

1 BILL LOCKYER, Attorney General
of the State of California
2 ARTHUR D. TAGGART, State Bar No. 083047
Lead Supervising Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5339
Facsimile: (916) 327-8643
6

Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

Case No. Case 2743

11
12 **DONNA STRONG**
1267 Levich Street
13 Hanford, CA 93230

OAH No. N2004060240

**STIPULATED SURRENDER OF
REGISTRATION AND ORDER**

14
15 Respondent.

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties
17 to the above-entitled proceedings that the following matters are true:

18 PARTIES

19 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board
20 of Pharmacy. Complainant has brought this action solely in her official capacity and is
21 represented in this matter by Bill Lockyer, Attorney General of the State of California, and
22 by Arthur D. Taggart, Lead Supervising Deputy Attorney General.

23 2. Respondent Donna Strong (Respondent) has been advised of her right
24 to be represented by private legal counsel at her own expense. She is represented by James
25 B. Oliver, attorney at law, in this matter.

26 3. On or about May 12, 1997, the Board of Pharmacy issued Original
27 Pharmacy Technician Registration Number TCH 22282 to Donna Strong (Respondent).
28 The registration is in full force and effect until April 30, 2005.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JURISDICTION

4. Accusation No. 2743 was filed before the Board of Pharmacy and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 27, 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2743 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2743. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her, the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation Accusation No. 2743, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration Number TCH 22282 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

1 registration certificate on or before the effective date of the Decision and Order.

2 16. Respondent fully understands and agrees that if she ever files an
3 application for licensure or a petition for reinstatement in the State of California, the Board
4 shall treat it as a petition for reinstatement. Respondent must comply with all the laws,
5 regulations and procedures for reinstatement of a revoked registration in effect at the time
6 the petition is filed, and all of the charges and allegations contained in Accusation No. 2743
7 shall be deemed to be true, correct, and admitted by Respondent when the Board determines
8 whether to grant or deny the petition. Respondent shall meet all requirements applicable to
9 that technician registration as of the date the application is submitted to the Board,
10 including, but not limited to certification by a nationally recognized body prior to the
11 issuance of a new registration.

12 17. Prior to reinstatement of the license or issuance of a new license,
13 Respondent shall pay to the Board costs associated with its investigation and enforcement
14 pursuant to Business and Profession Code section 125.3. Said costs in the present case are
15 \$5000.00. Respondent shall be permitted to pay these costs in a payment plan approved by
16 the Board.

17 18. Should Respondent ever apply or reapply for a new registration,
18 license or certification, or petition for reinstatement of same, by any other health care
19 licensing agency in the State of California, all of the charges and allegations contained in the
20 Accusation No. 2743 shall be deemed to be true, correct, and admitted by Respondent for
21 the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict
22 said registration, licensure, or certification.

23 19. Respondent shall not apply for registration or petition for
24 reinstatement for three (3) years from the effective date of the Board of Pharmacy Decision
25 and Order.

26 ///

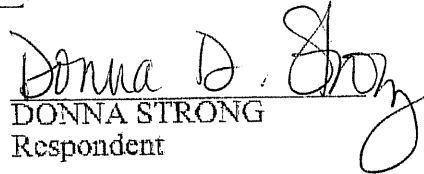
27 ///

28

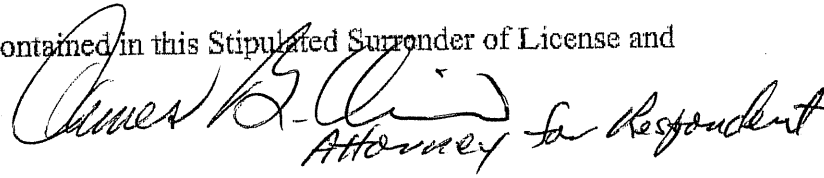
ACCEPTANCE

I have carefully read the above Stipulated Surrender of Registration and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of Registration and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 2-1-05


DONNA STRONG
Respondent

I have read and fully discussed with Respondent, DONNA STRONG the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.


Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: Att 2/4/08

BILL LOCKYER, Attorney General
of the State of California



ARTHUR D. TAGGART
Lead Supervising Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against:

DONNA STRONG

Respondent.

Case No. Case 2743

OAH No. N2004060240

DECISION AND ORDER


The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, as its Decision in this matter.

This Decision shall become effective on March 31, 2005.

It is so ORDERED March 1, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. Case 2743

1 BILL LOCKYER, Attorney General
of the State of California
2 JOEL S. PRIMES, State Bar No. 42568
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5340
Facsimile: (916) 327-8643

6 Attorneys for Complainant
7

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. 2743

13 DONNA STRONG
1267 Levich Street
Hanford, CA 93230

ACCUSATION

14 Pharmacy Technician Registration No.
TCH 22282

15 Respondent.
16

17
18 Complainant alleges:

19 PARTIES

20 Patricia F. Harris, for causes of discipline, alleges:

21 Complainant, Patricia F. Harris, makes and files this Accusation in her official
22 capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs (hereinafter
23 "Board").

24 1. On May 12, 1997, the Board issued Original Pharmacy Technician
25 Registration Number TCH 22282, to Donna Strong, to act as a pharmacy technician in
26 California. The address of record is 1267 Levich Street, Hanford, CA 93230. The registration is
27 in full force and effect until April 30, 2005.

28 ///

1 2. Vicodin is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022
2 and a Schedule 3 Controlled Substance pursuant to Health and Safety Code section 11056(e)(4).
3 generic name is Hydrocodone/APAP and it is used for pain relief.

4 3. Adipex Fasten is a Dangerous Drug pursuant to Bus. & Prof. Code section
5 4022 and is a Schedule 4 Controlled Substance pursuant to Health and Safety Code section
6 11057(f)(4). Its generic name is Phentermine and it is used for short-term obesity treatment.

7 4. Darvocet-N 100 is a Dangerous Drug pursuant to Bus. & Prof. Code
8 section 4022 and a Schedule 4 Controlled Substance pursuant to Health and Safety Code section
9 11057(c)(2). Its generic name is Propoxyphene Napsylate/APAP and it is used for pain relief.

10 5. Fioricet is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022.
11 It is not a controlled substance. Its generic name is Butalbital/APAP and it is used for vascular
12 headaches.

13 6. Fiorinal is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022.
14 It is a Schedule 3 Controlled Substance pursuant to Health and Safety Code section 11056(c)(3).
15 Its generic name is Butalbital and it is used for vascular headaches.

16 7. Soma is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022.
17 It is not a controlled substance. Its generic name is Carisoprodol and it is used as a skeletal
18 muscle relaxant.

19 8. Valium is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022.
20 It is a Schedule 4 Controlled Substance pursuant to Health and Safety Code section 11057(d)(9).
21 Its generic name is Diazepam and it is used for anxiety.

22 9. Xanax is a Dangerous Drug pursuant to Bus. & Prof. Code section 4022.
23 It is a Schedule 4 Controlled Substance pursuant to Health and Safety Code section 11057(d)(1).
24 Its generic name is Alprazolam and it is used for anxiety.

25 10. Business and Professions Code section 4301 provides that the Board shall
26 take action against any holder of a license who is guilty of unprofessional conduct.

27 ///

28 ///

1 Unprofessional conduct includes:

2
3 (f) The commission of any act involving moral
4 turpitude, dishonesty, fraud, deceit, or corruption, whether the act
5 is committed in the course of relations as a licensee or otherwise,
6 and whether the act is a felony or misdemeanor or not.

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

10 11. Business and Professions Code section 4059(d) provides that a person may
11 not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist,
12 optometrist, or veterinarian.

13 12. Business and Professions Code section 4060 provides that no person shall
14 possess any controlled substance, except that furnished to a person upon the prescription of a
15 physician, dentist, podiatrist, or veterinarian.

16 13. Health and Safety Code section 11173(a) provides, that no person shall
17 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
18 administration of a prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
19 or subterfuge; or (2) by the concealment of a material fact.

20 14. Respondent engaged in unprofessional conduct pursuant to Code sections
21 4301(f) and (g), 4059(d) and 4060 and Health and Safety Code section 11173(a) as follows:

22 A.

23 While employed as a pharmacy technician at Long's Drug Store, #107, 150 South
24 11th Avenue, Hanford, CA. from January 13, 2001 to August 15, 2002, Respondent Donna Strong
25 phoned in and processed unauthorized refills in her husband, Donald Strong's, name (hereafter
26 referred to as Mr. S.) and pharmacy technician Macedo picked up the drugs. Additionally, Ms.
27 Macedo processed unauthorized prescriptions in Mr. S's name and picked up the drugs.

28 The unauthorized prescriptions were as follows:

- 3 Soma prescriptions for 270 tablets at Wal-Mart, Rx 6940973 and 6949781
- 9 Soma prescriptions for 540 tablets at Kmart, Rx 6758067

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 4 Soma prescriptions for 220 tablets at Rite Aid, Rx 505374, 191127 and 547284
- 2 Vicodin prescriptions for 100 tablets at Rite Aid, Rx 505375 and 191125
- 2 Xanax prescriptions for 120 tablets at Wal-Mart, Rx 4465151
- 1 Xanax prescription for 30 tablets at Rite Aid, Rx 414592
- 1 Xanax prescription for 60 tablets at Kmart, Rx 4430568
- 7 Xanax prescriptions for 630 tablets at Longs #107, Rx 822553 and 869813. A random review of the signature logs for proof of delivery found they were either missing, illegible, blank or stated, "D Strong".

B.

From January 15, 2002 to September 12, 2002, Respondent Donna Strong obtained 11 unauthorized prescriptions by either processing unauthorized refills or creating unauthorized phone refills as follows:

- 2 Darvocet-N 100 prescriptions for 180 tablets at Longs 107, Rx 844284 and 879221
- 3 Fioricet prescriptions for 180 tablets at Longs 107, Rx 803998
- 4 phentermine prescriptions for 240 tablets at Longs 107, Rx 831668 and 856095
- 1 promethazine prescription for 20 tablets at Longs, Rx 873676
- 1 phentermine prescription for 60 tablets at Wal-Mart, Rx 4478017

C.

On September 13, 2002, Respondent Donna Strong called in 2 unauthorized prescriptions, Soma and Xanax, to Kmart in Mr. S's name, Pharmacy Technician Christy McCord (TCH 25886) received the refill information.

D.

Respondent Donna Strong refilled 2 Darvocet-N 100 prescriptions for 180 tablets, 3 Fioricet prescriptions for 180 tablets, 5 Phentermine prescriptions for 300 tablets and 1 Promethazine prescription for 20 tablets in her own name without prescriber authorization.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

E.


Pharmacy Technician's Jackie Macedo and Donna Strong conspired to fill or refill unauthorized prescriptions in Donna Strong's husband's name during employment at Longs Drug Store #107, 150 South 11th Avenue, Hanford, CA..

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration (TCH #22282) issued to Donna Strong;
2. Ordering Donna Strong to pay the Pharmacy Board 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: 4/1/04



PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant