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

10  
11 In the Matter of the Accusation Against:

Case No. 5197

12 **LINDA LORENA GARCIA**  
13 **13223 Leach St.**  
**Sylmar, CA 91342**

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

14 **Pharmacy Technician Registration No. TCH**  
15 **49093**

16 Respondent.

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 March 2, 2004, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 49093 to Linda Lorena Garcia (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on August 31, 2015, unless renewed.

25 **JURISDICTION**

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

1 4. Section 4300 of the Code states:

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

3 ..."

4 5. Section 4301 of the Code states:

5 "The board shall take action against any holder of a license who is guilty of unprofessional  
6 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

7 Unprofessional conduct shall include, but is not limited to, any of the following:

8 "..."

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

12 "(g) Knowingly making or signing any certificate or other document that falsely represents  
13 the existence or nonexistence of a state of facts.

14 "..."

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

17 "..."

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

22 "..."

23 6. Section 4323 of the Code states:

24 "Every person who, in order to obtain any drug, falsely represents himself or herself to be a  
25 physician or other person who can lawfully prescribe the drug, or falsely represents that he or she  
26 is acting on behalf of a person who can lawfully prescribe the drug, in a telephone or electronic  
27 communication with a pharmacist, shall be punished by imprisonment in the county jail for not  
28 more than one year."

1 7. Section 4324 of the Code states:

2 "(a) Every person who signs the name of another, or of a fictitious person, or falsely makes,  
3 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any  
4 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the  
5 state prison, or by imprisonment in the county jail for not more than one year.

6 "(b) Every person who has in his or her possession any drugs secured by a forged  
7 prescription shall be punished by imprisonment in the state prison, or by imprisonment in the  
8 county jail for not more than one year."

9 8. Section 11157 of the Health and Safety Code states:

10 "No person shall issue a prescription that is false or fictitious in any respect."

11 **COST RECOVERY**

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

16 **STATEMENT OF FACTS**

17 10. Respondent was employed by Ralphs Pharmacy located at 12842 Ventura Boulevard,  
18 Studio City, CA 91604 for approximately six (6) years up until August 2, 2013 when she was  
19 terminated from her employment for theft, dishonesty and probable use of a controlled substance.  
20 From in or about June 2012 through July 2013, while employed at Ralphs Pharmacy, Respondent  
21 unlawfully and fraudulently accessed her own electronic prescription profile and reversed refills  
22 of her prescription for Butalbital/APAP/Caffeine on approximately forty (40) separate dates for a  
23 total of approximately 1,286 tablets. The prescribing physician did not authorize at least five (5)  
24 of the prescriptions. The reversed prescriptions are as follows:

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Rx#	Drug	Filled	Reversed
4515141	Butalbital/APAP/Caffeine #50	7/13/2013	7/14/2013
4515001	Butalbital/APAP/Caffeine #20	7/8/2013	7/9/2013

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4515001	Butalbital/APAP/Caffeine #40	7/1/2013	7/5/2013
4515001	Butalbital/APAP/Caffeine #30	6/28/2013	6/29/2013
4514840	Butalbital/APAP/Caffeine #20	6/21/2013	6/21/2013
4514840	Butalbital/APAP/Caffeine #45	6/14/2013	6/15/2013
4514614	Butalbital/APAP/Caffeine #30	5/24/2013	6/1/2013
4514614	Butalbital/APAP/Caffeine #30	5/30/2013	6/1/2013
4514280	Butalbital/APAP/Caffeine #50	4/29/2013	5/1/2013
4513986	Butalbital/APAP/Caffeine #60	4/15/2013	4/19/2013
4513986	Butalbital/APAP/Caffeine #60	4/10/2013	4/13/2013
4513453	Butalbital/APAP/Caffeine #24	3/15/2013	3/15/2013
4513453	Butalbital/APAP/Caffeine #60	2/28/2013	3/12/2013
4513453	Butalbital/APAP/Caffeine #70	2/14/2013	2/25/2013
4513453	Butalbital/APAP/Caffeine #20	2/12/2013	2/13/2013
4513453	Butalbital/APAP/Caffeine #50	2/06/2013	2/13/2013
4513453	Butalbital/APAP/Caffeine #20	2/09/2013	2/11/2013
4513061	Butalbital/APAP/Caffeine #15	1/15/2013	1/18/2013
4512793	Butalbital/APAP/Caffeine #25	12/27/2012	12/28/2012
4512793	Butalbital/APAP/Caffeine #11	12/27/2012	12/28/2012
4512793	Butalbital/APAP/Caffeine #11	12/21/2012	12/27/2012
4512793	Butalbital/APAP/Caffeine #35	12/17/2012	12/27/2012
6858984	Butalbital/APAP/Caffeine #37	9/15/2012	9/19/2012
6858984	Butalbital/APAP/Caffeine #13	9/5/2012	9/19/2012
6858984	Butalbital/APAP/Caffeine #30	9/7/2012	9/9/2012
6858304	Butalbital/APAP/Caffeine #6	8/25/2012	8/29/2012
6858304	Butalbital/APAP/Caffeine #14	8/28/2012	8/29/2012
6856418	Butalbital/APAP/Caffeine #20	8/13/2012	8/28/2012
6856418	Butalbital/APAP/Caffeine #40	7/17/2012	7/20/2012

1	6853753	Butalbital/APAP/Caffeine #30	5/29/2012	5/31/2012
2	6852408	Butalbital/APAP/Caffeine #4	5/15/2012	5/18/2012
3	6852408	Butalbital/APAP/Caffeine #60	5/07/2012	5/09/2012
4	6852408	Butalbital/APAP/Caffeine #16	5/4/2012	5/5/2012
5	6851521	Butalbital/APAP/Caffeine #50	4/18/2012	4/21/2012
6	6841596	Butalbital/APAP/Caffeine #30	10/01/2011	10/15/2011
7	6837330	Butalbital/APAP/Caffeine #10	6/21/2011	6/23/2011
8	6834698	Butalbital/APAP/Caffeine #20	4/20/2011	4/26/2011
9	6829330	Butalbital/APAP/Caffeine #60	12/28/2010	1/4/2010
10	6826816	Butalbital/APAP/Caffeine #60	12/10/2010	12/16/2010
11	6826816	Butalbital/APAP/Caffeine #10	12/2/2010	12/6/2010

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13 **FIRST CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct - Dishonesty)

15 11. Respondent is subject to disciplinary action under section 4301, subdivision (f) in that  
 16 she is guilty of unprofessional conduct when she committed acts of moral turpitude, dishonesty,  
 17 fraud, deceit, or corruption in the course of relations as a licensee or otherwise. The  
 18 circumstances surrounding these violations are set for the in paragraph 10 above and are  
 19 incorporated herein as though set forth in full.

20 **SECOND CAUSE FOR DISCIPLINE**

21 (Possession of Drugs Obtained through Forged Prescription)

22 12. Respondent is subject to disciplinary action under section 4324 subdivisions (a) and  
 23 (b), as well as section 4301 subdivision (j) in that Respondent obtained drugs by falsely signing  
 24 the name of another or by falsely making, altering, forging, uttering, publishing, passing or  
 25 attempting to pass as genuine any prescription for any drug. The circumstances surrounding these  
 26 violations are set for the in paragraph 10 above and are incorporated herein as though set forth in  
 27 full.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (False Representation of Self as Physician or Agent of Physician)

3 13. Respondent is subject to disciplinary action under section 4323 in conjunction with  
4 Health and Safety Code section 11157 by obtaining or attempting to obtain any drug by falsely  
5 representing herself to be a physician or other person who can lawfully prescribe the drug, or  
6 falsely representing that she is acting on behalf of a person who can lawfully prescribe the drug, in  
7 a telephone or electronic communication with a pharmacist. The circumstances surrounding these  
8 violations are set for the in paragraph 10 above and are incorporated herein as though set forth in  
9 full.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 (Unprofessional Conduct - Falsifying Documentation)

12 14. Respondent is subject to disciplinary action under section 4301 subdivision (g) as  
13 Respondent, a licensee, is guilty of unprofessional conduct in that she made or signed a certificate  
14 or document that falsely represented the existence or nonexistence of a state of facts. The  
15 circumstances surrounding these violations are set for the in paragraph 10 above and are  
16 incorporated herein as though set forth in full.

17 **PRAYER**

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

- 20 1. Revoking or suspending Pharmacy Technician Registration Number TCH 49093,  
21 issued to Linda Lorena Garcia;
- 22 2. Ordering Linda Lorena Garcia to pay the Board of Pharmacy the reasonable costs of  
23 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
24 125.3; and

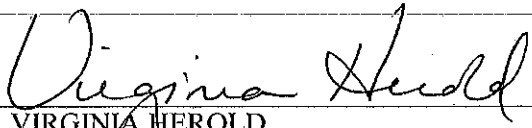
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3. Taking such other and further action as deemed necessary and proper.

DATED: 5/28/15



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

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