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

11 In the Matter of the Accusation Against:

Case No. 3746

12 **ACCUSATION**

13 **ANGELA MARIE RIDGE**
14 **254 Columbia Ave.**
Merced, CA 95340

15 **Pharmacy Technician Registration Number**
16 **TCH 64537**

17 Respondent.

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 September 5, 2005, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 64537 to Angela Marie Ridge (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 January 31, 2013, 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 unless otherwise indicated.

4. Section 4300 of the Code states:

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

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

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

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

"(4) Revoking his or her license.

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

"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

"(1) Medical or psychiatric evaluation.

"(2) Continuing medical or psychiatric treatment.

"(3) Restriction of type or circumstances of practice.

"(4) Continuing participation in a board-approved rehabilitation program.

"(5) Abstention from the use of alcohol or drugs.

"(6) Random fluid testing for alcohol or drugs.

"(7) Compliance with laws and regulations governing the practice of pharmacy.

"(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

1 "(e) The proceedings under this article shall be conducted in accordance
2 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
3 Government Code, and the board shall have all the powers granted therein. The
4 action shall be final, except that the propriety of the action is subject to review by the
5 superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

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8 5. Section 4301 of the Code states:

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

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

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

18 6. Code section 4060 states, in pertinent part:

19 No person shall possess any controlled substances, except that furnished
20 to a person upon the prescription of a physician, dentist, podiatrist, optometrist,
21 veterinarian, or naturopathic doctor....

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

26 8. "Dangerous drug" or "dangerous device" means any drug or device unsafe
27 for self-use in humans or animals, and includes the following:

28 (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.

9. "Carisprodil", also known as Soma, is a dangerous drug defined by Business and
Professions Code section 4022

1 10. Section 118 of the Code states:

2 "(a) The withdrawal of an application for a license after it has been filed
3 with a board in the department shall not, unless the board has consented in writing to
4 such withdrawal, deprive the board of its authority to institute or continue a
proceeding against the applicant for the denial of the license upon any ground
provided by law or to enter an order denying the license upon any such ground.

5 "(b) The suspension, expiration, or forfeiture by operation of law of a
6 license issued by a board in the department, or its suspension, forfeiture, or
7 cancellation by order of the board or by order of a court of law, or its surrender
without the written consent of the board, shall not, during any period in which it may
8 be renewed, restored, reissued, or reinstated, deprive the board of its authority to
institute or continue a disciplinary proceeding against the licensee upon any ground
9 provided by law or to enter an order suspending or revoking the license or otherwise
taking disciplinary action against the licensee on any such ground.

10 "(c) As used in this section, 'board' includes an individual who is
11 authorized by any provision of this code to issue, suspend, or revoke a license, and
'license' includes 'certificate,' 'registration,' and 'permit.'"

12 FIRST CAUSE FOR DISCIPLINE
13 (Dishonest Act) .

14 11. Respondent is subject to disciplinary action under section 4301 (f) and (j) in that
15 while working as pharmacy technician at Mercy Community Hospital in Merced, respondent was
16 observed taking Soma, aka Carisprodil 350 mg. tablets from the pharmacy without a prescription.
17 The circumstances are as follows:

18 a. Between April and June of 2009, large quantities of Soma were missing from the
19 pharmacy stock at Mercy Community Hospital. On or about July 31, 2009, a video surveillance
20 was set up in the pharmacy area.

21 b. On or about August 4, 2009, Respondent was observed removing a handful of loose
22 tablets of Soma from the pharmacy bin. There were no prescriptions filled for Soma on that date.

23 c. On or about August 5, 2009, Respondent was observed removing a unit dose of Soma
24 from the pharmacy bin. A unit dose consists of ten tablets. There were no prescriptions filled for
25 Soma on that date.

26 SECOND CAUSE FOR DISCIPLINE
27 (Possession)

28 12. Respondent is subject to disciplinary action under section 4060 in that she possessed
Soma without a prescription therefor, as set forth above in paragraphs 11 (a) through (c).

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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 of Pharmacy issue a decision:

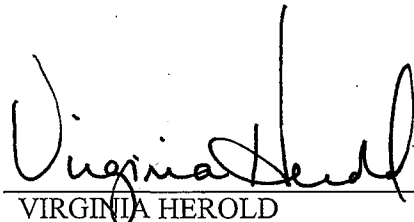
1. Revoking or suspending Pharmacy Technician Registration Number TCH 64537, issued to Angela Marie Ridge

2. Ordering Angela Marie Ridge 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: _____

8/14/12



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

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