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

12 In the Matter of the Accusation Against:

Case No. 5356

13 **MEHELLE MARIE LAWRENCE-LONG**
2851 W. Ave L PMB #118
Lancaster, CA 93536

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 9254

15 Respondent.
16

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 (Board).

21 2. On or about August 27, 1993, the Board issued Pharmacy Technician Registration
22 No. TCH 9254 to Mechelle Marie Lawrence-Long (Respondent). The Pharmacy Technician
23 Registration was in full force and effect at all times relevant to the charges brought herein and
24 will expire on June 30, 2015, unless renewed.

25 **JURISDICTION**

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

1 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
2 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
3 labeled with the name and address of the supplier or producer.

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

7 9. Section 4301 of the Code states, in pertinent part:

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

11

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

15

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

21 "(i) Except as otherwise authorized by law, knowingly selling, furnishing, giving away,
22 or administering or offering to sell, furnish, give away, or administer any controlled substance to
23 an addict.

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

26

27 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
28 violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by
2 the board or by any other state or federal regulatory agency.

3 "(p) Actions or conduct that would have warranted denial of a license.

4 "(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the
5 board.

6 10. Health and Safety Code section 11350, subdivision (a), states, in pertinent part:

7 "Except as otherwise provided in this division, every person who possesses (1) any
8 controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of
9 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
10 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
11 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
12 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
13 licensed to practice in this state, shall be punished by imprisonment in a county jail for not more
14 than one year, except that such person shall instead be punished pursuant to subdivision (h) of
15 Section 1170 of the Penal Code if that person has one or more prior convictions for an offense
16 specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of
17 the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290
18 of the Penal Code.

19 **REGULATORY PROVISION**

20 11. California Code of Regulations, title 16, section 1770, states:

21 "For the purpose of denial, suspension, or revocation of a personal or facility license
22 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
23 crime or act shall be considered substantially related to the qualifications, functions or duties of a
24 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
25 licensee or registrant to perform the functions authorized by his license or registration in a
26 manner consistent with the public health, safety, or welfare."

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1 **COST RECOVERY**

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

8 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

9 13. OxyContin, a brand name formation of oxycodone hydrochloride, is an opioid
10 agonist, a Schedule II controlled substance pursuant to Health and Safety Code section 11055,
11 subdivision (b)(1)(M), and a dangerous drug pursuant to section 4022 of the Code.

12 **FACTUAL BACKGROUND**

13 14. Respondent was employed as a pharmacy technician by Super-Rite Drugs
14 (Pharmacy), located at 14425 Burbank Blvd., Van Nuys, CA 91401.

15 15. On or about April 9, 2011, the Pharmacy was robbed at gun point and one of the
16 employees was given a "shopping list" by the robbers. OxyContin was not on the list.

17 16. On or about April 10, 2011, the Pharmacy performed a narcotic inventory and all
18 medications were accounted for except OxyContin 80 mg. Furthermore, the pharmacist-in-
19 charge asked his staff members if they would be willing to take a polygraph examination
20 regarding losses of OxyContin 80 mg.

21 17. On or about April 18, 2011, Respondent voluntarily terminated her employment with
22 the Pharmacy after admitting to the pharmacist-in-charge and other technicians that she stole
23 OxyContin 80 mg from the Pharmacy.

24 18. On or about December 18, 2013, the Board received a copy of an audit for the
25 Pharmacy from January 18, 2010 to April 8, 2011, which revealed that the Pharmacy was missing
26 5,098 tablets of OxyContin 80 mg.

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FIRST CAUSE FOR DISCIPLINE

(Unlawful Furnishing of Dangerous Drugs)

19. Respondent is subject to disciplinary action under sections 4301, subdivisions (j) and (o), and 4059, subdivision (a), on the grounds of unprofessional conduct, in that on or between January 18, 2010 to April 8, 2011, Respondent furnished to herself or another OxyContin, a controlled substance and a dangerous drug, without a valid prescription. Complainant refers to and by this reference incorporates the allegations set for above paragraphs 14 through 18, inclusive, as though set forth fully.

SECOND CAUSE FOR DISCIPLINE

(Unlawful Possession of a Controlled Substance)

20. Respondent is subject to disciplinary action under section 4301, subdivision (j), on the grounds of unprofessional conduct, for violating Code section 4060 and Health and Safety Code section 11350, subdivision (a), in that on or between January 18, 2010 to April 8, 2011, Respondent possessed and removed from the Pharmacy OxyContin, without a valid prescription. Complainant refers to and by this reference incorporates the allegations set for above paragraphs 14 through 18, inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

21. Respondent is subject to disciplinary action under Code section 4301, subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by this reference incorporates the allegations set for above in paragraphs 14 through 18, inclusive, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct / Violating Pharmacy Law)

22. Respondent is subject to disciplinary action under Code sections 4301, subdivisions (o) and (p), and 4060, in that Respondent committed acts of unprofessional conduct that would have warranted a denial of a license. Complainant refers to and by this reference incorporates the

1 allegations set for above in paragraphs 14 through 21, inclusive, as though set forth fully.

2 PRAYER

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

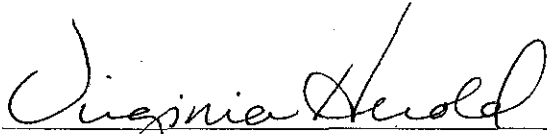
5 1. Revoking or suspending Pharmacy Technician Registration No. TCH 9254, issued to
6 Mechelle Marie Lawrence-Long;

7 2. Ordering Mechelle Marie Lawrence-Long to pay the Board the reasonable costs of
8 the investigation and enforcement of this case, pursuant to section 125.3 of the Code;

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

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12 DATED: _____

5/28/15



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

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