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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4108

11 **NICOLE MARIE PRATT**  
12 **14713 Fisk Court**  
13 **San Leandro, CA 94579**

**A C C U S A T I O N**

14 **Pharmacy Technician License No. TCH 80222**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1.e 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.e On or about December 20, 2007, the Board of Pharmacy issued Pharmacy Technician  
21 License Number TCH 80222 to Nicole Marie Pratt (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 July 31, 2013, unless renewed.

24 JURISDICTION

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

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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 8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous  
6 drug or dangerous device except upon the prescription of an authorized prescriber.

7 9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any  
8 controlled substance, except that furnished upon a valid prescription/drug order.

9 10. Health and Safety Code section 11170 provides that no person shall prescribe,  
10 administer, or furnish a controlled substance for himself or herself.

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

15 12. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
16 any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
17 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

#### 18 COST RECOVERY

19 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
20 administrative law judge to direct a licentiate found to have committed a violation of the licensing  
21 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

#### 22 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

23 14. Section 4021 of the Code states:

24 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
25 11053) of Division 10 of the Health and Safety Code.”

26 15. Section 4022 of the Code states, in pertinent part:

27 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,  
28 except veterinary drugs that are labeled as such, and includes the following:



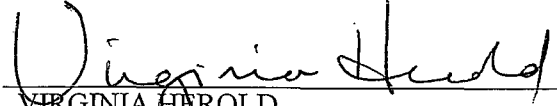




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3. Taking such other and further action as is deemed necessary and proper.

DATED: 5/29/12



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

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