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

11
12 In the Matter of the Accusation Against:

Case No. 3899

13 **KIKILYNN JUMPER**
14 **84 Minot Avenue**
Chula Vista, CA 91940

A C C U S A T I O N

15 **Pharmacy Technician Registration**
16 **No. TCH 68444**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about April 18, 2006, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 68444 to Kikilynn Jumper (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on May 31, 2012, unless renewed.

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

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7 7. Section 4022 of the Code states

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

10 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
11 without prescription," "Rx only," or words of similar import.

12 (b) Any device that bears the statement: "Caution: federal law restricts this
13 device to sale by or on the order of a _____," "Rx only," or words of similar
14 import, the blank to be filled in with the designation of the practitioner licensed to use
15 or order use of the device.

16 (c) Any other drug or device that by federal or state law can be lawfully
17 dispensed only on prescription or furnished pursuant to Section 4006.

18 8. Section 4059 of the Code states, in pertinent part, that a person may not furnish any
19 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,
20 veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any
21 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist,
22 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

23 9. Section 4060 of the Code states:

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

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1 authority. The prescriptions would be filled, then Respondent would cancel, delete, or “un-sell”
2 the transaction using a variety of computer input methods, pick up the filled prescription, and
3 either give the prescription to an accomplice, or remove it from the pharmacy herself. In some
4 instances, the prescriptions were mailed. This method would allow Respondent to fraudulently
5 refill the same prescription numerous times. Computer records indicate that Respondent’s theft
6 of controlled substances from the pharmacy started in February 2008.

7 21. On April 3, 2009, a meeting was held with Respondent, her union representative, and
8 members of Kaiser’s security and management teams. She was confronted with two prescriptions
9 she had requested to be filled and returned to stock, but were actually diverted by Respondent. A
10 search of Respondent revealed a list of patients and their medical record numbers in her lab coat
11 pocket that matched patients who had been victims of her prescription fraud. After denying the
12 allegations multiple times, Respondent made a written statement confessing to the manipulation
13 of “about six” patients’ records, and that her theft of controlled substances from the pharmacy
14 was for her own personal use. Respondent told investigators that she targeted patients based on
15 the type of medication they had been prescribed. Further, Respondent had placed multiple orders
16 in the name of her husband, who was serving on active duty with the U.S. Navy at the time.
17 Respondent was placed on suspension pending termination (on April 22, 2009).

18 22. On April 6, 2009, the Anti-Fraud Team completed its audit and provided both the
19 Drug Enforcement Agency and the Board with their estimation of the narcotics stolen, the losses
20 of narcotics, as well as the circumstances of the loss starting in February 15, 2008 until March 25,
21 2009, as follows²:

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23 _____
24 ² The “in and out analysis” of the pharmacy’s inventory conducted by the Board’s
25 inspector in Investigation Report No. CI 2008-39749, using data reported by the Anti-Fraud
26 Team, shows the losses at a higher amount than indicated in Kaiser’s report submitted to the DEA
27 and the Pharmacy Board on April 6, 2009. Kaiser investigators based their numbers on an
28 inventory taken on March 16, 2008, the inventory on April 26, 2009, and the amount of
controlled substances ordered and sold between those two dates. They did not take into
consideration the drugs that were “on the shelf” ready to be dispensed during that timeframe
when making their calculations. This Accusation references the calculations provided by the
Board inspector.

1	<u>Drug</u>	<u>Kaiser Amount Unaccounted For</u>	<u>Board Amount Unaccounted For</u>
2	Hydrocodone/APAP 5-325	580 tablets	1,700 tablets
3	Hydrocodone/APAP 5-500	520 tablets	1,210 tablets
4	Hydrocodone/APAP 7.5-750	0	100 tablets
5	Promethazine w/Codeine Syrup	15,600 ml	28,320 ml
6	Alprazolam 0.25 mg	180 tablets	900 tablets
7	Lunesta (Eszopiclone) 3 mg	30 tablets	0

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct - Moral Turpitude, Dishonesty, Fraud, Deceit & Corruption)**

10 23. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
 11 Code in that on or about and between February 2008 and March 25, 2009, Respondent stole
 12 controlled substances and dangerous drugs from her employer using fraud, deceit, and dishonesty,
 13 as detailed in paragraphs 17-22, above. Such conduct is substantially related to the qualifications,
 14 duties, and functions of a pharmacy technician.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct – Forgery)**

17 24. Respondent is subject to disciplinary action under section 4301, subdivision (g) of the
 18 Code in that on or about and between February 2008 and March 25, 2009, Respondent knowingly
 19 made and signed false documents, and/or made computer entries to fraudulently obtain controlled
 20 substances from her employer, as detailed in paragraphs 17-22, above.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct – Illegal Use of Controlled Substances)**

23 25. Respondent is subject to disciplinary action under section 4301, subdivision (h) of the
 24 Code in that on or about and between February 2008 and March 25, 2009, Respondent illegally
 25 obtained controlled substances and admitted they were for her own personal use, in quantities that
 26 would be dangerous or injurious to herself, as detailed in paragraphs 17-22, above.

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FOURTH CAUSE FOR DISCIPLINE

**(Unprofessional Conduct - Violation of California Statutes Regulating
Controlled Substances & Dangerous Drugs)**

26. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the Code in that on or about on or about and between February 2008 and March 25, 2009, Respondent knowingly violated Business and Professions Code sections 4022 and 4059, and Health and Safety Code sections 11170 and 11173, when she obtained and/or furnished to herself controlled substances and dangerous drugs without a valid prescription, as detailed in paragraphs 17-22, above.

FIFTH CAUSE FOR DISCIPLINE

**(Unprofessional Conduct - Violating Federal & State Laws
& Regulations Governing Pharmacy)**

27. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the Code in that between February 2008 and March 25, 2009, Respondent obtained controlled substances by fraud from the pharmacy where she was employed, and knowingly violated Title 21 U.S.C. section 843, subdivision (a)(3), Board of Pharmacy Regulations (California Code of Regulations, Title 16, Section 1700, et seq.), and the California Uniform Controlled Substances Act (Health and Safety Code section 11000, et seq.), as detailed in paragraphs 17-22, above.

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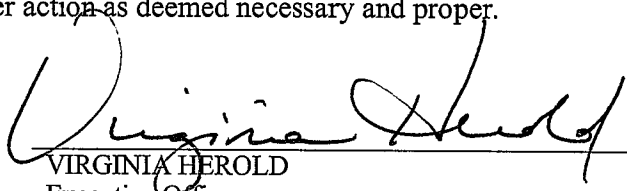
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PRAYER

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 68444, issued to Kikilynn Jumper;
2. Ordering Kikilynn Jumper 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: 3/9/11



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

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