

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

In the Matter of the Accusation Against:

Case No. 5114

JILL MARIE ONSTAD
2974 Salmon Road
Copperopolis, CA 95228

Pharmacy Technician Registration No.
TCH 106058

Respondent.

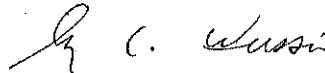
DECISION AND ORDER

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 November 5, 2014.

It is so ORDERED on October 31, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

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9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 5114

13 **JILL MARIE ONSTAD**
2974 Salmon Road
Copperopolis, CA 95228

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician Registration**
15 **No. TCH 106058**

16 Respondent.

17
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy,
22 Department of Consumer Affairs. She brought this action solely in her official capacity and is
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
24 Leslie A. Burgermyer, Deputy Attorney General.

25 2. Jill Marie Onstad ("Respondent") is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.

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1 3. On or about September 15, 2010, the Board issued Pharmacy Technician Registration
2 No. TCH 106058 to Respondent. The Pharmacy Technician Registration was in full force and
3 effect at all times relevant to the charges brought in Accusation No. 5114, expired on February
4 28, 2014, and canceled on July 14, 2014.

5 **JURISDICTION**

6 4. Accusation No. 5114 was filed before the Board and is currently pending against
7 Respondent. The Accusation and all other statutorily required documents were properly served
8 on Respondent on July 17, 2014. Respondent timely filed her Notice of Defense contesting the
9 Accusation. A copy of Accusation No. 5114 is attached as Exhibit A and incorporated by
10 reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 5114. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

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

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

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 5114, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
27 Registration No. TCH 106058 for the Board's formal acceptance.
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 PDF and facsimile signatures
21 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.
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1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following Order:

3 **ORDER**

4 **IT IS HEREBY ORDERED** that Pharmacy Technician Registration No. TCH 106058,
5 issued to Respondent Jill Marie Onstad ("Respondent") is surrendered and accepted by the Board
6 of Pharmacy.

7 1. Respondent surrenders Pharmacy Technician Registration No. TCH 16058 as of the
8 effective date of this decision. Respondent shall relinquish her Pharmacy Technician Registration
9 to the Board within ten (10) days of the effective date of this decision.

10 2. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
11 of the surrendered license by the Board shall constitute the imposition of discipline against
12 Respondent. This decision constitutes a record of the discipline and shall become a part of
13 Respondent's license history with the Board of Pharmacy.

14 3. Respondent understands that if she ever files an application for licensure or petition
15 for reinstatement in the State of California, the Board shall treat is as a new application for
16 licensure. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
17 as of the effective date of the Board's Decision and Order.

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

20 5. Respondent may not apply for any license, permit, or registration from the Board for
21 three (3) years from the effective date of this decision. Respondent stipulates that should she
22 apply for any license from the Board on or after the effective ate of this decision, all allegations

23 set forth in the Accusation shall be deemed to be true, correct, and admitted by Respondent when
24 the Board determines whether to grant or deny the application. Respondent shall satisfy all
25 requirements applicable to that license as of the date the application is submitted to the Board
26 including, but not limited to, certification by a nationally recognized body prior to the issuance of
27 a new license. Respondent is required to report this surrender as a disciplinary action.

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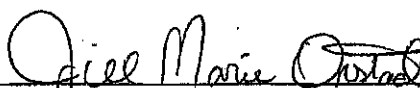
1 6. Respondent stipulates that should she apply for any license from the Board on or after
2 the effective date of this decision, investigation and prosecution costs in the amount of \$3,752.00
3 shall be paid to the Board prior to issuance of the license.

4 ACCEPTANCE

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

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10 DATED:

Sept. 11, 2014


JILL MARIE ONSTAD
Respondent

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13 ENDORSEMENT

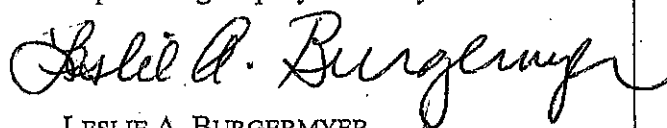
14 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
15 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

16 Dated:

9-17-2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General



LESLIE A. BURGERMYER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5114

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
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3 LESLIE A. BURGERMYER
Deputy Attorney General
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12 **JILL MARIE ONSTAD**
13 **2974 Salmon Road**
Copperopolis, CA 95228

ACCUSATION.

14 **Pharmacy Technician Registration**
15 **No. TCH 106058**

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 ("Board"), Department of Consumer Affairs.

21 2. On or about September 15, 2010, the Board issued Pharmacy Technician Registration
22 Number TCH 106058 to Jill Marie Onstad ("Respondent"). The pharmacy technician registration
23 expired on February 28, 2014.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board under the authority of the following
26 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
27 indicated.

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4. Code section 4300 states, in pertinent part:

(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 . . .

5. Code section 4300.1 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.

STATUTORY PROVISIONS

6. Code section 4301 states, in pertinent part:

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:

....

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

....

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

....

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

1
2 (o) Violating or attempting to violate, directly or indirectly, or assisting in
3 or abetting the violation of or conspiring to violate any provision or term of this
4 chapter or of the applicable federal and state laws and regulations governing
5 pharmacy, including regulations established by the board or by any other state or
6 federal regulatory agency

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11 6. Code section 4060 states, in pertinent part:

12 No person shall possess any controlled substance, except that furnished to
13 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
14 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
15 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
16 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to
17 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist
18 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
19 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

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23 7. Health and Safety Code section 11350, subdivision (a), states:

24 Except as otherwise provided in this division, every person who possesses
25 (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of
26 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
27 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section
28 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled
substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon
the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
practice in this state, shall be punished by imprisonment pursuant to subdivision (h)
of Section 1170 of the Penal Code.

COST RECOVERY

8. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
the administrative law judge to direct a licentiate found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case.

DRUGS

9. Lortab is a Schedule III controlled substance as designated by Health and Safety
Code section 11056, subdivision (e)(4).

BACKGROUND

10. At all times relevant to the charges brought herein, Respondent was employed as a
registered pharmacy technician at CVS Pharmacy #09539 located at 41 North Main Street,
Angels Camp, California, ("CVS").

1 11. Between on or about November 14, 2012, and January 16, 2013, CVS Pharmacy
2 #09539 conducted an investigation of its supply of hydrocodone 7.5-500, 10-500, and 10-325.
3 After determining a loss, CVS notified the Board and the Board's subsequent audit of CVS's
4 inventory indicated CVS had a loss of approximately 2073 tablets of hydrocodone-containing
5 drugs.

6 12 On or about January 16, 2013, Respondent was interviewed by staff of CVS
7 Pharmacy #09539 staff during its investigation. Respondent admitted she had stolen
8 approximately 30 tablets of Lortab 7.5/500 between the Fall of 2012 and the week before
9 Thanksgiving 2012 while working her shifts at CVS. She also admitted to ingesting the stolen
10 Lortab tablets during her shifts at CVS. Respondent was terminated from her employment on
11 January 18, 2013.

12 **FIRST CAUSE FOR DISCIPLINE**

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

14 13. Respondent is subject to disciplinary action pursuant to Code section 4301,
15 subdivision (f), for unprofessional conduct, in that while employed and on duty as a registered
16 pharmacy technician at CVS Pharmacy #09539, Respondent committed acts involving moral
17 turpitude, dishonesty, fraud, deceit, or corruption, as set forth in paragraph 12, above,
18 incorporated herein by reference.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Self-Administration of Controlled Substances)**

21 14. Respondent is subject to disciplinary action pursuant to Code section 4301,
22 subdivision (h), for unprofessional conduct, in that in and between the Fall of 2012 and the week
23 before Thanksgiving 2012, Respondent self-administered approximately 30 tablets of Lortab
24 7.5/500, while working her shifts at CVS Pharmacy #09539, which she admittedly stole from CVS.

25 **THIRD CAUSE FOR DENIAL**

26 **(Violations of State Laws Regulating Controlled Substances)**

27 15. Respondent is subject to disciplinary action pursuant to Code section 4301,
28 subdivision (j), for unprofessional conduct, in that in and between the Fall of 2012 and the week

1 before Thanksgiving 2012, Respondent possessed approximately 30 tablets of Lortab 7.5/500, as
2 set forth in paragraph 12, above, incorporated herein by reference, without a valid prescription
3 from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation
4 of Code section 4060 and Health and Safety Code section 11350, subdivision (a).

5 **FOURTH CAUSE FOR DENIAL**

6 **(Violations of the Pharmacy Law)**

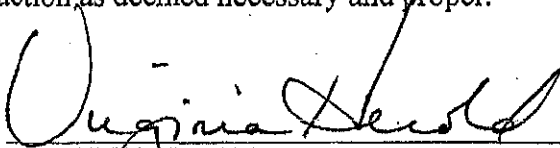
7 16. Respondent is subject to disciplinary action pursuant to Code section 4301,
8 subdivision (o), for unprofessional conduct, in that in and between the Fall of 2012 and the week
9 before Thanksgiving 2012, Respondent violated or attempted to violate, directly or indirectly, a
10 provision or term of the Pharmacy Law (Bus. & Prof. Code § 4300, et seq.), specifically, Code
11 section 4060, as set forth in paragraph 15, above, incorporated herein by reference.

12 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 106058,
16 issued to Jill Marie Onstad;
- 17 2. Ordering Jill Marie Onstad to pay the Board of Pharmacy the reasonable costs of the
18 investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: 6/9/14


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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