

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 BRETT A. KINGSBURY
Deputy Attorney General
4 State Bar No. 243744
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1192
6 Facsimile: (415) 703-5480
Attorneys for Complainant

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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. 4074

11 **TARAH ANGELA BROWN**
12 **1120 Lincoln Ave. #3**
13 **San Rafael, CA 94901**
Pharmacy Technician License No. TCH
14 **52956**

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

- 18 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
20 2. On or about November 26, 2004, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 52956 to Tarah Angela Brown (Respondent). The Pharmacy Technician
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on October 31, 2011, unless renewed.

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

4 ". . . .

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

8 ". . . .

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

11 ". . . ."

12 7. Section 4051 of the Code states:

13 "(a) Except as otherwise provided in this chapter, it is unlawful for any person to
14 manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to
15 dispense or compound any prescription pursuant to Section 4040 of a prescriber unless he or she
16 is a pharmacist under this chapter.

17 ". . . ."

18 8. Section 4059 of the Code states:

19 "(a) A person may not furnish any dangerous drug, except upon the prescription of a
20 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
21 3640.7. . . .

22 ". . . ."

23 9. Section 4060 of the Code states:

24 "No person shall possess any controlled substance, except that furnished to a person upon
25 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
26 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
27 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
28 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,

1 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
2 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
3 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
4 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
5 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
6 labeled with the name and address of the supplier or producer.

7"

8 10. Section 4022 of the Code states

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

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

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

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

18 11. California Health and Safety Code § 11170 states: "No person shall prescribe,
19 administer, or furnish a controlled substance for himself."

20 **DRUGS**

21 12. Vicoprophen® is a brand name for a compound used for pain relief containing 200
22 mg ibuprofen with 7.5 mg hydrocodone bitartrate. It is a Schedule III controlled substance as
23 designated by Health and Safety Code section 11056(e)(4) and a dangerous drug as designated by
24 Business and Professions Code section 4022.

25 13. Xanax® is a brand name for Alprazolam, a Schedule IV controlled substance as
26 designated by Health and Safety Code section 11057(d)(1) and is a dangerous drug per Code
27 section 4022.

1 14. Norco® and Lortab® are brand names for compounds used for pain relief containing
2 dosages of acetaminophen and hydrocodone bitartrate, Schedule III controlled substances as
3 designated by Health and Safety Code section 11056(e)(4), and dangerous drugs as designated by
4 Business and Professions Code section 4022.

5 15. Adderall® is a brand name psychostimulant composed of various amphetamine salts.
6 It is a Schedule II controlled substance and a dangerous drug as designated by Business and
7 Professions Code section 4022.

8 COSTS

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

13 FIRST CAUSE FOR DISCIPLINE

14 (Stealing Medications)

15 17. Respondent is subject to disciplinary action under section 4301(f) of the Code in that
16 Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption.
17 Specifically, in or around 2010, while working at Walgreens pharmacy, Respondent stole
18 dangerous drugs, namely Vicoprophen®, Xanax, Norco®, Lortab®, and Adderall®.

19 SECOND CAUSE FOR DISCIPLINE

20 (Possession of Dangerous Drug)

21 18. Respondent is subject to disciplinary action under sections 4301(j) and 4060 of the
22 Code in that Respondent illegally possessed a dangerous drug. The circumstances are described
23 above in the First Cause for Discipline.

24 THIRD CAUSE FOR DISCIPLINE

25 (Self-Administration of Dangerous Drug)

26 19. Respondent is subject to disciplinary action under section 4301(j) and California
27 Health and Safety Code 11170 in that Respondent administered a dangerous drug to herself.
28

1 Specifically, in or around 2010, Respondent administered Adderall® stolen from Walgreens
2 pharmacy to herself.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 (Furnishing of Dangerous Drug to Another)

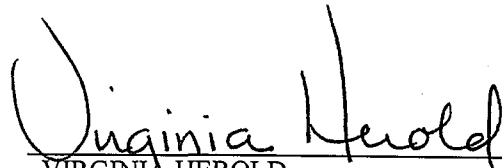
5 20. Respondent is subject to disciplinary action under sections 4301(j), 4051 and 4059 of
6 the Code in that Respondent furnished a dangerous drug to another. Specifically, in or around
7 2010, Respondent sold medications she stole from Walgreens pharmacy.

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 License Number TCH 52956, issued
12 to Tarah Angela Brown;
- 13 2. Ordering Tarah Angela Brown to pay the Board of Pharmacy the reasonable costs of
14 the investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

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18
19 DATED: 8/22/11



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

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