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

10 In the Matter of the Accusation Against:	Case No. 5538
11 <b>ERIN MARIE YASIN</b>	<b>A C C U S A T I O N</b>
12 5325 West 134th Street	
13 Hawthorne, CA 90250	
14 Pharmacy Technician Registration No. TCH 39817	
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.
- 21 2. On or about October 31, 2001, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 39817 to Erin Marie Yasin (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 April 30, 2017, 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 118, subdivision (b), of the Code provides that the suspension, expiration,  
2 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
3 disciplinary action during the period within which the license may be renewed, restored, reissued  
4 or reinstated.

5           5.    Section 4011 of the code provides that the Board shall administer and enforce both the  
6 Pharmacy Law (Business and Profession Code section 4000 et seq.) and the Uniform Controlled  
7 Substances Act (Health and Safety Code section 11000 et seq.).

8           6.    Section 4059 states, at subdivision (a):

9           "(a) A person may not furnish any dangerous drug, except upon the prescription of a  
10 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
11 3640.7. A person may not furnish any dangerous device, except upon the prescription of a  
12 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section  
13 3640.7."

14          7.    Section 4060 of the Code states:

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

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

1           8.    Section **4300** of the Code provides 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, whose default  
4 has been entered or whose case has been heard by the board and found guilty, by any of the  
5 following methods:

6           "(1) Suspending judgment.

7           "(2) Placing him or her upon probation.

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

9           "(4) Revoking his or her license.

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

12          . . .

13          9.    Section **4300.1** of the Code states:

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

19          10.   Section **4301** of the Code states:

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

23          . . .

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

27          . . .

28

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

3 ...

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

8 ...

9 11. Health and Safety Code section 11170 states:

10 "No person shall prescribe, administer, or furnish a controlled substance for himself."

11 12. Health and Safety Code section 11171 states:

12 "No person shall prescribe, administer, or furnish a controlled substance except under the  
13 conditions and in the manner provided by this division."

#### 14 COST RECOVERY

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

#### 19 DRUG CLASSIFICATIONS

20 14. Drug Classifications:

21 BRAND NAME	22 GENERIC NAME	23 DANGEROUS DRUG PER B & PC 4022	24 CONTROLLED SUBSTANCE PER H & SC	25 INDICATIONS FOR USE
26 Oxycontin	Oxycodone	Yes	Yes, CII HSC 11055(b)(1)	Moderate to severe pain
27 Roxicodone	Oxycodone Hydrochloride		Yes, CII HSC 11055(b)(1)	Moderate to severe pain
28 Norco	Hydrocodone/APAP	Yes	Yes, CII HSC 11055(b)(1)	Moderate to severe pain
Adderall	Amphetamine/ Dextroamphetamine	Yes	Yes, CII HSC 11055(d)(3)	Stimulant or Diet Suppressant
Adderall XR	Dextroamphetamine /Amphetamine	Yes	Yes, CII HSC 11055(d)(3)	Stimulant or Diet Suppressant

1	Soma	Carisoprodol	Yes	Yes, CIV HSC 11057	Muscle Relaxant
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3 **FACTS COMMON TO ALL CAUSES FOR DISCIPLINE**

4 15. Between approximately February 24, 2008 and August 17, 2015, Respondent was  
5 employed full-time as a pharmacy technician at St. Antony Pharmacy, a retail pharmacy located  
6 in the city of El Segundo, CA.

7 16. Her employment was terminated on August 17, 2015.

8 **May 3, 2015 Arrest**

9 17. On or about May 3, 2015, El Segundo Police Department officers were dispatched  
10 to a liquor store parking lot following a report that a driver who appeared to be intoxicated had  
11 entered her vehicle and driven away. An officer subsequently located and observed the reported  
12 vehicle, and conducted a traffic stop after witnessing several violations. The officer contacted the  
13 driver and noted objective signs/symptoms of intoxication, including slurred speech - and  
14 conducted an investigation. The driver, identified as Respondent, was then arrested for driving  
15 under the influence (DUI).

16 18. During a booking search, Respondent was found to be in possession of and had  
17 prescriptions for 8 controlled drugs apparently dispensed from St. Antony's Pharmacy. However,  
18 she was also in possession of multiple controlled medications for which she did NOT have  
19 prescriptions, including:

- 20
- 21 1. Adderall XR 15 mg (1 pill)
  - 22 2. Acetaminophen and Oxycodone 325 mg/ 7.5 mg (1 orange pill)
  - 23 3. Acetaminophen and Oxycodone 325 mg/ 10 mg (3 white pills)
  - 24 4. Acetaminophen and Oxycodone 325 mg/ 10 mg (11 yellow pills)
  - 25 5. Oxycodone Hydrochloride 20 mg (4 pills)
  - 26 6. Amphetamine and dextroamphetamine 20 mg (3 orange pills)
  - 27 7. Amphetamine and dextroamphetamine 30 mg (4 orange pills)
  - 28 8. Amphetamine and dextroamphetamine 20 mg (5 pink pills)
  9. Amphetamine and dextroamphetamine 30 mg (25 pink pills)
  10. Amphetamine and dextroamphetamine 15 mg (5 orange pills)

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1 **August 18, 2015 Arrest**

2 19. On or about August 18, 2015, Respondent was arrested by El Segundo Police  
3 Department officers for embezzlement, based on allegations of the owner and pharmacist-in-  
4 charge of St. Antony's Pharmacy, who provided the arresting officers with videotape from  
5 security surveillance cameras at the pharmacy – showing Respondent taking money from the cash  
6 register.

7 20. During police interviews at the time of her arrest, Respondent admitted that she had  
8 stolen money and drugs from the pharmacy as follows:

9 A. Respondent admitted that for approximately three (3) years, she had stolen  
10 about \$100 almost every shift she had worked ( $\$100 \times 5 \text{ days} \times 52 \text{ weeks} \times 3 \text{ years} =$   
11  $\$78,000$ ). She explained she used the stolen money to pay for her vehicle, her rent, and  
12 other monthly bills.

13 B. Respondent further admitted stealing prescription pills from the pharmacy for  
14 personal use, specifically referencing the drugs Oxycodone, Soma, Norco and Adderall –  
15 and estimated that she had stolen approximately 50 tablets each of these drugs from St.  
16 Antony's Pharmacy inventory.

17 21. On or about September 1, 2015, the Board received a "DEA Report of Theft or Loss  
18 of Controlled Substances" report pursuant to Business and Professions Code section 4104 from  
19 St. Antony's Pharmacy, advising the Board of the circumstances leading to Respondent's  
20 termination, and stating that on August 22, 2015, the Pharmacist-in-charge had conducted a  
21 complete inventory and controlled drug audit for the period of May 1, 2013 through August 17,  
22 2015, and discovered that an estimated 50,000 controlled substance tablets were missing as of the  
23 inventory date and could not be accounted for.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Acts Involving Dishonesty, Fraud, or Deceit)**

26 22. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
27 that, by her own admission, on dates approximately between August 2012 and August 2015,  
28 while employed as a pharmacy technician at St. Antony's Pharmacy, CA, Respondent committed

1 acts involving dishonesty, fraud, and/or deceit, due to her routine theft of money from the  
2 pharmacy registry, and routine practice of stealing drugs from pharmacy inventory for personal  
3 use, as more fully set forth at paragraph 20 above.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Unlawful Possession of Controlled Substances )**

6 23. Respondent is subject to disciplinary action under section 4301, subdivision (j) and  
7 (o), for violating section 4060 in that, by her own admission, on dates approximately between  
8 August 2012 and August 2015, while employed as a pharmacy technician at St. Antony's  
9 Pharmacy , CA, Respondent obtained by theft for self use, at least 50 tablets of the drugs  
10 Oxycodone, Soma, Norco and Adderall, as more fully set forth in paragraph 20 above.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unlawful Self- Furnishing of Controlled Substances)**

13 24. Respondent is subject to disciplinary action under section 4301, subdivision (j) and  
14 (o), for violating section 4059, subdivision (a) and Health and Safety Code sections 11170 and  
15 11171, in that, by her own admission, on dates approximately between August 2012 and August  
16 2015, while employed as a pharmacy technician at St. Antony's Pharmacy , CA, Respondent  
17 furnished to herself for self-use, at least 50 tablets of the drugs Oxycodone, Soma, Norco and  
18 Adderall, as more fully set forth in paragraphs 20 and 21 above.

19 **OTHER MATTERS**

20 25. On or about October 21, 2015, due to her admitted theft of money and drugs from St.  
21 Antony's Pharmacy as described at paragraph 20 above, criminal charges were filed against  
22 Respondent alleging violation of Penal Code section 487 (A) [grand theft] in the criminal  
23 proceeding entitled *The People of the State of California v. Erin Marie Yasin* (Super. Ct. Los  
24 Angeles County, 2015, No. LAXSA091476-011. Those charges are still pending, however, on or  
25 about November 24, 2015, the Court in the criminal matter issued its order that, due to concern  
26 for public safety, as a condition of her release on bail, Respondent was prohibited "from  
27 engaging, either directly or indirectly, in any activity for which a pharmacy technician license is  
28 required."

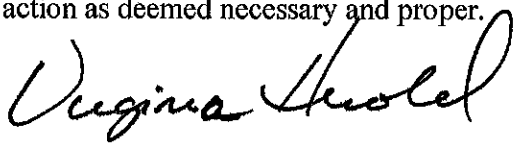
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**PRAYER**

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 39817, issued to Erin Marie Yasin;
2. Ordering Erin Marie Yasin 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.

DATED: 7/11/16



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

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