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

11 In the Matter of the Accusation Against:

Case No. 4409

12 **GEORGE RALPH THIBAUT**  
13 **9827 Cedar Street, I**  
**Bellflower, CA 90706**

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

14 **Pharmacy Technician Registration**  
15 **No. TCH 8822**

16 Respondent.

17 Complainant alleges:  
18

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 August 13, 1983, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 8822 to George Ralph Thibault (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 September 30, 2014, unless renewed.

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1 JURISDICTION

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

5 STATUTORY PROVISIONS

6 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
7 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
8 action during the period within which the license may be renewed, restored, reissued or  
9 reinstated.

10 5. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
11 revoked."

12 6. Section 4022 States:

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

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

17 (b) Any device that bears the statement: 'Caution: federal law restricts this device to sale  
18 by or on the order of a \_\_\_\_\_,' 'Rx only,' or words of similar import, the blank to be filled in with  
19 the designation of the practitioner licensed to use or order use of the device.

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

22 7. Section 4301 states, in pertinent part:

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

26 . . . .

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

4 ...

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

10 ...

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

13 ...

14 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
15 violation of or conspiring to violate any provision or term of this chapter  
16 [Pharmacy Law, §§ 4000, et seq.] or of the applicable federal and state laws and regulations  
17 governing pharmacy, including regulations established by the board or by any other state or  
18 federal regulatory agency. . . ."

19 8. Section 4059 states:

20 "(a) A person may not furnish any dangerous drug, except upon the prescription of a  
21 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
22 3640.7. A person may not furnish any dangerous device, except upon the prescription of a  
23 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
24 3640.7.

25 ....

26 (g) Nothing in this section shall be construed as permitting a licensed physical therapist  
27 to dispense or furnish a dangerous device without a prescription of a physician, dentist, podiatrist,  
28 optometrist, or veterinarian. . . ."



1 COST RECOVERY

2 12. Section 125.3 states, in pertinent part, that the Board may request the administrative  
3 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
4 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
5 case.

6 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

7 13. **Oxycodone**, is a synthetic opioid analgesic, which is classified as a Schedule II  
8 controlled substance pursuant to Health and Safety Code section 11055(b)(1)(M) and a dangerous  
9 drug pursuant to Business and Professions Code section 4022.

10 14. **Dilaudid**, is a trade name for Hydromorphone, an Opium derivative, which is  
11 classified as a Schedule II Controlled Substance pursuant to Health and Safety Code section  
12 11055, subdivision (b)(1), and is a dangerous drug within the meaning of Business and  
13 Professions Code section 4022.

14 15. **Morphine** is a Schedule II controlled substance pursuant to Health and Safety Code  
15 section 11055(b)(1)(L) and a dangerous drug pursuant to Business and Professions Code section  
16 4022.

17 16. **Marinol** is a trade name for Dronabinol, a hallucinogenic substance, which is  
18 classified as a Schedule III controlled substance pursuant to Health and Safety Code section  
19 11056(h) and a dangerous drug pursuant to Business and Professions Code section 4022.

20 DEFINITIONS

21 17. **Omnicell** is a computerized single dose medication dispensing machine. The user  
22 enters a unique user identified, password and / or thumbprint scan in order to access and dispense  
23 medication from the machine. The machine records the user name, patient name, medication,  
24 dose, date and time of the dispensing/withdrawal. The Omnicell is integrated with hospital  
25 pharmacy inventory management systems.

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1 FACTS

2 Ronald Reagan UCLA Medical Center

3 18. Respondent worked as a pharmacy technician at Ronald Reagan UCLA Medical  
4 Center (UCLA Medical Center), 662 Gayley Avenue, Los Angeles, California 90095 from July  
5 16, 2002 until June 1, 2011 in the pharmacy department. The pharmacy department operates  
6 seven "satellite pharmacies" located throughout the hospital and one "main pharmacy" located in  
7 the basement, also referred to as the "vault." While employed at the UCLA Medical Center,  
8 Respondent diverted controlled substances and dangerous drugs. The circumstances are as  
9 follows:

10 a. On April 27, 2011, an audit of the vault inventory of Oxycodone revealed that ten  
11 (10) Oxycodone 30 mg tablets were missing.

12 b. On that same date, the UCLA Medical Center staff, security and the University of  
13 California Police Department retrieved and reviewed video from the vault which revealed that, on  
14 or about April 15, 2011 at approximately 7:17 a.m., Respondent removed packets of 30 mg  
15 Oxycodone pills and concealed them in his pocket.

16 c. On May 4, 2011, a police report was filed with the UCLA Police Department for  
17 ten (10) Oxycodone 30 mg tablets that were missing as of April 15, 2011.

18 d. On or about May 4, 2011, the UCLA Medical Center filed a Report of Theft or Loss  
19 of Controlled Substances, DEA Form 106, for ten (10) Oxycodone 30 mg tablets that were  
20 missing as of April 15, 2011.

21 e. Respondent was on medical leave from the UCLA Medical Center from April 18,  
22 2011 through June 1, 2011.

23 f. Upon Respondent's return from medical leave, on or about June 1, 2011, Respondent  
24 was questioned about the missing Oxycodone tablets by the UCLA Medical Center staff, and was  
25 placed on administrative leave.

26 g. On that same date, Respondent resigned from the UCLA Medical Center.

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1           **Saint John's Health Center**

2           19. Respondent worked as a pharmacy technician at Saint John's Health Center, 2121  
3 Santa Monica Blvd., Santa Monica, CA 90404, from August 16, 2011 until December 22, 2011.

4 All pharmacy technicians at this facility are trained in restocking the Omnicell machines with  
5 dangerous drugs. While employed at the Saint John's Health Center, Respondent diverted  
6 controlled substances and dangerous drugs. The circumstances are as follows:

7           a. In late November of 2011, staff at Saint John's Health Center discovered drug  
8 discrepancies that could not be reconciled. Concerned with the discrepancies, a new procedure  
9 for restocking controlled drugs was implemented in December of 2011.

10           b. On December 20, 2011, staff at Saint John's Health Center discovered an unusual  
11 pattern of Omnicell discrepancies involving Respondent and several drugs: Hydromorphone,  
12 Morphine and Dronabinol.

13           c. "Null" transactions in the Omnicell occur when drawers are accessed but not  
14 restocked. Staff discovered that Respondent had numerous null transactions. Also, on at least  
15 four occasions, Respondent, unnecessarily accessed the Omnicell machine one hour after a  
16 restock. Respondent opened Omnicell drawers containing controlled drugs without documenting  
17 the adding or removing of any drug at least 54 times within four days. Respondent also accessed  
18 the Omnicell drawers when he was not scheduled to be on an Omnicell restock shift on December  
19 13, 2011 and December 20, 2011. The null activity events where Respondent accessed the  
20 Omnicell drawer containing a controlled drug include the following:

21

Date	Time	Omicell Location	Drug
12/5/2011	4:24 p.m.	ER	Hydromorphone 4mg syr
12/5/2011	9:21 p.m.	ER	Hydromorphone 4mg syr
12/5/2011	2:51 p.m	ICU	Hydromorphone 4mg syr
12/5/2011	9:00 p.m.	ICU	Hydromorphone 4mg syr
12/5/2011	9:30 p.m.	Med SURG	Hydromorphone 4mg syr

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1	12/5/2011	3:58 p.m.	Med SURG	Hydromorphone 2mg syr
2	12/5/2011	3:59 p.m.	Med SURG	Morphine 10 mg/ml syr
3	12/5/2011	2:22 p.m.	Oncology	Morphine 2 mg/ml syr
4	12/5/2011	2:22 p.m.	Oncology	Morphine 4 mg/ml syr
5	12/5/2011	2:25 p.m.	Oncology	Hydromorphone 2 mg syr
6	12/5/2011	8:18 p.m.	Oncology	Morphine 2 mg/ml syr
7	12/5/2011	8:18 p.m.	Oncology	Morphine 4 mg/ml syr
8	12/5/2011	8:20 p.m.	Oncology	Hydromorphone 4 mg syr
9	12/5/2011	8:21 p.m.	Oncology	Hydromorphone 4 mg syr
10	12/5/2011	8:22 p.m.	Oncology	Hydromorphone 2 mg syr
11	12/5/2011	8:36 p.m.	Orthopedics - ABC	Hydromorphone 2 mg syr
12	12/5/2011	8:40 p.m.	Orthopedics - DEF	Hydromorphone 4 mg syr
13	12/5/2011	3:07 p.m.	PCCU	Morphine 8 mg/ml syr
14	12/5/2011	3:20 p.m.	PCCU	Hydromorphone 2 mg syr
15	12/5/2011	9:04 p.m.	PCCU	Hydromorphone 4 mg syr
16	12/5/2011	2:13 p.m.	VIP	Hydromorphone 2 mg syr
17	12/5/2011	2:15 p.m.	VIP	Morphine 2 mg/ml syr
18	12/5/2011	2:15 p.m.	VIP	Morphine 4 mg/ml syr
19	12/5/2011	8:14 p.m.	VIP	Morphine 2 mg/ml syr
20	12/5/2011	8:14 p.m.	VIP	Hydromorphone 2 mg syr
21	12/6/2011	8:51 p.m.	ER	Morphine 4 mg/ml syr
22	12/6/2011	3:35 p.m.	Women's Health	Morphine 4 mg/ml syr
23	12/6/2011	3:39 p.m.	Women's Health	Morphine 4 mg/ml syr
24	12/6/2011	3:46 p.m.	Women's Health	Morphine 4 mg/ml syr
25	12/6/2011	3:46 p.m.	Women's Health	Morphine 4 mg/ml syr
26	12/6/2011	4:23 p.m.	Med SURG	Morphine 10 mg/ml syr
27	12/6/2011	2:19 p.m.	Oncology	Hydromorphone 2 mg syr
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1	12/6/2011	2:19 p.m.	Oncology	Morphine 2 mg/ml syr
2	12/6/2011	2:19 p.m.	Oncology	Morphine 4 mg/ml syr
3	12/6/2011	7:53 p.m.	Oncology	Hydromorphone 4 mg syr
4	12/6/2011	7:56 p.m.	Oncology	Morphine 10 mg/ml syr
5	12/6/2011	7:58 p.m.	Oncology	Morphine 4 mg/ml syr
6	12/6/2011	7:58 p.m.	Oncology	Morphine 2 mg/ml syr
7	12/6/2011	3:05 p.m.	PCCU	Hydromorphone 2 mg syr
8	12/6/2011	3:06 p.m.	PCCU	Morphine 4 mg/ml syr
9	12/6/2011	3:06 p.m.	PCCU	Morphine 4 mg/ml syr
10	12/6/2011	8:39 p.m.	PCCU	Morphine 4 mg/ml syr
11	12/6/2011	8:41 p.m.	PCCU	Morphine 4 mg/ml syr
12	12/6/2011	8:10 p.m.	Women's Health	Morphine 10 mg/ml syr
13	12/6/2011	2:08 p.m.	VIP	Hydromorphone 2 mg syr
14	12/6/2011	2:08 p.m.	VIP	Morphine 2 mg/ml syr
15	12/6/2011	2:08 p.m.	VIP	Morphine 2 mg/ml syr
16	12/6/2011	2:09 p.m.	VIP	Morphine 4 mg/ml syr
17	12/13/2011	10:17 p.m.	VIP	Hydromorphone 4 mg syr
18	12/13/2011	10:18 p.m.	VIP	Hydromorphone 4 mg syr
19	12/13/2011	10:19 p.m.	VIP	Hydromorphone 4 mg syr
20	12/20/2011	12:52 p.m.	Oncology	Dronabinol 5 mg cap
21	12/20/2011	7:28 p.m.	Oncology	Dronabinol 5 mg cap
22	12/20/2011	12:32 p.m.	Orthopedics - DEF	Morphine 8 mg/ml syr

24 d. On or about December 21, 2011, Respondent's access to the Omnicell machine was  
25 terminated and he was removed from the Omnicell restock shift.

26 e. The next day, Respondent resigned from the Saint John's Health Center.  
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1 f. On or about January 12, 2012, Saint John's Health Center filed a Report of Theft or  
2 Loss of Controlled Substances, DEA Form 106, for the following tablets that were missing as of  
3 December 20, 2011:

4 11 doses - Morphine 8 mg/ml Syringe;

5 20 doses - Morphine 10 mg/ml Syringe;

6 1 dose - Hydromorphone 2 mg/ml Syringe;

7 1 dose - Dronabinol 5 mg capsule.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Possession of Controlled Substance Without a Prescription)**

10 20. Respondent is subject to disciplinary action under section 4060 as follows:

11 a. While employed as a pharmacy technician at UCLA Medical Center, Respondent  
12 unlawfully possessed controlled substances that were not furnished to him upon prescription of a  
13 physician on April 15, 2011. Complainant refers to and by this reference incorporates the  
14 allegations set forth above in paragraph 17, subparagraphs a - g, inclusive, as though set forth  
15 fully.

16 b. While employed as a pharmacy technician at Saint John's Health, Respondent  
17 unlawfully possessed controlled substances that were not furnished to him upon prescription of a  
18 physician from on or about December 5, 2011 through December 20, 2011. Complainant refers  
19 to and by this reference incorporates the allegations set forth above in paragraph 18,  
20 subparagraphs a - f, inclusive, as though set forth fully.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct: Acts Involving Dishonesty)**

23 21. Respondent is subject to disciplinary action under sections 4300 and 4301,  
24 subdivision (f), as follows:

25 a. While employed as a pharmacy technician at UCLA Medical Center, Respondent  
26 unlawfully possessed controlled substances that were not furnished to him upon prescription of a  
27 physician on April 15, 2011. Complainant refers to and by this reference incorporates the  
28

1 allegations set forth above in paragraph 17, subparagraphs a – g, inclusive, as though set forth  
2 fully.

3 b. While employed as a pharmacy technician at Saint John's Health, Respondent  
4 committed acts involving dishonesty when unlawfully possessed controlled substances that were  
5 not furnished to him upon prescription of a physician from on or about December 5, 2011 through  
6 December 20, 2011. Complainant refers to and by this reference incorporates the allegations set  
7 forth above in paragraph 18, subparagraphs a – f, inclusive, as though set forth fully.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct: Violation of the Nursing Board Act)**

10 22. Respondent is subject to disciplinary action for violating under sections 4300 and  
11 4301, subdivision (j), as follows:

12 a. While employed as a pharmacy technician at UCLA Medical Center, Respondent  
13 unlawfully possessed controlled substances that were not furnished to him upon prescription of a  
14 physician on April 15, 2011. Complainant refers to and by this reference incorporates the  
15 allegations set forth above in paragraph 17, subparagraphs a – g, inclusive, as though set forth  
16 fully.

17 b. While employed as a pharmacy technician at Saint John's Health, Respondent  
18 unlawfully possessed controlled substances that were not furnished to him upon prescription of a  
19 physician from on or about December 5, 2011 through December 20, 2011. Complainant refers  
20 to and by this reference incorporates the allegations set forth above in paragraph 18,  
21 subparagraphs a – f, inclusive, as though set forth fully.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 8822,  
26 issued to George Ralph Thibault;

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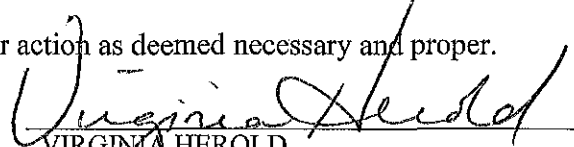
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2. Ordering George Ralph Thibault to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 1/17/13



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

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