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

11 In the Matter of the Accusation Against:  
12 **ANNA MARIA SIMS**  
13 **630 Spyglass Drive**  
14 **Red Bluff, CA 96080**  
15 **Pharmacy Technician Registration No. TCH**  
16 **82008**  
17 Respondent.

Case No. 5966

**ACCUSATION**

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19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about March 20, 2008, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 82008 to Anna Maria Sims (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on September 30, 2017, 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 unless otherwise indicated):

5 4. Section 4300, states in pertinent part:

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

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

9 (1) Suspending judgment.

10 (2) Placing him or her upon probation.

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

13 (4) Revoking his or her license.

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

15 5. Section 4300.1 states:

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

20 6. Section 4301, states in pertinent part:

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

23 . . .  
24 (f) The commission of any act involving moral turpitude, dishonesty, fraud,  
deceit, or corruption, whether the act is committed in the course of relations as a licensee or  
25 otherwise, and whether the act is a felony or misdemeanor or not.

26 . . .  
27 (j) The violation of any of the statutes of this state, or any other state, or of the  
United States regulating controlled substances and dangerous drugs.

28 . . .

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

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7. Section 4060, states in pertinent part:

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

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**HEALTH AND SAFETY CODE**

18 8. Section 11007 states:

19 'Controlled substance,' unless otherwise specified, means a drug,  
20 substance, or immediate precursor which is listed in any schedule in Section 11054,  
21 11055, 11056, 11057, or 11058.

22 9. Section 11171 states, "No person shall prescribe, administer, or furnish a controlled  
23 substance except under the conditions and in the manner provided by this division."

24 10. Section 11173(a) states:

25 No person shall obtain or attempt to obtain controlled substances, or procure or  
26 attempt to procure the administration of or prescription for controlled substances,  
27 (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a  
28 material fact.

**CONTROLLED SUBSTANCES**

11. Xanax is the brand name for the controlled substance, Alprazolam, a sedative and a  
schedule IV controlled substance under Health and Safety Code, section 11057.

12. Depotestosterone is the band name for the controlled substance, Testosterone, an  
anabolic steroid and a schedule III controlled substances under Health and Safety Code, section  
11056.

**COST RECOVERY**

13. Business and Professions Code section 125.3 provides, in pertinent part, that a 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.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Theft of Controlled Substances)**

3 14. Respondent is subject to disciplinary action for unprofessional conduct under section  
4 4301(f) in that Respondent committed acts of moral turpitude, dishonesty, fraud, and deceit when  
5 on multiple occasions she stole controlled substances from her employer. The circumstances are  
6 as follows:

7 15. During an internal investigation by CVS Pharmacy relating to the loss of controlled  
8 substances inventory, Respondent was interviewed and voluntarily admitted to diverting the  
9 controlled substances Alprazolam and Testosterone between April and June 2015. During this  
10 time, Respondent worked as an Inventory Specialist and Lead Technician and did not have a valid  
11 prescription for either drug. Respondent admitted that she knew her conduct was wrong and  
12 illegal, but that she stole the drugs to give to her "partner."

13 **SECOND CAUSE FOR DISCIPLINE**

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

15 16. Respondent is subject to disciplinary action for unprofessional conduct under section  
16 4301(j) in that Respondent violated Business and Professions Code, section 4060, by unlawfully  
17 obtaining and possessing controlled substances without a valid prescription as set forth in  
18 Paragraph 15.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Unlawful Furnishing of Controlled Substances)**

21 17. Respondent is subject to disciplinary action for unprofessional conduct under section  
22 4301(j) in that Respondent violated Health and Safety Code, section 11171, by furnishing  
23 controlled substances to another person without a valid license or prescription authorizing it and  
24 as set forth in Paragraph 15.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Obtaining Controlled Substances by Deceit)**

3 18. Respondent is subject to disciplinary action for unprofessional conduct under section  
4 4301(j) in that Respondent violated Health and Safety Code, section 11173(a), by obtaining  
5 controlled substances through fraud, deceit, or subterfuge as set forth in Paragraph 15.

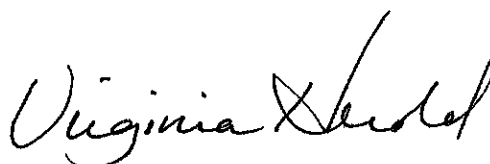
6 **PRAYER**

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

- 9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 82008,  
10 issued to Anna Maria Sims;
- 11 2. Ordering Anna Maria Sims to pay the Board of Pharmacy the reasonable costs of the  
12 investigation and enforcement of this case, pursuant to Business and Professions Code section  
13 125.3; and,
- 14 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: \_\_\_\_\_

12/9/16



19 VIRGINIA HEROLD  
20 Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

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