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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. 5479

13 **HEATHER ROSE STREETMAN**
14 13154 Luther Road
Auburn, California 95603

ACCUSATION

15 **Pharmacy Technician Registration**
16 **No. TCH 111247**

Respondent.

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the Executive
20 Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.

21 2. On or about March 11, 2011, the Board issued Pharmacy Technician Registration
22 Number TCH 111247 to Heather Rose Streetman ("Respondent"). The pharmacy technician
23 registration was in full force and effect at all times relevant to the charges brought herein and will
24 expire on August 31, 2016, unless renewed.

25 **JURISDICTION**

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

1 4. Code section 4300 states, in pertinent part:

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

3 (b) The board shall discipline the holder of any license issued by the board,
4 whose default has been entered or whose case has been heard by the board and found
guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one year.

8 (4) Revoking his or her license.

9 (5) Taking any other action in relation to disciplining him or her as the board in
10 its discretion may deem proper

11 5. Code section 4300.1 states:

12 The expiration, cancellation, forfeiture, or suspension of a board-issued license
13 by operation of law or by order or decision of the board or a court of law, the
14 placement of a license on a retired status, or the voluntary surrender of a license by a
15 licensee shall not deprive the board of jurisdiction to commence or proceed with any
investigation of, or action or disciplinary proceeding against, the licensee or to render
a decision suspending or revoking the license.”

16 **STATUTORY AND REGULATORY PROVISIONS**

17 6. Code section 4022 states:

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

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

21 (b) Any device that bears the statement: "Caution: federal law restricts this
22 device to sale by or on the order of a _____," "Rx only," or words of similar import,
the blank to be filled in with the designation of the practitioner licensed to use or
23 order use of the device.

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

25 7. Code section 4059(a) states, in pertinent part:

26 A person may not furnish any dangerous drug, except upon the prescription of a
27 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
pursuant to Section 3640.7. A person may not furnish any dangerous device, except
28 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
naturopathic doctor pursuant to Section 3640.7.

1 8. Code section 4060 states in pertinent part:

2 A person shall not possess any controlled substance, except that furnished to
3 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
4 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
5 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to
Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
pursuant to Section 4052.1, 4052.2, or 4052.6. . . .

6 9. Section 4301 states, in pertinent part:

7 The board shall take action against any holder of a license who is guilty
8 of unprofessional conduct. Unprofessional conduct shall include, but not be
limited to, any of the following:

9 . . .

10 (f) The commission of any act involving moral turpitude, dishonesty,
11 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
12 misdemeanor or not.

13 . . .

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

17 . . .

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

20 . . .

21 (l) The conviction of a crime substantially related to the qualifications,
22 functions, and duties of a licensee under this chapter. The record of conviction
of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the
23 United States Code regulating controlled substances or of a violation of the
statutes of this state regulating controlled substances or dangerous drugs shall
24 be conclusive evidence of unprofessional conduct. In all other cases, the
record of conviction shall be conclusive evidence only of the fact that the
25 conviction occurred. The board may inquire into the circumstances
surrounding the commission of the crime, in order to fix the degree of
26 discipline or, in the case of a conviction not involving controlled substances
or dangerous drugs, to determine if the conviction is of an offense
27 substantially related to the qualifications, functions, and duties of a licensee
under this chapter. A plea or verdict of guilty or a conviction following a plea
28 of nolo contendere is deemed to be a conviction within the meaning of this
provision. The board may take action when the time for appeal has elapsed, or
the judgment of conviction has been affirmed on appeal or when an order

1 granting probation is made suspending the imposition of sentence, irrespective
2 of a subsequent order under Section 1203.4 of the Penal Code allowing the
3 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
4 setting aside the verdict of guilty, or dismissing the accusation, information,
5 or indictment. . . .

6 10. Code section 4324(a) states:

7 Every person who signs the name of another, or of a fictitious person, or
8 falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as
9 genuine, any prescription for any drugs is guilty of forgery and upon
10 conviction thereof shall be punished by imprisonment pursuant to subdivision
11 (h) of Section 1170 of the Penal Code, or by imprisonment in a county jail for
12 not more than one year.

13 11. Health and Safety Code section 11170 states, "No person shall prescribe, administer,
14 or furnish a controlled substance for himself."

15 12. Health and Safety Code section 11173(a), states:

16 No person shall obtain or attempt to obtain controlled substances, or procure or
17 attempt to procure the administration of or prescription for controlled substances, (1)
18 by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a
19 material fact.

20 COST RECOVERY

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

27 CONTROLLED SUBSTANCES

28 14. *Ativan*, a brand name for Lorazepam, is a Schedule IV controlled substance as
defined by Health and Safety Code section 11057(d), and a dangerous drug pursuant to Business
and Professions Code section 4022.

15. *Norco* is a brand of hydrocodone bitartrate and acetaminophen, is designated a
Schedule III controlled substance by Health and Safety Code section 11056, subdivision (e)(4),
and is a dangerous drug pursuant to Business and Professions Code section 4022. It is designated

1 a Schedule II controlled substance by the Code of Federal Regulations, Title 21, section
2 1308.12(b)(1)(vi).

3 16. *Xanax*, a brand name for alprazolam, is a Schedule IV controlled substance pursuant
4 to Health and Safety Code section 11057(d)(1), and a dangerous drug pursuant to Business and
5 Professions Code section 4022.

6 BACKGROUND

7 17. At all relevant times to the charges brought herein, Respondent was a Pharmacy
8 Technician employed at Walgreens Pharmacy #02170 ("Walgreens") located at 12120 New
9 Airport Road, Auburn, California.

10 18. On or about April 23, 2014, "C.G." prescribed for Respondent #30 lorazepam 0.5 mg.
11 with three refills before October 22, 2014. On or about July 14, 2014, Respondent altered that
12 order by adding an electronic renewal request authorizing one refill.

13 19. On or about August 12, 2014, a new prescription for Respondent of # 30 lorazepam
14 with no refills was generated in the Walgreens computer system from a fraudulent refill
15 authorization added by Respondent on or about July 14, 2014. On or about August 13, 2014,
16 Respondent altered that fraudulent prescription by adding a fraudulent authorization for three
17 refills.

18 20. In or around September and/or October 2014, Walgreens' management discovered
19 that the refills for Respondent's Lorazepam had not been authorized by Respondent's health care
20 provider.

21 21. In or around October 11, 2014, Respondent had refills in Walgreens' queue for
22 Lorazepam. Respondent deleted the orders after Walgreens management told her they would be
23 verified.

24 22. In the course of an investigation by the Placer County Sheriff's Office into
25 Walgreens' allegations of forgery against Respondent, Respondent stated that, in addition to
26 forging prescriptions, she also stole from Walgreens Alprazolam, Norco, and Lorazepam for her
27 own personal use and that she furnished her spouse with Norco that she stole.

28 ///

1 a. **Health & Safety Code section 11173(a)**: Respondent obtained Alprazolam, Norco,
2 and Lorazepam, controlled substances, by fraud, deceit, misrepresentation, or subterfuge.

3 b. **Health & Safety Code section 11170**: Respondent furnished and administered to
4 herself; Alprazolam, Norco, and Lorazepam, controlled substances.

5 c. **Business and Professions Code section 4060**: Respondent possessed controlled
6 substances, Alprazolam, Norco, and Lorazepam, without authorization or a valid order or
7 prescription therefore.

8 d. **Business and Professions Code section 4059(a)**: Respondent furnished Alprazolam,
9 Norco, and Lorazepam, dangerous drugs, to herself, without a valid order or prescription, from
10 Walgreens inventory.

11 e. **Business and Professions Code section 4059(a)**: Respondent stole from Walgreen's
12 inventory, and then furnished to her spouse, Norco, a dangerous drug, without a valid order or
13 prescription.

14 f. **Business and Professions Code section 4324(a)**: Respondent forged an order or
15 prescription for drugs.

16 **PRAYER**

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

19 1. Revoking or suspending Pharmacy Technician license No. TCH 111247, issued to
20 Heather Rose Streetman;

21 2. Ordering Heather Rose Streetman to pay the Board of Pharmacy the reasonable costs
22 of the investigation and enforcement of this case, pursuant to Business and Professions Code
23 section 125.3; and,

24 ///

25 ///

26 ///

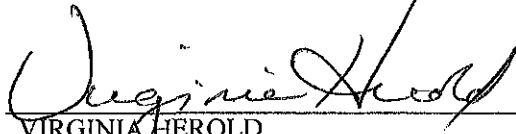
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3. Taking such other and further action as deemed necessary and proper.

DATED: 2/5/16



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

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