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7	Attorneys for Complainant		
8	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
9	STATE OF CALIFORNIA		
10	·····		
11	In the Matter of the Accusation Against:	Case No. 5046	
12	LAURA ALLISON HEIMLER		
13	21042 Rios St. Woodland Hills, CA 91364	ACCUSATION	
14	Pharmacy Technician Registration No. TCH 109325		
15	Respondent.		
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18	Complainant alleges:		
19	PAR	TIES	
20	1. Virginia Herold (Complainant) bring	s 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 December 17, 2010, the Board of Pharmacy issued Pharmacy Technician		
23	Registration Number TCH 109325 to Laura Allison Heimler (Respondent). The Pharmacy		
24	Technician Registration was in full force and eff	ect at all times relevant to the charges brought	
25	herein and will expire on October 31, 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 4022 of the Code states:		
7	"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in		
8	humans or animals, and includes the following:		
9	(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without		
10	prescription," "Rx only," or words of similar import.		
11	(b) Any device that bears the statement: "Caution: federal law restricts this device to sale		
12	by or on the order of a," "Rx only," or words of similar import, the blank to be filled in with		
13	the designation of the practitioner licensed to use or order use of the device.		
14	(c) Any other drug or device that by federal or state law can be lawfully dispensed only on		
15	prescription or furnished pursuant to Section 4006."		
16	5. Section 4300.1 of the Code states:		
17	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by		
18	operation of law or by order or decision of the board or a court of law, the placement of a license		
19	on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board		
20	of jurisdiction to commence or proceed with any investigation of, or action or disciplinary		
21	proceeding against, the licensee or to render a decision suspending or revoking the license."		
22	6. Section 4301 of the Code states:		
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:		
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"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
 whether the act is a felony or misdemeanor or not.

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

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7. Section 4060 of the Code states:

"No person shall possess any controlled substance, except that furnished to a person upon 11 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic 12 doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified 13 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a 14 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, 15 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of 16 17 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, 18 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified 19 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly 20 labeled with the name and address of the supplier or producer. 21

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

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COST RECOVERY

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

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1	enforcement of the case, with failure of the licentiate to comply subjecting the license to not		
2	being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs		
3	may be included in a stipulated settlement.		
4	DANGEROUS DRUGS		
5	9. The dangerous drugs stolen by Respondent are listed below:		
6	a. "Norco," is a brand name for a combination drug containing hydrocodone and		
7	acetaminophen, is a schedule III controlled substance as defined in Health and Safety Code		
8	section 11056(e) and is categorized as a dangerous drug according to Business and Professions		
9	Code section 4022.		
10	FIRST CAUSE FOR DISCIPLINE		
11	(Unprofessional Conduct – Stealing Controlled Substances)		
12	10. Respondent is subject to disciplinary action under section 4301, subdivision (f) on the		
13	grounds of unprofessional conduct in that she committed acts involving moral turpitude,		
14	dishonesty, fraud, deceit or corruption. Specifically, between approximately January through		
15	February 2013, the exact dates unknown, Respondent stole approximately 50 hydrocodone/APAP		
16	tablets while employed as a pharmacy technician for CVS Pharmacy. In a written statement,		
17	Respondent admitted to this theft.		
18	SECOND CAUSE FOR DISCIPLINE		
19	(Unprofessional Conduct – Possession of a Controlled Substance)		
20	11. Respondent is subject to disciplinary action under section 4301, subdivision (j) on the		
21	grounds of unprofessional conduct for violating section 4060. Specifically, between		
22	approximately January through February 2013, the exact dates unknown, Respondent admitted in		
23	a signed written statement to diverting approximately 50 hydrocodone/APAP tablets while		
24	working as a pharmacy technician for CVS Pharmacy.		
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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 Registration Number TCH 109325,		
5	issued to Respondent Laura Allison Heimler; and		
6	2. Ordering Respondent Laura Allison Heimler to pay the Board of Pharmacy the		
7	reasonable costs of the investigation and enforcement of this case, pursuant to Business and		
8	Professions Code section 125.3;		
9	3. Taking such other and further action as deemed necessary and proper.		
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13	DATED: 7/11/14 Dugmen Decold		
14	VIRGINIA HEROLD Executive Officer		
15	Board of Pharmacy Department of Consumer Affairs		
16	State of California Complainant		
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