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

In the Matter of the Accusation Against:

Case No. 5200

JAMIE L. SCOTT 6330 Hilltop Drive Carmichael, California 95608 OAH No. 2015050070

Pharmacy Technician Registration No. TCH 42484

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 February 24, 2016.

It is so ORDERED on January 25, 2016.

BOARD OF PHARMACY ---- DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Amy Gutierrez, Pharm.D. Board President

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1	KAMALA D. HARRIS		
2	Attorney General of California JANICE K. LACHMAN		
3	Supervising Deputy Attorney General BRIAN S. TURNER		
4	Deputy Attorney General State Bar No. 108991		
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7	E-mail: Brian.Turner@doj.ca.gov  Attorneys for Complainant		
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9	BEFORE THE BOARD OF PHARMACY		
10	DEPARTMENT OF CONSUMER AFFAIRS		
11			
12	In the Matter of the Accusation Against: Case No. 5200		
•	JAMIE L. SCOTT OAH No. 2015050070		
13	6330 Hilltop Drive Carmichael, California 95608 STIPULATED SURRENDER OF		
14	Pharmacy Technician Registration No. TCH		
15	42484		
16	Respondent.		
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19	IT IS STIPULATED AND AGREED by and between the parties to the above-entitled		
20	proceedings that the following matters are true:		
21	PARTIES		
. 22	1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy		
23	(Board). She brought this action solely in her official capacity and is represented in this matter by		
24	Kamala D. Harris, Attorney General of the State of California, by Brian S. Turner, Deputy		
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27	not to exercise her right to be represented by counsel.		
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	Stipulated Surrender of License (Case No. 5200)		

3. On or about August 16, 2002, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 42484 to Jamie L. Scott. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5200 and will expire on August 31, 2016, unless renewed.

### **JURISDICTION**

4. Accusation No. 5200 was filed before the 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 February 10, 2015. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 5200 is attached as Exhibit A and incorporated by reference.

# ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in Accusation No. 5200. 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. 5200, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician-Registration No. TCH 42484 for the Board's formal acceptance.

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Stipulated Surrender of License (Case No. 5200)

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### **ORDER**

IT IS ORDERED that Pharmacy Technician Registration No. TCH 42484, issued to Respondent Jamie L. Scott, 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 he or she ever files an application for licensure or a petition for reinstatement in the State of California, the board shall treat it as a new application for licensure.

Respondent may not apply for any license, permit, or registration from the board for three (3) years from the effective date of this decision. Respondent stipulates that should he or she apply for any license from the board on or after the effective date of this decision, all allegations set forth in the accusation shall be deemed to be true, correct and admitted by respondent when the board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board, including, but not limited to certification by a nationally recognized body prior to the issuance of a new license. Respondent is required to report this surrender as disciplinary action.

- 5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$5,417.50 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. 5200 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 Rharmacy.	
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.9	DATED: 10-2-15 - MAN SW	
10	JAME L. SCOTT Respondent	
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12	<u>ENDORSEMENT</u>	
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,	
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16	Dated: /D/2//5 Respectfully submitted,	
17	KAMALA D. HARRIS	
18	Attorney General of California  JANICE K LACHMAN	
19	Supervising Deputy Attorney General	
20	My for	
21	BRIAN S. TURNER Deputy-Attorney General	
22	Attorneys for Complainant	
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Exhibit A

Accusation No. 5200

1	KAMALA D. HARRIS		
2	Attorney General of California JANICE K. LACHMAN		
3_	Supervising Deputy Attorney General —BRIAN S. TURNER		
4	Deputy Attorney General State Bar No. 108991		
· - · -	1300 I Street, Suite 125		
5	P.O. Box 944255 Sacramento, CA 94244-2550		
6	Telephone: (916) 445-0603 Facsimile: (916) 327-8643		
7	E-mail: Brian, Turner@doj.ca.gov		
. 8	Attorneys for Complainant		
9	BEFORE THE		
10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
	STATE OF CALIFORNIA		
11			
12	In the Matter of the Accusation Against: Case No. 5200		
13	JAMIE LYNN SCOTT		
14	6330 Hilltop Drive Carmichael, CA 95608  ACCUSATION		
15	Pharmacy Technician License No. TCH 42484		
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17	Respondent.		
18	Virginia Herold (Complainant) alleges:		
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20	1. Complainant brings this Accusation solely in her official capacity as the Executive		
21	Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.		
· 22	2. On or about August 16, 2002, the Board issued Pharmacy Technician License		
23	Number TCH 42484 to Jamie Lynn Scott (Respondent). The Pharmacy Technician License was		
24	in full force and effect at all times relevant to the charges brought herein, and will expire on		
25	August 31, 2016, unless renewed.		
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JURISDICTION This Accusation is brought before the Board, Department of Consumer Affairs. 3. under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated. Code section 118(b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated. DRUGS 8 Norco is a brand of a compound consisting of hydrocodone and acetaminophen, 9 Hydrocodone is a Schedule II controlled substance by California Health and Safety Code Section 10 11055(b)(1)(1) and is a dangerous drug pursuant to Business and Professions Code section 4022. 11 Code section 4022 provides: 12 13 "Dangerous drug" or "dangerous device" means any drug or 14 device unsafe for self-use in humans or animals, and includes the following: 15 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of 16 similar import. 17

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- (b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a 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.

### STATUTORY AND REGULATORY PROV

- · Code section 4059 provides in relevant part:
- (a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician,

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1	dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.		
. 2	8. Code section 4060 provides in relevant part:		
3	"No-person-shall-possess-any-controlled-substance, except that		
4	furnished to a person upon the prescription of a physician, dentist"		
5	9. Business and Professions Code (all references to Code herein shall refer to		
6	Business and Professions Code unless otherwise indicated) section 4300.1 provides:		
. 7	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by		
8	operation of law or by order or decision of the board or a court of law, the placement		
. 9	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		
·10	investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."		
11	10. Section 4300 provides in relevant part:		
12	(a) Every license issued may be suspended or revoked.		
13	11. Section 4301 provides in relevant part:		
14	The board shall take action against any holder of a license who is guilty of		
15	unprofessional conduct. Unprofessional conduct shall include, but not be limited to, any of the		
. 16	following:		
17	(f) The commission of any act involving moral turpitude, dishonesty, fraud,		
18	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.		
19-	(h) The administering to oneself, of any controlled substance, or the use of		
20	any dangerous drug or of alcoholic beverages to the extent or in a manner as to be		
. 21	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		
22	the percent to conduct with sefety to the public the practice authorized by the license		
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24	(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.		
25	COST RECOVERY		
26	12. Section 125.3 of the Code provides, in pertinent part, that the Director may reques		
"'' 27	the administrative law judge to-direct a licentiate found to have committed a violation or		
28	violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation		
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### FACTUAL ALLEGATIONS

- 13. At all relevant times to the charges brought herein, Respondent was a Pharmacy Technician employed at CVS Pharmacy #09814 located at 8101 Greenback Lane, Fair Oaks, California. Beginning in or about December of 2011, Respondent began taking, converting, diverting, possessing, and ingesting Norco tablets consisting of 7.5 milligrams of hydrocodone and 325 milligrams of acetaminophen (7.5/325). An audit of CVS pharmacy number 09814 revealed that between May of 2011 and April of 2013 Respondent converted, diverted, took, stole, or otherwise took possession of 1,539 tablets without a valid or lawful prescription of the dangerous drug and controlled substance Norco. Respondent's diversion, acquisition, possession and ingestion of the 7.5/325 Norco included time while Respondent was in the course and scope of her job duties and responsibilities as a pharmacy technician.
- 14. The CVS audit further revealed that between October of 2011 and June of 2013 Respondent diverted, took, stole, or otherwise took possession of 10,667 tablets of the dangerous drug and controlled substance Norco comprised of 10 milligrams of hydrocodone and 325 milligrams of acetaminophen (10/325) without a valid or lawful prescription. Respondent's conversion, diversion, acquisition, possession and ingestion of the 10/325 Norco included time while Respondent was in the course and scope of her job duties and responsibilities as a \_pharmacy technician, \_
- 15. During the relevant time, Respondent took, used or ingested Norco tablets, up to as much as 10 to 12 tablets daily, and was under the influence of the dangerous drug Norco while in the course and scope of her job duties and responsibilities as a pharmacy technician. Respondent furnished a portion of the Norco to others without a lawful prescription including but not limited to Respondent's father.

# FIRST CAUSE FOR DISCIPLINE

# (Moral Turpitude, Dishonesty, Corruption)

- Respondent is subject to disciplinary action for unprofessional conduct pursuant to section 4301(f) because Respondent while in the course and scope of her job duties and responsibilities as a pharmmacy technician took, stole, diverted and possessed the dangerous drugand controlled substance Norco. The circumstances are as follows:
- 17. Paragraphs 13 through 15 are incorporated herein as though set forth at length. Respondent took, diverted, stole and possessed at least one thousand five hundred (1,500) tablets of 7.5/325 Norco and at least five thousand (5,000) tablets of 10/325 Norco and up to as much as ten thousand five hundred (10,556) tablets of Norco. Respondent possessed the Norco without lawful authority to take or possess Norco while in the course and scope of her job duties and responsibilities as a pharmacy technician

# SECOND CAUSE FOR DISCIPLINE

### (Unprofessional Conduct-Self Administration/Dangerous Conduct)

- 18. Respondent is subject to disciplinary action for unprofessional conduct pursuant to section 4301(h) because Respondent used a dangerous drug and controlled substance to an extent and in a manner that was dangerous to herself or others. The circumstances are as follows:
- Paragraphs 13 through 15 are incorporated herein as though set forth at length. Respondent admitted ingesting and using Norco while in the course and scope of her job duties and responsibilities as a pharmacy technician to an extent and in a manner that was dangerous to herself an others. Respondent admitted to consuming up to 10 to 12 Norco tablets per day without a lawful prescription. By working in the pharmacy after ingesting Norco without a prescription, Respondent demonstrated a lack of fitness and judgment to safely perform the functions, duties and obligations of a pharmacy technician and constituted a danger to public health, safety and welfare.

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# THIRD CAUSE FOR DISCIPLINE

## (Unprofessional Conduct-Violation of Statutes)

- 20. Respondent is subject to disciplinary action for unprofessional conduct pursuant to sections 4301(j) and 4060 in that Respondent violated statutes and laws regulating controlled substances and dangerous drugs. The circumstances are as follows:
- 21. Paragraphs 13 and 15 are incorporated herein as though set forth at length.

  Respondent's acts and conduct in converting, diverting, possessing and consuming Norco to the extent and in the admitted amounts without a lawful prescription rendered Respondent unfit and lacking the judgment necessary to perform the duties, obligations and functions of a pharmacy technician.

### FOURTH CAUSE FOR DISCIPLINE

# (Unprofessional Conduct-Furnishing Controlled Substances)

- 22. Respondent is subject to disciplinary action for unprofessional conduct pursuant to sections 4301(j) and 4059 in that Respondent furnished a controlled substance to another without a valid or lawful prescription. The circumstances are as follows:
- 23. Paragraphs 13 through 15 are incorporated herein as though set forth at length.

  Respondent took, diverted, and stole then supplied Norco to her father without a valid or lawful prescription.

### 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 license No. TCH 42484, issued to Jaime Lynn Scott;
- 2. Ordering Jamie Lynn Scott 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; and

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, 1	3. Taking such other and furth	
2	and initial	er action as deemed necessary and proper.
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<u>·</u>	DATED: 1/19/15	
<del>5</del>		VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California
6		Board of Pharmacy  Department of Consumer Assistan
7		State of California  Complainant
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