

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

In the Matter of the Accusation Against:

Case No. 5575

**KATHERINE R. WILLIAMS  
2 Marina Blvd., 5C9  
Pittsburg, CA 94565**

**Pharmacy Technician Registration No.  
TCH 32771**

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 at 5:00 p.m. on April 11, 2016.

It is so ORDERED on March 11, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
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Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5575

12 **KATHERINE R. WILLIAMS**  
2 Marina Blvd., 5C9  
Pittsburg, CA 94565

13 **STIPULATED SURRENDER OF**  
14 **LICENSE AND ORDER**

15 **Pharmacy Technician License No. TCH 32771**

16 Respondent.

17 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
18 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
19 the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will  
20 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

21 PARTIES

22 1. Virginia Herold (Complainant), Executive Officer, Board of Pharmacy, brought this  
23 action solely in her official capacity and is represented by Kamala D. Harris, Attorney General of  
24 the State of California, by Joshua A. Room, Supervising Deputy Attorney General.

25 2. Katherine R. Williams (Respondent) is representing herself in this proceeding and has  
26 chosen not to exercise her right to be represented by counsel.

27 3. On or about March 23, 2000, the Board of Pharmacy issued Pharmacy Technician  
28 License No. TCH 32771 to Katherine R. Williams (Respondent). The License was in full force  
and effect at all times relevant to the charges brought in Accusation No. 5575. It expired on  
August 31, 2015, and was not renewed. It was subsequently cancelled.





**ORDER**

1  
2 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 32771, issued to  
3 Respondent Katherine R. Williams, is surrendered and accepted by the Board of Pharmacy.

4 1. The surrender of Respondent's Pharmacy Technician License and the acceptance of  
5 the surrendered license by the Board shall constitute the imposition of discipline against  
6 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
7 Respondent's license history with the Board of Pharmacy.

8 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California  
9 as of the effective date of the Board's Decision and Order.

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

12 4. Respondent may not apply, reapply, or petition for any licensure or registration of the  
13 Board for three (3) years from the effective date of the Decision and Order.

14 5. If Respondent ever applies for licensure or petitions for reinstatement in the State of  
15 California, the Board shall treat it as a new application for licensure. Respondent stipulates that  
16 should she apply for any license from the board on or after the effective date of this decision, all  
17 allegations set forth in the accusation shall be deemed to be true, correct and admitted by  
18 respondent when the board determines whether to grant or deny the application. Respondent shall  
19 satisfy all requirements applicable to that license as of the date the application is submitted to the  
20 board, including, but not limited to certification by a nationally recognized body prior to the  
21 issuance of a new license. Respondent is required to report this surrender as disciplinary action.

22 6. Respondent shall pay the agency its costs of investigation and enforcement in the  
23 amount of \$5,806.00 prior to issuance of a new or reinstated license.

24 7. If Respondent should ever apply or reapply for a new license or certification, or  
25 petition for reinstatement of a license, by any other health care licensing agency in the State of  
26 California, all of the charges and allegations contained in Accusation, No. 5575 shall be deemed  
27 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
28 other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

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

DATED: 1-17-2016 Katherine Williams  
KATHERINE R. WILLIAMS  
Respondent

ENDORSEMENT

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

Dated: 1/26/2016 Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
Joshua A. Room  
JOSHUA A. ROOM  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5575**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
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10 In the Matter of the Accusation Against:

Case No. 5575

11 **KATHERINE R. WILLIAMS**  
12 **2 Marina Blvd., 5C9**  
13 **Pittsburg, CA 94565**

**ACCUSATION**

14 **Pharmacy Technician License No. TCH 32771**

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 March 23, 2000, the Board of Pharmacy issued Pharmacy Technician  
21 License Number TCH 32771 to Katherine R. Williams (Respondent). The Pharmacy Technician  
22 License was in full force and effect at all times relevant to the charges brought herein. It expired  
23 on August 31, 2015 and has not been renewed, so it is now in delinquent status.

24 JURISDICTION

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

28 ///



1           4.     Section 4011 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
3 Act [Health & Safety Code, § 11000 et seq.].

4           5.     Section 4300(a) of the Code provides that every license issued by the Board may be  
5 suspended or revoked.

6           6.     Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
7 suspension of a Board-issued license, the placement of a license on a retired status, or the  
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
10 licensee or to render a decision suspending or revoking the license.

11                           STATUTORY AND REGULATORY PROVISIONS

12           7.     Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
13 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but  
14 not be limited to, any of the following:

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

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

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

25           (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
26 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
27 federal and state laws and regulations governing pharmacy, including regulations established by  
28 the board or by any other state or federal regulatory agency.

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

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

8 9. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous  
9 drug or dangerous device except upon the prescription of an authorized prescriber.

10 10. Section 4060 of the Code provides, in pertinent part, that no person shall possess any  
11 controlled substance, except that furnished upon a valid prescription/drug order.

12 11. Health and Safety Code section 11170 provides that no person shall prescribe,  
13 administer, or furnish a controlled substance for himself or herself.

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

18 13. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
19 any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
20 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

#### 21 COST RECOVERY

22 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licensee found to have committed a violation of the licensing  
24 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

#### 25 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

26 15. Section 4021 of the Code states:

27 "Controlled substance' means any substance listed in Chapter 2 (commencing with Section  
28 11053) of Division 10 of the Health and Safety Code."

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

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

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

6 ...

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

9 17. **Norco, Vicodin, Vicodin ES, Lortab, and Lorcet** are among the brand names for  
10 compounds of varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III  
11 controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous  
12 drug as designated by Business and Professions Code section 4022. The varying compounds are  
13 also known generically as **Hydrocodone with APAP**. These are all narcotic drugs. Products like  
14 these that combine **hydrocodone** with non-controlled substances are also called **hydrocodone**  
15 **combination products**. Effective October 6, 2014, **hydrocodone combination productions**  
16 were switched at the federal level from Schedule III (21 C.F.R. § 1308.13(e)(1)(iii) and (iv)) to  
17 Schedule II (21 C.F.R. § 1308.12(b)(1)). This includes **Hydrocodone with APAP** drugs.

18 FACTUAL BACKGROUND

19 18. From on or about January 1, 2013 until on or about May 23, 2014, Respondent was  
20 employed as a pharmacy technician by Safeway Pharmacy. Between in or about January 2013  
21 and in or about October 2013, Respondent worked in different Safeway store pharmacies, with  
22 her longest tenure being assignment from in or about May 2013 until in or about October 2013 to  
23 a Safeway Pharmacy in Pittsburg, CA (PHY 35819, subsequently changed to PHY 52270). After  
24 a leave of absence starting in or about October 2013, Respondent returned to Safeway Pharmacy  
25 in or about February 2014, as a Specialty Care Pharmacy Technician in its corporate offices. By  
26 virtue of her employment, both during her tenure working inside Safeway pharmacies including  
27 the Safeway Pharmacy in Pittsburg, CA, and subsequently when she would return to visit those  
28 pharmacies, she had access to controlled substances and dangerous drugs.

1           19. During the tenure of her employment by Safeway Pharmacy, Respondent used her  
2 access to divert/steal controlled substances and dangerous drugs, including **Hydrocodone with**  
3 **APAP** and/or other **hydrocodone-containing** controlled substance/dangerous drug products.

4           20. The exact number of instances of diversion/theft by Respondent, and the full quantity  
5 of controlled substances or dangerous drugs diverted/stolen by Respondent, are not known, but in  
6 the course of investigations conducted by the pharmacy, by police, and by the Board of Pharmacy,  
7 the following were among the observations, admissions, and revelations reported:

8           a. Subsequent to her departure from the Safeway Pharmacy in Pittsburg, CA for a  
9 leave of absence, Respondent continued to visit that pharmacy to fill her own prescriptions and to  
10 socialize. On those occasions, she often came into the secure area of the pharmacy. This practice  
11 continued after she returned from her leave of absence and was employed in the corporate offices  
12 of Safeway Pharmacy, and on several occasions she used the computer(s) in the pharmacy for the  
13 ostensible purpose(s) of checking her paystubs, acquiring further information for her job, etc.

14           b. On or about April 2, 2014, the Pharmacist in Charge (PIC) at the Pittsburg store  
15 was alerted that it appeared possible diversion/theft of narcotics was taking place in the store, as  
16 records suggested that there was a variance of generic **Norco (Hydrocodone with APAP 10/325**  
17 **mg)** of between 6,000 and 7,000 tablets. The PIC began taking steps to monitor narcotics in the  
18 pharmacy, including by creating a perpetual inventory log (PIL) to track real-time inventory, more  
19 carefully tracking the computerized quantity on hand (QOH) inventory, and reconciling the two.

20           c. On or about April 5, 2014, upon opening the pharmacy, the PIC did a physical  
21 check of generic **Norco (Hydrocodone with APAP 10/325 mg)** and identified two 1000-count  
22 bottles, one full and one partially-used, containing 480 tablets (1,480 tablets total). Shortly after,  
23 Respondent entered the pharmacy and, as was her custom, began using the computer(s) to "check  
24 her paystub." A short time later, after Respondent left the pharmacy, the PIC filled a prescription  
25 for 90 tablets of generic **Norco**, and noted that the partial bottle of generic **Norco** was missing.  
26 He checked with other staff, and checked the prescriptions dispensed, and there was no other way  
27 to explain the missing bottle. He checked the QOH, which showed an expected inventory of only  
28 890 tablets, rather than the  $1,480 - 90 = 1,390$  that should have been reflected in the record.

1           d.     Subsequent review of the surveillance video from the pharmacy for that time  
2 period revealed Respondent working on the pharmacy computer(s), then walking to the back of  
3 the pharmacy where the generic Norco was located carrying a large purse. Subsequent review of  
4 the QOH records for the Pittsburg store also revealed an unusual number of changes to the QOH  
5 records made at the Pittsburg store, including a change made on or about April 5, 2014 at 9:21  
6 a.m. to reduce the quantity on hand from 1,480 to 980 tablets (thus subtracting 500 tablets) that  
7 was made by user KW (Respondent). There were also a substantial number of QOH changes at  
8 the Pittsburg store made between on or about June 19, 2013 and on or about August 12, 2013,  
9 dates that Respondent was employed at the store. Review of orders placed and dispensing for the  
10 store between on or about April 1, 2013 and on or about December 31, 2013 revealed that there  
11 was a total variance (shortage) of more than 7,000 tablets of generic Norco, of which more than  
12 5,400 tablets went missing during months that Respondent was employed at the store.

13           d.     On or about May 23, 2014, Respondent was interviewed by Safeway Pharmacy  
14 supervisors/investigators and admitted to taking/diverting/stealing generic Norco (Hydrocodone  
15 with APAP 10/325 mg) for her personal use. She admitted that she had been "using Norco for  
16 the last year," and that she had been stealing it from the Pittsburg store ever since she worked as a  
17 pharmacy technician in the store. She further admitted that she continued to steal Norco from the  
18 Pittsburg store while she was on her leave of absence and after she returned to her position in the  
19 corporate offices. She also made a practice of changing the QOH in the computer in an attempt to  
20 cover up her theft(s), both while she worked in the store and subsequently. She admitted to taking  
21 the partial bottle of generic Norco that was discovered missing on or about April 5, 2014. She  
22 could not provide an exact number of tablets diverted/stolen, but estimated it was in excess of  
23 5,000 tablets of generic Norco. She said she diverted/stole them all for self-use to feed what she  
24 said was her increasing addiction. She also admitted to giving some of the pills to friends.

25           e.     On or about May 23, 2014, Respondent resigned from Safeway Pharmacy.

26           f.     On or about January 5, 2015, Respondent declined an in-person interview with  
27 Board Inspector(s). In a telephone interview, she confirmed her addiction to narcotics, her  
28 "problem" with drugs, and her theft(s) from Safeway Pharmacy to feed her addiction.

1 g. Audit(s) of the dangerous drug/controlled substance stock of the Safeway  
2 Pharmacy in Pittsburg, CA where Respondent worked revealed shortages experienced during the  
3 period of employment including 600 tablets, 300 tablets, 9,189 tablets, and 380 tablets (10,469  
4 tablets total) of three different NDCs of generic Norco (Hydrocodone with APAP 10/325 mg).  
5  
6

7 FIRST CAUSE FOR DISCIPLINE

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

9 21. Respondent is subject to discipline under section 4301(f) of the Code, in that  
10 Respondent, as described in paragraphs 18 and 19 above, committed acts involving moral  
11 turpitude, dishonesty, fraud, deceit, or corruption.  
12

13 SECOND CAUSE FOR DISCIPLINE

14 (Self-Administration of Controlled Substance(s))

15 22. Respondent is subject to discipline under section 4301(h), (j) and/or (o) of the Code,  
16 and/or Health and Safety Code section 11170, in that Respondent, as described in paragraphs 18  
17 and 19 above, self-administered, conspired to self-administer, and/or assisted or abetted self-  
18 administration of, a controlled substance.  
19

20 THIRD CAUSE FOR DISCIPLINE

21 (Furnishing of Controlled Substance(s))

22 23. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
23 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described  
24 in paragraphs 18 and 19 above, furnished to herself or another without a valid prescription, and/or  
25 conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Possession of Controlled Substance(s))

3 24. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
4 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described  
5 in paragraphs 18 and 19 above, possessed, conspired to possess, and/or assisted in or abetted  
6 possession of, a controlled substance, without a valid prescription.

7  
8 FIFTH CAUSE FOR DISCIPLINE

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

10 25. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
11 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs  
12 18 and 19 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a  
13 controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

14  
15 SIXTH CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct)

17 26. Respondent is subject to discipline under section 4301 of the Code in that  
18 Respondent, as described in paragraphs 18 to 25 above, engaged in unprofessional conduct.

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23 PRAYER

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

26 1. Revoking or suspending Pharmacy Technician License Number TCH 32771, issued to  
27 Katherine R. Williams (Respondent);

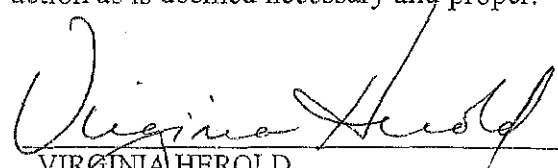
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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED:

*11/30/15*



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

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