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

11 In the Matter of the Accusation Against:

Case No. 3700

12 **ADRIENNE ANDERSON**
13 13 PISTACHIO DRIVE
CHICO, CALIFORNIA 95928

ACCUSATION

14 PHARMACY TECHNICIAN LICENSE
15 NO. TCH 49864

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about August 12, 2003, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 49864 to Adrienne Anderson (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on June 30, 2011, unless renewed.

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JURISDICTION

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

5 4. Section 4300 of the Code states, in pertinent part:

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

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

9 (1) Suspending judgment.

10 (2) Placing him or her upon probation.

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

13 (4) Revoking his or her license.

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

15 5. Section 4301 of the Code states, in pertinent part:

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

19 ...

20 (f) The commission of any act involving moral turpitude, dishonesty,
21 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.

22 ...

23 (h) The administering to oneself, of any controlled substance, or the use
24 of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
25 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.

26 ...

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

...

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

6 6. Section 4060 of the Code states:

7 No person shall possess any controlled substance, except that furnished to
8 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
9 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
10 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
11 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to
12 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist
13 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
14 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

15 7. Health and Safety Code section 11350, subdivision (a) states, in pertinent part:

16 Except as otherwise provided in this division, every person who possesses
17 ... (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
18 drug, unless upon the written prescription of a physician, dentist, podiatrist, or
19 veterinarian licensed to practice in this state, shall be punished by imprisonment in
20 the state prison.

21 8. Health and Safety Code section 11173, subdivision (a) states, in pertinent part:

22 No person shall obtain or attempt to obtain controlled substances, or procure
23 or attempt to procure the administration of or prescription for controlled substances,
24 (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a
25 material fact. . . .

26 9. Section 118, subdivision (b), of the Code provides that the expiration of a license
27 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
28 within which the license may be renewed, restored, reissued or reinstated.

CONTROLLED SUBSTANCES AT ISSUE

10 10. Hydrocodone is an opiate and a Schedule III controlled substance as designated by
11 Health & Safety Code section 11056, subdivision (e)(4).

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE
(Unlawfully Obtaining and Possessing Controlled Substances)

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2 12. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
3 section 4301, subdivision (j) (violation of laws regulating controlled substances), in that
4 Respondent violated section 4060 (possession of a controlled substance without a prescription),
5 and Health and Safety Code sections 11350(a) (possession of narcotic controlled substances) and
6 11173(a) (obtaining controlled substances). The circumstances are as follows:

7 13. In or about October of 2008, the exact dates of which are unknown, Respondent, per
8 her own admission, stole approximately 120 tablets of hydrocodone-containing Schedule III
9 controlled substance medication from the Walgreens pharmacy in Chico, California. On May 1,
10 2009, Respondent admitted that on two separate occasions she had stolen 60 tablets of
11 hydrocodone-containing medication from Walgreens while on duty as a licensed pharmacy
12 technician. Respondent stated that she diverted the drugs because she had knee surgery and
13 became addicted to pain medication.

SECOND CAUSE FOR DISCIPLINE
(Unlawful Self-Administration of Controlled Substances)

14
15
16 14. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
17 section 4301, subdivision (h) (unlawful self-administration of controlled substances), in that
18 Respondent stole controlled substances for self-administration, as fully set forth in paragraph 13,
19 above.

THIRD CAUSE FOR DISCIPLINE
(Dishonest Acts)

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22 15. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
23 section 4301, subdivision (f), in that on two occasions in or about the month of October 2008,
24 while employed as a pharmacy technician at Walgreens, Respondent stole controlled substances,
25 as fully set forth in paragraph 13, above.

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FOURTH CAUSE FOR DISCIPLINE
(Violation of Laws Governing Pharmacy)

16. Respondent is subject to disciplinary action for unprofessional conduct under section 4301, subdivision (o) (violation of laws governing pharmacy), in that Respondent diverted and used controlled substances in large amounts per day, as set forth fully in paragraph 13, above, thereby violating section 4060 (possession of controlled substances without a prescription).

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 49864, issued to Adrienne Anderson.

2. Ordering Adrienne Anderson 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: _____

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

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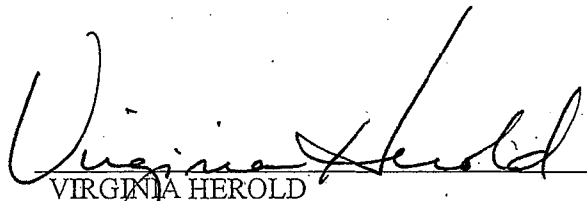
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3. Taking such other and further action as deemed necessary and proper.

DATED: _____

7/15/10



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