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

13 In the Matter of the Accusation Against:

Case No. 5711

14 **JANET ANN GEDDES**
15 **704 S. Hayward Street, Unit B**
Anaheim, CA 92804

A C C U S A T I O N

16 **Pharmacy Technician Registration**
17 **No. TCH 7916**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
22 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about June 10, 1993, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 7916 to Janet Ann Geddes (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and will
26 expire on November 30, 2016, 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 (Code) unless otherwise indicated.

5 4. Section 4300, subdivision (a) of the Code states: "Every license issued may be
6 suspended or revoked."

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 4022 of the Code states

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

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

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

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

24 7. Section 4059 of the Code provides, in pertinent part, that a person may not furnish any
25 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,
26 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

27 8. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
28 controlled substance, except that furnished to a person upon the prescription of a physician,
dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

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1 9. Section 4063 of the Code states:

2 No prescription for any dangerous drug or dangerous device may be refilled except
3 upon authorization of the prescriber. The authorization may be given orally or at the time
4 of giving the original prescription. No prescription for any dangerous drug that is a
5 controlled substance may be designated refillable as needed.

6 10. Section 4301 of the Code states:

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

11

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

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

17

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

22 **REGULATORY PROVISIONS**

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

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

COSTS

12. 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
enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

1 **FACTUAL ALLEGATIONS**

2 13. On or about April 24, 2015, the Board received a letter from Sav-On Pharmacies that
3 Respondent was terminated from her employment at an Irvine Sav-On Pharmacy after it was
4 alleged that she had been fraudulently authorizing her own prescriptions without a physician's
5 approval.

6 14. As a result of the Board's investigation into the allegations, it was learned that
7 Respondent had transferred expired prescriptions to the Sav-On where she was employed. On or
8 between October 4, 2012 and February 26, 2015, Respondent created electronic Authorization
9 Requests at the Sav-On using these expired prescriptions for Metformin, Lisinopril, Onglyza, and
10 Scopolomine.¹ Respondent used the name and identifying information of a physician (hereinafter
11 "Dr. J") as the prescriber for the medications. Respondent also obtained a blood glucose meter
12 and three sets of blood glucose test strips using the physician's name. Respondent would then
13 hand-write the number of authorized refills for the prescriptions, and write the name "Irene" on the
14 Authorization Request as the person who telephonically authorized the prescription refills.
15 Respondent presented these Authorization Requests to the pharmacist-in-charge for verification
16 and approval. Respondent fraudulently created a total of 28 unauthorized prescriptions refills for
17 herself, and received 24 of the refills, using the information obtained from Dr. J.

18 15. The Board inspector contacted Dr. J who produced a written statement that
19 Respondent was never seen as a patient in his office, and that his employee "Irene" is not
20 authorized to approve prescriptions or prescription refills.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Commission of Acts Involving Dishonesty, Fraud, Deceit & Corruption)**

23 16. Respondent has subjected her registration to discipline under section 4301, subdivision
24 (f) of the Code for unprofessional conduct in that Respondent obtained prescription medications
25 using fraud, deceit, and dishonesty, as described in paragraphs 13-15, above.

26 _____
27 ¹ Metformin, Lisinopril, Onglyza, and Scopolomine are not scheduled drugs, however, they
28 are dangerous drugs as defined by Business and Professions Code section 4022 in that they can be
dispensed only upon a valid prescription.

