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

In the Matter of the Accusation Against:

**JANET ANN GEDDES  
704 S. Hayward Street, Unit B  
Anaheim, CA 92804**

**Pharmacy Technician Registration  
No. TCH 7916**

Respondent.

Case No. 5711

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about February 19, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 5711 against Janet Ann Geddes (Respondent). (A copy of the Accusation attached as Exhibit A.)

2. On or about June 10, 1993, the Board issued Pharmacy Technician Registration No. TCH 7916 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5711 and will expire on November 30, 2016, unless renewed.

3. On or about March 4, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5711, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
2 is required to be reported and maintained with the Board. Respondent's address of record was  
3 and is:

4 704 S. Hayward Street, Unit B  
5 Anaheim, CA 92804

6 ~~4. Service of the Accusation was effective as a matter of law under the provisions of~~  
7 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
8 124.

9 5. On or about March 9, 2016, the Domestic Return Receipt for the aforementioned  
10 documents served by Certified Mail was signed by "Chris Geddes."

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

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

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
18 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5711.

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

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

24 9. Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board's offices regarding the allegations contained in Accusation No. 5711, finds that  
the charges and allegations in Accusation No. 5711, are separately and severally, found to be true  
and correct by clear and convincing evidence.

///

1 10. Taking official notice of its own internal records, pursuant to Business and  
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
3 and Enforcement is \$4,163.00 as of April 1, 2016.

4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent Janet Ann Geddes has subjected  
6 her Pharmacy Technician Registration No. TCH 7916 to discipline.

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

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

11 a. Respondent has subjected her registration to discipline under section 4301,  
12 subdivision (f) of the Code for unprofessional conduct in that Respondent obtained prescription  
13 medications from her employer using fraud, deceit, and dishonesty.

14 b. Respondent is subject to disciplinary action under section 4301, subdivision (o)  
15 of the Code for unprofessional conduct in that she violated Business and Professions Code  
16 sections 4059, 4060, and 4063, and Board of Pharmacy Regulations (California Code of  
17 Regulations, Title 16, Section 1700, et seq.), when she obtained prescription medications using  
18 fraud and deceit.

19 c. Respondent is subject to disciplinary action under section 4301, subdivision (g)  
20 of the Code for unprofessional conduct in that she knowingly created 28 Authorization Requests  
21 for prescription medications and refills, knowing that these prescription refills had not been  
22 authorized by a physician.

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**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 7916, heretofore issued to Respondent Janet Ann Geddes, 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 June 9, 2016.

It is so ORDERED on May 10, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

DOJ Matter ID: SD2015803394

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(JANET ANN GEDDES)

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
4 State Bar No. 164015  
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5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2617  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12  
13 In the Matter of the Accusation Against:

Case No. 5711

14 **JANET ANN GEDDES**  
15 **704 S. Hayward Street, Unit B**  
**Anaheim, CA 92804**

**A C C U S A T I O N**

16 **Pharmacy Technician Registration**  
17 **No. TCH 7916**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as  
22 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about June 10, 1993, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 7916 to Janet Ann Geddes (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on November 30, 2016, 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 (Code) unless otherwise indicated.

4. Section 4300, subdivision (a) of the Code states: "Every license issued may be suspended or revoked."

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.

**STATUTORY PROVISIONS**

6. 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.

7. Section 4059 of the Code provides, in pertinent part, that 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.

8. Section 4060 of the Code provides, in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

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1 9. Section 4063 of the Code states:

2 No prescription for any dangerous drug or dangerous device may be refilled except  
3 upon authorization of the prescriber. The authorization may be given orally or at the time  
4 of giving the original prescription. No prescription for any dangerous drug that is a  
5 controlled substance may be designated refillable as needed.

6 10. Section 4301 of the Code states:

7 The board shall take action against any holder of a license who is guilty of  
8 unprofessional conduct or whose license has been procured by fraud or misrepresentation  
9 or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of  
10 the following:

11 . . . .

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

15 (g) Knowingly making or signing any certificate or other document that falsely  
16 represents the existence or nonexistence of a state of facts.

17 . . . .

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

## 22 REGULATORY PROVISIONS

23 11. California Code of Regulations, title 16, section 1770, states:

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

## 29 COSTS

30 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
31 administrative law judge to direct a licentiate found to have committed a violation or violations of  
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
33 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
34 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
35 included in a stipulated settlement.



1 **FACTUAL ALLEGATIONS**

2 13. On or about April 24, 2015, the Board received a letter from Sav-On Pharmacies that  
3 Respondent was terminated from her employment at an Irvine Sav-On Pharmacy after it was  
4 alleged that she had been fraudulently authorizing her own prescriptions without a physician's  
5 approval.

6 14. As a result of the Board's investigation into the allegations, it was learned that  
7 Respondent had transferred expired prescriptions to the Sav-On where she was employed. On or  
8 between October 4, 2012 and February 26, 2015, Respondent created electronic Authorization  
9 Requests at the Sav-On using these expired prescriptions for Metformin, Lisinopril, Onglyza, and  
10 Scopolomine.<sup>1</sup> Respondent used the name and identifying information of a physician (hereinafter  
11 "Dr. J") as the prescriber for the medications. Respondent also obtained a blood glucose meter  
12 and three sets of blood glucose test strips using the physician's name. Respondent would then  
13 hand-write the number of authorized refills for the prescriptions, and write the name "Irene" on the  
14 Authorization Request as the person who telephonically authorized the prescription refills.  
15 Respondent presented these Authorization Requests to the pharmacist-in-charge for verification  
16 and approval. Respondent fraudulently created a total of 28 unauthorized prescriptions refills for  
17 herself, and received 24 of the refills, using the information obtained from Dr. J.

18 15. The Board inspector contacted Dr. J who produced a written statement that  
19 Respondent was never seen as a patient in his office, and that his employee "Irene" is not  
20 authorized to approve prescriptions or prescription refills.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Commission of Acts Involving Dishonesty, Fraud, Deceit & Corruption)**

23 16. Respondent has subjected her registration to discipline under section 4301, subdivision  
24 (f) of the Code for unprofessional conduct in that Respondent obtained prescription medications  
25 using fraud, deceit, and dishonesty, as described in paragraphs 13-15, above.

26 \_\_\_\_\_  
27 <sup>1</sup> Metformin, Lisinopril, Onglyza, and Scopolomine are not scheduled drugs, however, they  
28 are dangerous drugs as defined by Business and Professions Code section 4022 in that they can be  
dispensed only upon a valid prescription.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Violating Federal & State Laws & Regulations Governing Pharmacy)**

3 17. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the  
4 Code for unprofessional conduct in that she violated Business and Professions Code sections 4059,  
5 4060, and 4063, and Board of Pharmacy Regulations (California Code of Regulations, Title 16,  
6 Section 1700, et seq.), when she obtained prescription medications using fraud and deceit, as  
7 described in paragraphs 13-15, above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Knowingly Making a False Document)**

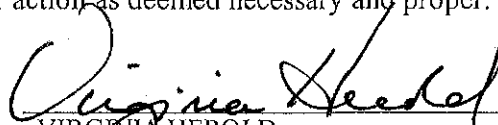
10 18. Respondent is subject to disciplinary action under section 4301, subdivision (g) of the  
11 Code for unprofessional conduct in that she knowingly created 28 Authorization Requests for  
12 prescription medications and refills, knowing that these prescription refills had not been authorized  
13 by a physician, as described in paragraphs 13-15, above.

14 **PRAYER**

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 7916, issued  
18 to Janet Ann Geddes;
- 19 2. Ordering Janet Ann Geddes to pay the Board of Pharmacy the reasonable costs of the  
20 investigation and enforcement of this case, pursuant to Business and Professions Code section  
21 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 2/19/16

24   
25 VIRGINIA HEROLD  
26 Executive Officer  
27 Board of Pharmacy  
28 Department of Consumer Affairs  
State of California  
Complainant

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