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

10 In the Matter of the Accusation Against:

Case No. 3554

11 **TISA MONIQUE ORDUNA**
12 **11910 Lucile Street**
13 **Culver City, CA 90230**
Pharmacy Technician Registration No. TCH
47453

A C C U S A T I O N

14 Respondent.
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17 Complainant alleges:

18 PARTIES

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

21 2. On or about February 28, 2003, the Board issued Pharmacy Technician Registration
22 Number TCH 47453 to Tisa Monique Orduna (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on August 31, 2010, unless renewed.

25 JURISDICTION

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

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

5 “(p) Actions or conduct that would have warranted denial of a license.

6 “(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the
7 board.”

8 9. Health and Safety Code section 11173, subdivision (a) provides: “No person shall
9 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
10 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
11 or subterfuge; or (2) by the concealment of a material fact.”

12 10. California Code of Regulations, title 16, section 1770, states, in pertinent part:

13 “For the purpose of . . . suspension, or revocation of a personal . . . license pursuant to
14 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a[n] . . . act
15 shall be considered substantially related to the qualifications, functions or duties of a licensee . . .
16 if to a substantial degree it evidences present or potential unfitness of a licensee . . . to perform
17 the functions authorized by his license . . . in a manner consistent with the public health, safety, or
18 welfare.”

19 COST RECOVERY

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

24 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

25 26 12. Alprazolam is a Schedule IV controlled substance as designated by Health and Safety
27 Code section 11057, subdivision (d)(1), and is categorized as a dangerous drug pursuant to
28 Business and Professions Code section 4022.

1 e. On or about July 15, 2008, Respondent initiated an unauthorized prescription for
2 herself for Alprazolam under the name of Dr. Parks.

3 f. On or about August 14, 2008, Respondent initiated an unauthorized prescription for
4 herself for Alprazolam under the name of Dr. Parks.

5 g. On or about August 29, 2008, Respondent initiated an unauthorized prescription for
6 herself for Alprazolam under the name of Dr. Parks.

7 h. On or about October 15, 2008, Respondent initiated an unauthorized prescription for
8 herself for Alprazolam under the name of Dr. Parks.

9 i. On or about October 31, 2008, Respondent initiated an unauthorized prescription for
10 her mother for the controlled substance Vicodin 5/500 under the name of Dr. Galier.

11 j. On or about October 31, 2008, Respondent initiated an unauthorized prescription for
12 her mother for the controlled substance Phentermine under the name of Dr. Galier.

13 k. On or about November 24, 2008, Respondent initiated an unauthorized prescription
14 for herself for Alprazolam under the name of Dr. Parks.

15 l. On or about November 24, 2008, Respondent initiated an unauthorized prescription
16 for herself for Alprazolam under the name of Dr. Raskind.

17 m. On or about December 3, 2008, Respondent initiated an unauthorized prescription for
18 herself for Vicodin 7.5/750 under the name of Dr. Natalya Sumina, who succeeded retired Dr.
19 Harvey Raskind as Respondent's physician but who did not prescribe any new medications and
20 did not call in a prescription for Vicodin for Respondent.

21 n. On or about December 10, 2008, Respondent initiated an unauthorized prescription
22 for her mother for Vicodin 5/500 under the name of Dr. Galier.

23 SECOND CAUSE FOR DISCIPLINE

24 (Controlled Substances Acquisition by Fraud, Deceit, Misrepresentation, Subterfuge or
25 Concealment of Material Fact)

26 17. Respondent is subject to disciplinary action under Code section 4301, subdivisions (j)
27 and (o), and Health and Safety Code section 11173, subdivision (a), in that Respondent attempted
28 and obtained controlled substances by fraud, deceit, misrepresentation, subterfuge or making false

1 statements in prescriptions. Complainant refers to and by this reference incorporates the
2 allegations set forth in paragraph 16, subparagraphs (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and
3 (n), above, as though set forth fully.

4 THIRD CAUSE FOR DISCIPLINE

5 (Possession of Controlled Substances and Dangerous Drugs Without a Valid Prescription)

6 18. Respondent is subject to disciplinary action under Code sections 4301, subdivisions
7 (j) and (o), 4059 and 4060 in that Respondent was in possession of the controlled substances of
8 Alprazolam, Vicodin, Phentermine and Chlordiazepoxide, as well as the dangerous drugs of
9 Amoxicillin and Ocella, without a valid prescription for these controlled substances and
10 dangerous drugs. Complainant refers to and by this reference incorporates the allegations set
11 forth in paragraph 16, and subparagraphs (a) through (n), above, as though set forth fully.

12 FOURTH CAUSE FOR DISCIPLINE

13 (Actions Warranting Denial of License)

14 19. Respondent is subject to disciplinary action under Code section 4301, subdivision (p)
15 in that Respondent engaged in actions that would warrant denial of a license. Complainant refers
16 to and by this reference incorporates the allegations set forth in paragraph 18, subparagraphs (a)
17 through (n) inclusive, above, as though set forth fully.

18 FIFTH CAUSE FOR DISCIPLINE

19 (Engaging in Conduct Attempting to Subvert Board Investigation)

20 20. Respondent is subject to disciplinary action under Code section 4301, subdivision (q)
21 in that Respondent did not respond to Board Inspector Valerie Sakamura's October 8, 2009 letter
22 to Respondent requesting Respondent to provide a statement in response to the following nine
23 questions:

- 24 a. Why did Respondent have unauthorized prescriptions filled for herself and her mother?
25 b. Did anyone else help Respondent call in the prescriptions?
26 c. What was Respondent's relationship to a "Jennifer" employed at Dr. Parks' office?
27 d. Did Respondent know taking, filling and receiving unauthorized prescriptions violated
28 the law?

- 1 e. What were Respondent's job duties at the Costco pharmacy?
- 2 f. Did Respondent take the prescription drugs for self-use or for sale?
- 3 g. Did Respondent use any of the prescription drugs while on duty at the Costco
- 4 pharmacy?
- 5 h. Did Respondent quit her job or was she fired after the unauthorized prescription
- 6 Incidents?
- 7 i. Is Respondent currently employed, and is she still working in a pharmacy?

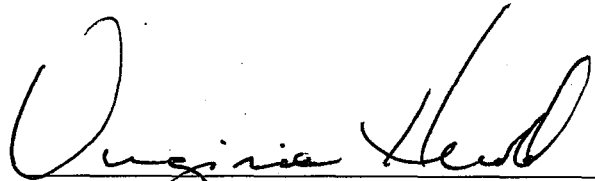
8 PRAYER

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

- 11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 47453,
- 12 issued to Tisa Monique Orduna;
- 13 2. Ordering Tisa Monique Orduna to pay the Board of Pharmacy the reasonable costs of
- 14 the investigation and enforcement of this case, pursuant to Code section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

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DATED: 4/6/10



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

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