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

12 In the Matter of the Accusation Against:

Case No. 4821

13 **LAUREN DANIELLE FREDIANI**  
13951 S. Ponderosa Way  
14 Grass Valley, CA 95946

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

15 **Pharmacy Technician Registration No. TCH**  
16 **98833**

Respondent.

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18  
19 Virginia Herold ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the Executive  
22 Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about February 8, 2010, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 98833 to Lauren Danielle Frediani ("Respondent"). The Pharmacy  
25 Technician Registration was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on August 31, 2013, 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 4. Code Section 4300 provides, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 5. Code Section 4300.1 provides, in pertinent part, that the expiration, cancellation,  
8 forfeiture, or suspension of a board-issued license by operation of law or by order or decision of  
9 the board or a court of law, shall not deprive the board of jurisdiction to commence or proceed  
10 with any investigation of, or action or disciplinary proceeding against, the licensee or to render a  
11 decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Code Section 4060 states:

14 "No person shall possess any controlled substance, except that furnished to a person  
15 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
16 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued  
17 by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to  
18 Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor  
19 pursuant to Section 3640.5, or a pharmacist pursuant to either Section 4052.1 or 4052.2.  
20 This section shall not apply to the possession of any controlled substance by a manufacturer,  
21 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian,  
22 naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when  
23 in stock in containers correctly labeled with the name and address of the supplier or  
24 producer.

25 Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
26 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous  
27 drugs and devices."

28 7. Code Section 4306 states, in pertinent part, that it shall constitute unprofessional  
conduct and a violation of this chapter ("Pharmacy Law") for any person licensed under this  
chapter to violate, attempt to violate, directly or indirectly, any provision or terms of this article or  
any regulations duly adopted under those laws.

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1           8.     Code Section 4301 states, in pertinent part:

2           The board shall take action against any holder of a license who is guilty of unprofessional  
3 conduct. 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           (l) The conviction of a crime substantially related to the qualifications, functions, and duties  
13 of a licensee under this chapter.

14           ...

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

19           9.     Health and Safety Code Section 11173, subdivision (a) provides that “no person shall  
20 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
21 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
22 or subterfuge; or (2) by the concealment of a material fact.”

23           10.    Health and Safety Code Section 11350, subdivision (a) provides, that “except as  
24 otherwise provided in this division, every person who possesses (1) any controlled substance as  
25 specified in subdivision (b) or (c), or paragraph (14), (15), or (20) of subdivision (d) of Section  
26 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of  
27 Section 11056, or (2) any controlled substances classified in Schedule III, IV, or V which is a  
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1 narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or  
2 veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to  
3 subdivision (h) of Section 1170 of the Penal Code.”

4 11. Health and Safety Code Section 11368 states that “every person who forges or alters a  
5 prescription or who issues or utters an altered prescription, or who issues or utters a prescription  
6 bearing a forged or fictitious signature for any narcotic drug, or who obtains any narcotic drug by  
7 any forged, fictitious, or altered prescription, or who has in possession any narcotic drug secured  
8 by a forged, fictitious, or altered prescription, shall be punished by imprisonment in the county jail  
9 for not less than six months nor more than one year, or in the state prison.”

#### 10 COST RECOVERY

11 12. Code Section 125.3 provides, in pertinent part, that the Board may request the  
12 administrative law judge to direct a licentiate found to have committed a violation or violations of  
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
14 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
15 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
16 included in a stipulated settlement.

#### 17 DRUGS

18 13. Norco, a brand of hydrocodone bitartrate and acetaminophen, is a Schedule III  
19 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

20 14. Morphine is a Schedule II Controlled Substance as defined in Health and Safety Code  
21 section 11055, subdivision (b)(1)(L).

22 15. Vicodin, a compound consisting of 5 mg hydrocodone bitartrate, also known as  
23 dihydrocodeinone, and 500 mg acetaminophen per tablet, and is a Schedule III controlled  
24 substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

25 16. Hydrocodone with Acetaminophen, or “Hydrocodone Bitartrate APAP” is a Schedule  
26 III controlled substance as designated by Health and Safety Code section 11056(e)(4).  
27 Hydrocodone Bitartrate, the generic name, is also known as dihydrocodeinone.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Crime)**

3 17. Respondent is subject to discipline under Code section 4301, subdivision (l), on the  
4 grounds of unprofessional conduct, in that, she was convicted of the following crime that is  
5 substantially related to the qualifications, functions or duties of a licensed pharmacy technician: On  
6 or about October 9, 2012, in the case of *People v. Lauren Danielle Frediani* (Super. Ct. Placer  
7 County, Case No. 62-11610), Respondent was convicted by the Court on her plea of guilty of  
8 violating Health and Safety Code section 11368 (Uttering a Forged Prescription), a felony. The  
9 circumstances of the crime were as follows:

10 (A) On or about June 5, 2012, Respondent called the Target Pharmacy in Auburn,  
11 California, and fraudulently authorized a verbal prescription for a controlled substance (Norco) for  
12 herself by misrepresenting herself as an employee of a doctor's office. Respondent arrived at the  
13 Target Pharmacy on or about June 5, 2012, attempting to obtain prescription drugs (Norco), and  
14 was arrested for violating Health and Safety Code section 11173, subdivision (a) (Attempting to  
15 Obtain Prescription Drugs by Fraud).

16 (B) On or about June 5, 2012, a search incident to arrest of Respondent's purse  
17 revealed that Respondent was in possession of one pill of Morphine, one pill of Hydrocodone with  
18 Acetominphen, and one-half of a pill of Vicodin. Respondent admitted that she did not have a  
19 prescription for the controlled substances found in her purse and that she had stolen the Morphine  
20 from her boyfriend.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Dishonest/Corrupt Acts)**

23 18. Respondent is subject to discipline under Code section 4301, subdivision (f), on the  
24 grounds of unprofessional conduct, in that, on or about June 5, 2012, Respondent committed  
25 dishonest and corrupt acts, as more fully set forth above in paragraph 17.

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**THIRD CAUSE FOR DISCIPLINE**

**(Unlawful Possession of Controlled Substances)**

19. Respondent is subject to discipline under Code section 4060 in that Respondent had possession of controlled substances without authorization or a valid prescription therefor, as more fully set forth in paragraphs 17 and 18 above.

**FOURTH CAUSE FOR DISCIPLINE**

**(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

20. Respondent is subject to discipline under Code section 4301, subdivision (j), on the grounds of unprofessional conduct, in that, on or about June 5, 2012, Respondent violated statutes regulating controlled substances and dangerous drugs, including Business and Professions Code section 4060, and Health and Safety Code sections 11173, 11350, and 11368, as more fully set forth in paragraphs 17 through 19.

**FIFTH CAUSE FOR DISCIPLINE**

**(Violating Laws and Regulations Governing Pharmacy)**

21. Respondent is subject to discipline under Code sections 4306 and 4301, subdivision (o), on the grounds of unprofessional conduct, in that, on or about June 5, 2012, Respondent violated the laws and regulations governing pharmacy, as set forth in paragraphs 17 through 20 above.

**PRAYER**

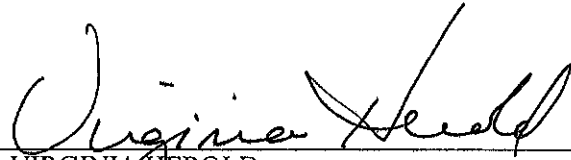
**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Technician Registration Number TCH 98833, issued to Lauren Danielle Frediani;
2. Ordering Lauren Danielle Frediani 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.

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DATED: \_\_\_\_\_

9/6/13



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

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