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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:
11 **NATALIE JEANNE GOLDSWORTHY**
12 **1441 Mallard Lane**
13 **Oakley, CA 94561**
14 **Pharmacy Technician License No. TCH 72332**
15 Respondent.

Case No. 4233

A C C U S A T I O N

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17 Complainant alleges:

18 PARTIES

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

21 2. On or about October 3, 2006, the Board of Pharmacy issued Pharmacy Technician
22 License No. TCH 72332 to Natalie Jeanne Goldsworthy (Respondent). The License was in full
23 force and effect at all times relevant herein and will expire on April 30, 2014, unless renewed.

24 JURISDICTION

25 3. 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 4. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,
7 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
8 disciplinary action during the period within which the license may be renewed, restored, reissued
9 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not
10 renewed within three years following its expiration may not be renewed, restored, or reinstated
11 and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of
12 the Code provides that any other license issued by the Board may be canceled by the Board if not
13 renewed within 60 days after its expiration, and will require a new application.

14 STATUTORY AND REGULATORY PROVISIONS

15 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
16 against any holder of a license who is guilty of “unprofessional conduct,” defined to include, but
17 not be limited to, any of the following:

18 (h) The administering to oneself, of any controlled substance, or the use of any dangerous
19 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
20 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
21 to the extent that the use impairs the ability of the person to conduct with safety to the public the
22 practice authorized by the license.

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

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

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

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

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

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

10 12. Health and Safety Code section 11357, in pertinent part, makes it unlawful for any
11 person to possess **marijuana** or concentrated cannabis.

12 12. Health and Safety Code section 11550, in pertinent part, makes it unlawful for any
13 person to use or be under the influence of any controlled substance in Schedule II (Health and
14 Safety Code section 11055), subdivision (d)(1) or (d)(2), or any narcotic drug in Schedules III-V,
15 except when administered by or under the direction of an authorized licensee.

16 COST RECOVERY

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

20 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

21 14. Section 4021 of the Code states:

22 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
23 11053) of Division 10 of the Health and Safety Code.”

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

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

27 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
28 prescription,’ ‘Rx only,’ or words of similar import.

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“(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.”

16. **Marijuana** is a Schedule I controlled substance as designated by Health and Safety Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions Code section 4022. It is a hallucinogenic drug.

17. **Norco, Vicodin, Vicodin ES, Lortab, and Lorcet** are among the brand names for compounds of varying dosages of acetaminophen (aka APAP) and **Hydrocodone**, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous drug as designated by Business and Professions Code section 4022. The varying compounds are also known generically as **Hydrocodone with APAP**. These are all narcotic drugs.

FACTUAL BACKGROUND

18. On or about October 7, 2010, officer(s) from the Brentwood (CA) Police Department responded to a report of two persons smoking **marijuana** in a Brentwood park. Upon arrival, the officer(s) contacted Respondent, who admitted that she had been smoking **marijuana**, that she did not possess a medical cannabis card, and that she had “a lot” of **marijuana** in her possession.

19. In Respondent’s purse, the officer(s) found a clear, glass jar containing approximately 31.7 grams of **marijuana**, and also two (2) small plastic pill bottles, each containing several pills of what was subsequently determined to be generic **Norco (Hydrocodone with APAP)**. Under questioning by the officer(s), Respondent admitted that she got the **marijuana** from a friend, that she smokes **marijuana** recreationally and to help with the pain caused by her braces, that she got the generic **Norco** from a friend, paying \$2.00 per pill, and that she also takes the **Norco** to help with her pain. She admitted to buying approximately fifty (50) pills of **Norco** every two weeks. Lastly, she eventually admitted to being addicted to **Norco**.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Self-Administration of Controlled Substance(s))

3 20. Respondent is subject to discipline under section 4301(h) of the Code, and/or 4301(j)
4 and/or (o) of the Code and Health and Safety Code section 11170; in that Respondent, as
5 described in paragraphs 18 and 19 above, administered a controlled substance to herself.

6 SECOND CAUSE FOR DISCIPLINE

7 (Furnishing of Controlled Substance(s))

8 21. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
9 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described
10 in paragraphs 18 and 19 above, furnished to herself or another without a valid prescription, and/or
11 conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

12 THIRD CAUSE FOR DISCIPLINE

13 (Possession of Controlled Substance(s))

14 22. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
15 4060 of the Code, and/or Health and Safety Code section(s) 11350 and/or 11357, in that
16 Respondent, as described in paragraphs 18 and 19 above, possessed, conspired to possess, and/or
17 assisted in or abetted possession of, a controlled substance, without a prescription.

18 FOURTH CAUSE FOR DISCIPLINE

19 (Possession of Controlled Substance(s))

20 23. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
21 and/or Health and Safety Code section 11550, in that Respondent, as described in paragraphs 18
22 and 19 above, used and/or was under the influence of, conspired to use/be under the influence of,
23 and/or assisted in or abetted use/being under the influence of, a controlled substance,.

24 FIFTH CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct)

26 24. Respondent is subject to discipline under section 4301 of the Code in that
27 Respondent, as described in paragraphs 18 to 23 above, engaged in unprofessional conduct.

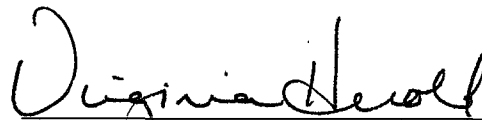
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1 PRAYER

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

- 4 1. Revoking or suspending Pharmacy Technician License No. TCH 72332, issued to
5 Natalie Jeanne Goldsworthy (Respondent);
- 6 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
7 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 8 3. Taking such other and further action as is deemed necessary and proper.

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10 DATED: 7/19/12



11 VIRGINIA HEROLD
12 Executive Officer
13 Board of Pharmacy
14 Department of Consumer Affairs
15 State of California
16 *Complainant*

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