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

In the Matter of the Accusation Against:
HEATHER ROSE STREETMAN
13165 Luther Road
Auburn, California 95603

**Pharmacy Technician Registration No. TCH
111247**

Respondent.

Case No. 5479

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 5, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5479 against Heather Rose Streetman (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 11, 2011, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 111247 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5479 and will expire on August 31, 2016, unless renewed.

///

1 3. On or about March 10, 2016, Respondent was served by Certified and First Class
2 Mail copies of Accusation No. 5479, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was
6 and is:

7 13165 Luther Road
8 Auburn, California 95603.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about April 4, 2016, the aforementioned documents were returned by the U.S.
13 Postal Service marked "Return To Sender Unable To Forward."

14 6. Government Code section 11506(c) states, in pertinent part:

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5479.

22 8. California Government Code section 11520(a) states, in pertinent part:

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

27 9. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits, and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 5479, finds that

1 the charges and allegations in Accusation No. 5479, are separately and severally, found to be true
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement are \$6,184.50 as of April 6, 2016.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Heather Rose Streetman has
8 subjected her Pharmacy Technician Registration No. TCH 111247 to discipline.

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

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

13 a. Respondent violated Business and Professions Code section 4301(d), on the grounds
14 of unprofessional conduct, in that Respondent committed a crime substantially related to the
15 qualifications, functions, and duties of a licensed pharmacy technician. Specifically, on or about
16 May 29, 2015, in a criminal proceeding entitled *People v. Heather Rose Streetman*, Placer County
17 Superior Court, Case No. 62-135429, Respondent was convicted by the court on her plea of nolo
18 contendere to violating Business and Professions Code section 4324(a) (forgery of a prescription
19 for drugs), a misdemeanor. The circumstances of the crime are that on or about April 23, 2014,
20 Respondent altered and forged an order for Lorazepam, a dangerous drug and controlled
21 substance.

22 b. Respondent violated Business and Professions Code section 4301(f) in that
23 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, and/or
24 corruption. The facts and circumstances are described with more particularity in paragraph 3(a),
25 above, and as follows:

26 i. At all relevant times to the charges brought in Accusation No. 5479,
27 Respondent was a Pharmacy Technician employed at Walgreens Pharmacy #02170
28 ("Walgreens") located at 12120 New Airport Road, Auburn, California.

1 ii. On or about April 23, 2014, "C.G." prescribed for Respondent #30 Lorazepam
2 0.5 mg. with three refills before October 22, 2014. On or about July 14, 2014, Respondent altered
3 that order by adding an electronic renewal request authorizing one refill.

4 iii. On or about August 12, 2014, a new prescription for Respondent of # 30
5 Lorazepam with no refills was generated in the Walgreens computer system from a fraudulent
6 refill authorization added by Respondent on or about July 14, 2014. On or about August 13,
7 2014, Respondent altered that fraudulent prescription by adding a fraudulent authorization for
8 three refills.

9 iv. In or around September and/or October 2014, Walgreens' management
10 discovered that the refills for Respondent's Lorazepam had not been authorized by Respondent's
11 health care provider.

12 v. In or around October 11, 2014, Respondent had refills in Walgreens' queue for
13 Lorazepam. Respondent deleted the orders after Walgreens management told her they would be
14 verified.

15 vi. In the course of an investigation by the Placer County Sheriff's Office into
16 Walgreens' allegations of forgery against Respondent, Respondent stated that, in addition to
17 forging prescriptions, she also stole, from Walgreens, Alprazolam, Norco, and Lorazepam for her
18 own personal use and that she furnished her spouse with Norco that she stole.

19 vii. A Walgreens' audit revealed that between on or about August 15 and October
20 15, 2014, Walgreens was unable to account for 100 tabs of 0.5 mg. Alprazolam, 733 tabs of
21 Hydrocodone-acetaminophen (Norco), 72 tabs of 0.5 Lorazepam, 82 tabs of 1 mg. Lorazepam,
22 and 49 tabs of 2 mg. Lorazepam.

23 c. Respondent violated Business and Professions Code section 4301(j), on the grounds
24 of unprofessional conduct, in that between in or around July and October 2014, while on duty as a
25 registered pharmacy technician at Walgreens, Respondent violated statutes regulating controlled
26 substances and dangerous drugs, as follows:

27 i. Health & Safety Code section 11173(a): Respondent obtained Alprazolam,
28 Norco, and Lorazepam, controlled substances, by fraud, deceit, misrepresentation, or subterfuge.

1 ii. Health & Safety Code section 11170: Respondent furnished and administered
2 to herself, Alprazolam, Norco, and Lorazepam, controlled substances.

3 iii. Business and Professions Code section 4060: Respondent possessed controlled
4 substances, Alprazolam, Norco, and Lorazepam, without authorization or a valid order or
5 prescription therefore.

6 iv. Business and Professions Code section 4059(a): Respondent furnished
7 Alprazolam, Norco, and Lorazepam, dangerous drugs, to herself, without a valid order or
8 prescription, from Walgreens' inventory.

9 v. Business and Professions Code section 4059(a): Respondent stole from
10 Walgreens' inventory, and then furnished to her spouse, Norco, a dangerous drug, without a valid
11 order or prescription.

12 vi. Business and Professions Code section 4324(a): Respondent forged an order or
13 prescription for drugs.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 111247, heretofore issued to Respondent Heather Rose Streetman, 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 at 5:00 p.m. on May 26, 2016.

It is so ORDERED on April 26, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
Amy Gutierrez, Pharm.D.
Board President

12212062.DOC
SA2015103671
Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(HEATHER ROSE STREETMAN)

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 PHILLIP L. ARTHUR
Deputy Attorney General
4 State Bar No. 238339
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-0032
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **HEATHER ROSE STREETMAN**
13 13154 Luther Road,
Auburn, California 95603
14 **Pharmacy Technician Registration**
No. TCH 111247
15 Respondent.

Case No. 5479

ACCUSATION

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about March 11, 2011, the Board issued Pharmacy Technician Registration
22 Number TCH 111247 to Heather Rose Streetman ("Respondent"). The pharmacy technician
23 registration was in full force and effect at all times relevant to the charges brought herein and will
24 expire on August 31, 2016, unless renewed.

25 **JURISDICTION**

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

1 4. Code section 4300 states, in pertinent part:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the board,
4 whose default has been entered or whose case has been heard by the board and found
5 guilty, by any of the following methods:

6 (1) Suspending judgment.

7 (2) Placing him or her upon probation.

8 (3) Suspending his or her right to practice for a period not exceeding one year.

9 (4) Revoking his or her license.

10 (5) Taking any other action in relation to disciplining him or her as the board in
11 its discretion may deem proper

12 5. Code section 4300.1 states:

13 The expiration, cancellation, forfeiture, or suspension of a board-issued license
14 by operation of law or by order or decision of the board or a court of law, the
15 placement of a license on a retired status, or the voluntary surrender of a license by a
16 licensee shall not deprive the board of jurisdiction to commence or proceed with any
17 investigation of, or action or disciplinary proceeding against, the licensee or to render
18 a decision suspending or revoking the license."

19 **STATUTORY AND REGULATORY PROVISIONS**

20 6. Code section 4022 states:

21 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
22 self-use in humans or animals, and includes the following:

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

25 (b) Any device that bears the statement: "Caution: federal law restricts this
26 device to sale by or on the order of a _____," "Rx only," or words of similar import,
27 the blank to be filled in with the designation of the practitioner licensed to use or
28 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.

7. Code section 4059(a) states, in pertinent part:

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, dentist, podiatrist, optometrist, veterinarian, or
naturopathic doctor pursuant to Section 3640.7.

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8. Code section 4060 states in pertinent part:

A person shall not possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. . . .

9. Section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct shall include, but not be 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, of any other state, or of the United States regulating controlled substances and dangerous drugs.

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order

1 granting probation is made suspending the imposition of sentence, irrespective
2 of a subsequent order under Section 1203.4 of the Penal Code allowing the
3 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
4 setting aside the verdict of guilty, or dismissing the accusation, information,
5 or indictment. . . .

6 10. Code section 4324(a) states:

7 Every person who signs the name of another, or of a fictitious person, or
8 falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as
9 genuine, any prescription for any drugs is guilty of forgery and upon
10 conviction thereof shall be punished by imprisonment pursuant to subdivision
11 (h) of Section 1170 of the Penal Code, or by imprisonment in a county jail for
12 not more than one year.

13 11. Health and Safety Code section 11170 states, "No person shall prescribe, administer,
14 or furnish a controlled substance for himself."

15 12. Health and Safety Code section 11173(a), states:

16 No person shall obtain or attempt to obtain controlled substances, or procure or
17 attempt to procure the administration of or prescription for controlled substances, (1)
18 by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a
19 material fact.

20 COST RECOVERY

21 13. Code section 125.3 provides, in pertinent part, that the Board may request the
22 administrative law judge to direct a licentiate found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
26 included in a stipulated settlement.

27 CONTROLLED SUBSTANCES

28 14. *Ativan*, a brand name for Lorazepam, is a Schedule IV controlled substance as
defined by Health and Safety Code section 11057(d), and a dangerous drug pursuant to Business
and Professions Code section 4022.

15. *Norco* is a brand of hydrocodone bitartrate and acetaminophen, is designated a
Schedule III controlled substance by Health and Safety Code section 11056, subdivision (e)(4),
and is a dangerous drug pursuant to Business and Professions Code section 4022. It is designated

1 a Schedule II controlled substance by the Code of Federal Regulations, Title 21, section
2 1308.12(b)(1)(vi).

3 16. *Xanax*, a brand name for alprazolam, is a Schedule IV controlled substance pursuant
4 to Health and Safety Code section 11057(d)(1), and a dangerous drug pursuant to Business and
5 Professions Code section 4022.

6 **BACKGROUND**

7 17. At all relevant times to the charges brought herein, Respondent was a Pharmacy
8 Technician employed at Walgreens Pharmacy #02170 ("Walgreens") located at 12120 New
9 Airport Road, Auburn, California.

10 18. On or about April 23, 2014, "C.G." prescribed for Respondent #30 lorazepam 0.5 mg.
11 with three refills before October 22, 2014. On or about July 14, 2014, Respondent altered that
12 order by adding an electronic renewal request authorizing one refill.

13 19. On or about August 12, 2014, a new prescription for Respondent of # 30 lorazepam
14 with no refills was generated in the Walgreens computer system from a fraudulent refill
15 authorization added by Respondent on or about July 14, 2014. On or about August 13, 2014,
16 Respondent altered that fraudulent prescription by adding a fraudulent authorization for three
17 refills.

18 20. In or around September and/or October 2014, Walgreens' management discovered
19 that the refills for Respondent's Lorazepam had not been authorized by Respondent's health care
20 provider.

21 21. In or around October 11, 2014, Respondent had refills in Walgreens' queue for
22 Lorazepam. Respondent deleted the orders after Walgreens management told her they would be
23 verified.

24 22. In the course of an investigation by the Placer County Sheriff's Office into
25 Walgreens' allegations of forgery against Respondent, Respondent stated that, in addition to
26 forging prescriptions, she also stole from Walgreens Alprazolam, Norco, and Lorazepam for her
27 own personal use and that she furnished her spouse with Norco that she stole.

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1 23. A Walgreens' audit revealed that between on or about August 15 and October 15,
2 2014, Walgreens was unable to account for 100 tabs of 0.5 mg. Alprazolam, 733 tabs of
3 Hydrocodone-acetaminophen (Norco), 72 tabs of 0.5 Lorazepam, 82 tabs of 1 mg. Lorazepam,
4 and 49 tabs of 2 mg. Lorazepam.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Criminal Conviction)

7 24. Respondent is subject to disciplinary action pursuant to Code section 4301(i), on the
8 grounds of unprofessional conduct, in that Respondent committed crimes substantially related to
9 the qualifications, functions, and duties of a licensed pharmacy technician. Specifically, on or
10 about May 29, 2015, in a criminal proceeding entitled *People v. Heather Rose Streetman*, Placer
11 County Superior Court, Case No. 62-135429, Respondent was convicted by the court on her plea
12 of nolo contendere to violating Code section 4324(a) (forgery of a prescription for drugs), a
13 misdemeanor. The circumstances of the crime are that on or about April 23, 2014, Respondent
14 altered and forged an order for Lorazepam, a dangerous drug and controlled substance.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Moral Turpitude, Dishonesty, Corruption)

17 25. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
18 Code section 4301(f), in that Respondent committed acts involving moral turpitude, dishonesty,
19 fraud, deceit, and/or corruption. The facts and circumstances are set forth in paragraphs 17
20 through 24, above.

21 **THIRD CAUSE FOR DISCIPLINE**

22 (Violation of Statutes Regulating Controlled Substances)

23 26. Paragraphs 17 through 24 above are fully incorporated herein. Respondent is subject
24 to disciplinary action pursuant to Code section 4301(j), on the grounds of unprofessional conduct,
25 in that between in or around July and October 2014, while on duty as a registered pharmacy
26 technician at Walgreens, Respondent violated statutes regulating controlled substances and
27 dangerous drugs, as follows:

28 ///

1 a. Health & Safety Code section 11173(a): Respondent obtained Alprazolam, Norco,
2 and Lorazepam, controlled substances, by fraud, deceit, misrepresentation, or subterfuge.

3 b. Health & Safety Code section 11170: Respondent furnished and administered to
4 herself, Alprazolam, Norco, and Lorazepam, controlled substances.

5 c. Business and Professions Code section 4060: Respondent possessed controlled
6 substances, Alprazolam, Norco, and Lorazepam, without authorization or a valid order or
7 prescription therefore.

8 d. Business and Professions Code section 4059(a): Respondent furnished Alprazolam,
9 Norco, and Lorazepam, dangerous drugs, to herself, without a valid order or prescription, from
10 Walgreens inventory.

11 e. Business and Professions Code section 4059(a): Respondent stole from Walgreen's
12 inventory, and then furnished to her spouse, Norco, a dangerous drug, without a valid order or
13 prescription.

14 f. Business and Professions Code section 4324(a): Respondent forged an order or
15 prescription for drugs.

16 PRAYER

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

19 1. Revoking or suspending Pharmacy Technician license No. TCH 111247, issued to
20 Heather Rose Streetman;

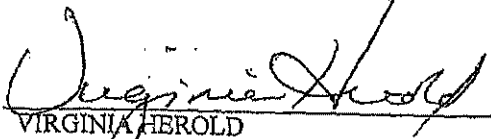
21 2. Ordering Heather Rose Streetman to pay the Board of Pharmacy the reasonable costs
22 of the investigation and enforcement of this case, pursuant to Business and Professions Code
23 section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: 2/5/16



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

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