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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 ANNETTE JOCELYNE SANDERS
13 aka ANNETTE JOCELYNE PATTERSON
14 3675 Mound Avenue
Ventura, CA 93003
15 Pharmacist License No. RPH 42732
16 Respondent.

Case No. 3185

ACCUSATION

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about August 8, 1989, the Board of Pharmacy (Board) issued
22 Pharmacist License No. RPH 42732 to Annette Jocelyne Sanders, also known as Annette
23 Jocelyne Patterson (Respondent). The Pharmacist License was in full force and effect at all times
24 relevant to the charges brought herein and will expire on April 30, 2009, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board, under the authority of the
27 following laws.

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STATUTORY PROVISIONS

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2 4. Business and Professions Code Section 118, subdivision (b), provides that
3 the suspension/expiration of a license shall not deprive the Board of jurisdiction to proceed with
4 a disciplinary action during the period within which the license may be renewed, restored,
5 reissued or reinstated.

6 5. Business and Professions Code Section 4060 states:

7 "No person shall possess any controlled substance, except that furnished to a
8 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
9 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a
10 certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section
11 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to
12 Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause
13 (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall
14 not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
15 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
16 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
17 labeled with the name and address of the supplier or producer.

18 Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
19 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs
20 and devices."

21 6. Business and Professions Code Section 4300, provides, in pertinent part,
22 that every license issued by the Board is subject to discipline, including suspension or revocation.

23 7. Business and Professions Code Section 4301 of the Code states:

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

28

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

4
5 (h) The administering to oneself, of any controlled substance, or the use of any
6 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
7 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
8 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
9 the public the practice authorized by the license.

10
11 (j) The violation of any of the statutes of this state, or any other state, or of the
12 United States regulating controlled substances and dangerous drugs.”

13 8. Health and Safety Code section 11170 states:

14 “No person shall prescribe, administer, or furnish a controlled substance for
15 himself.”

16 9. Health and Safety Code section 11173, subdivision (a) states:

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

20 **COST RECOVERY**

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

25 11. **CONTROLLED SUBSTANCES**

26 a. “Ativan” is brand name for Lorazepam. It is a Schedule IV controlled
27 substance as defined in Health and Safety Code section 11057, subdivision (d)(16) and is
28 categorized as a dangerous drug according to Business and Professions Code section 4022.

1 b. "Ambien" is brand name for Zolpidem. It is a Schedule IV controlled
2 substance as defined in Health and Safety Code section 11057, subdivision (d)(32) and is
3 categorized as a dangerous drug according to Business and Professionals Code section 4022.

4 c. "Restoril" is brand name for Temazepam. It is a Schedule IV controlled
5 substance as defined in Health and Safety Code section 11057, subdivision (d)(29) and is
6 categorized as a dangerous drug according to Business and Professionals Code section 4022.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Dishonesty, Fraud, or Deceit)**

9 12. Complainant refers to, and by this reference incorporates the allegations in
10 paragraphs 1 through 11, as though set forth fully.

11 13. Respondent is subject to disciplinary action under section 4301,
12 subdivision (f) of the Code, for violating Health and Safety Code section 11173, subdivision (a),
13 in that from on or about April 5, 2005 through on or about April 6, 2006, while working as a
14 pharmacist at Ventura County Medical Center Pharmacy (VCMCP) in Ventura, California,
15 Respondent committed acts of dishonesty, fraud, or deceit, by stealing controlled substances
16 from VCMCP. On or about February 6, 2007, Respondent signed a written statement, under
17 penalty of perjury, under the laws of the State of California, admitting that she stole the following
18 controlled substances:

	<u>Controlled Substances</u>	<u>Dosage</u>	<u>Amount</u>
19			
20	a. Lorazepam	1mg.	#40
21	b. Lorazepam	2mg.	#230
22	c. Zolpidem	5mg.	#160
23	d. Zolpidem	10mg.	#210
24	e. Temazepam	15mg.	#10

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(The Violation of Any of the Statutes of this State Regulating Controlled Substances)**

27 14. Complainant refers to, and by this reference incorporates the allegations in
28 paragraphs 1 through 11 and 13, as though set forth fully.

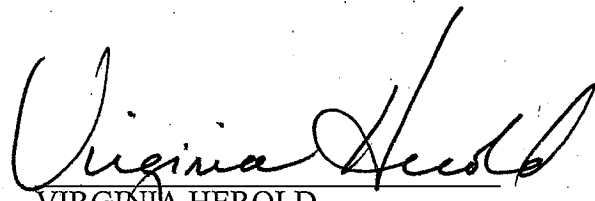
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PRAYER

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

1. Revoking or suspending Pharmacist License No. RPH 42732, issued to Respondent.
2. Ordering Respondent 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/19/09



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