been renewed. This lapse in licensure, however,  
5 pursuant to Business and Professions Code section 118(b) does not deprive the Board of its  
6 authority to institute or continue this disciplinary proceeding.

7           3.     On or about August 12, 2014, Respondent was served by Certified and First Class  
8 Mail copies of the Accusation No. 5046, Statement to Respondent, Notice of Defense, Request  
9 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
10 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
11 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
12 record was and is:

13 21042 Rios St.  
14 Woodland Hills, CA 91364.

15           4.     Service of the Accusation was effective as a matter of law under the provisions of  
16 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
17 124.

18           5.     On or about August 21, 2014 Respondent signed and returned the receipt  
19 acknowledging that she received the Accusation Packet.

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

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

26           7.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
27 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5046.

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

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

1 9. Pursuant to its authority under Government Code section 11520, the Board finds  
2 Respondent is in default. The Board will take action without further hearing and, based on the  
3 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
4 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
5 file at the Board's offices regarding the allegations contained in Accusation No. 5046, finds that  
6 the charges and allegations in Accusation No. 5046, are separately and severally, found to be true  
7 and correct by clear and convincing evidence.

8 10. Taking official notice of its own internal records, pursuant to Business and  
9 Professions Code section 125.3, it is hereby determined that the reasonable costs for the Board's  
10 Investigation is two thousand six hundred one dollars (\$2,601.00) and the costs for the Attorney  
11 General's Office prosecution is two thousand seven hundred eighty-five dollars (\$2,785.00). The  
12 cost recovery total is five thousand three hundred eighty-six dollars (\$5,386.00).

13 **DETERMINATION OF ISSUES**

14 1. Based on the foregoing findings of fact, Respondent Laura Allison Heimler has  
15 subjected her Pharmacy Technician Registration No. TCH 109325 to discipline.

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

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

20 a. First Cause for Discipline – Unprofessional Conduct: Stealing Controlled Substances.

21 Respondent is subject to disciplinary action under section 4301, subdivision (f) on the grounds of  
22 unprofessional conduct in that she committed acts involving moral turpitude, dishonesty, fraud,  
23 deceit or corruption.

24 b. Second Cause for Discipline – Unprofessional Conduct: Possession of a Controlled  
25 Substance. Respondent is subject to disciplinary action under section 4301, subdivision (j) on the  
26 grounds of unprofessional conduct for violating section 4060.

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**ORDER**

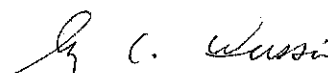
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 109325, heretofore issued to Respondent Laura Allison Heimler, is revoked.

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

This Decision shall become effective on April 17, 2015.

It is so ORDERED March 18, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By   
STAN C. WEISSER  
Board President

51705306.DOCX  
DOJ Matter ID:LA2013510834

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 HEATHER HUA  
Deputy Attorney General  
4 State Bar No. 223418  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2574  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

10  
11 In the Matter of the Accusation Against:

Case No. 5046

12 **LAURA ALLISON HEIMLER**  
21042 Rios St.  
13 Woodland Hills, CA 91364

**ACCUSATION**

14 Pharmacy Technician Registration No. TCH  
109325

15 Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 22 2. On or about December 17, 2010, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 109325 to Laura Allison Heimler (Respondent). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on October 31, 2014, unless renewed.

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**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.

**STATUTORY PROVISIONS**

4. Section 4022 of the Code states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, 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.

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

(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."

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

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:

....

1           "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
2 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
3 whether the act is a felony or misdemeanor or not.  
4           ....

5           "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
6 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
7 federal and state laws and regulations governing pharmacy, including regulations established by  
8 the board or by any other state or federal regulatory agency."  
9           ....

10           7.    Section 4060 of the Code states:

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

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

#### 25                                   **COST RECOVERY**

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



1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
2 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
3 may be included in a stipulated settlement.

4 **DANGEROUS DRUGS**

5 9. The dangerous drugs stolen by Respondent are listed below:

6 a. "Norco," is a brand name for a combination drug containing hydrocodone and  
7 acetaminophen, is a schedule III controlled substance as defined in Health and Safety Code  
8 section 11056(e) and is categorized as a dangerous drug according to Business and Professions  
9 Code section 4022.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct – Stealing Controlled Substances)**

12 10. Respondent is subject to disciplinary action under section 4301, subdivision (f) on the  
13 grounds of unprofessional conduct in that she committed acts involving moral turpitude,  
14 dishonesty, fraud, deceit or corruption. Specifically, between approximately January through  
15 February 2013, the exact dates unknown, Respondent stole approximately 50 hydrocodone/APAP  
16 tablets while employed as a pharmacy technician for CVS Pharmacy. In a written statement,  
17 Respondent admitted to this theft.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct – Possession of a Controlled Substance)**

20 11. Respondent is subject to disciplinary action under section 4301, subdivision (j) on the  
21 grounds of unprofessional conduct for violating section 4060. Specifically, between  
22 approximately January through February 2013, the exact dates unknown, Respondent admitted in  
23 a signed written statement to diverting approximately 50 hydrocodone/APAP tablets while  
24 working as a pharmacy technician for CVS Pharmacy.

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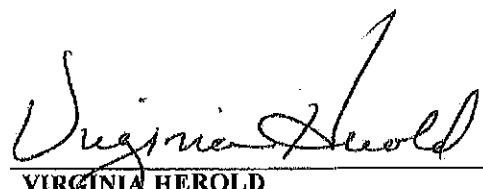
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**PRAYER**

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 109325, issued to Respondent Laura Allison Heimler; and
2. Ordering Respondent Laura Allison Heimler 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: 7/11/14



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

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