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

In the Matter of the Accusation Against:

Case No. 3072

CATHLEEN E. HUTCHINSON
8836 Fortuna Way
Orangevale, CA 95662

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Pharmacy Technician Registration TCH 30078

Respondent.

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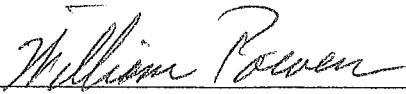
DECISION AND ORDER

The attached Stipulated Surrender of Pharmacy Technician License No. TCH 30078 issued to Cathleen E. Hutchinson is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 20, 2007.

It is so ORDERED November 20, 2007.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
WILLIAM POWERS
Board President

1 EDMUND G. BROWN, JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JESSICA M. AMGWERD, State Bar No. 155757
Deputy Attorney General
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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3072

12 **CATHLEEN E. HUTCHINSON**
8836 Fortuna Way
13 Orangevale, CA 95662

OAH No. 2007070437

14 Pharmacy Technician Registration TCH 30078

**STIPULATED SURRENDER AND
ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Virginia K. Herold (Complainant) is the Executive Officer of the Board of
21 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
22 this matter by Edmund G. Brown, Jr., Attorney General of the State of California, by Jessica M.
23 Amgwerd, Deputy Attorney General.

24 2. Cathleen Elyce Hutchinson (Respondent) is represented by John Manning.

25 3. On or about July 28, 1999, the Board issued Pharmacy Technician License
26 No. TCH 30078 to Respondent.

27 JURISDICTION

28 4. Accusation No. 3072 was filed before the Board of Pharmacy (Board),

1 Department of Consumer Affairs, on June 4, 2007, and is currently pending against Respondent.
2 The Accusation and all other statutorily required documents were properly served on Respondent
3 on June 7, 2007. Respondent filed her Notice of Defense contesting the Accusation. A copy of
4 Accusation No. 3072 is attached as exhibit A and incorporated herein by reference.

5 ADVISEMENT AND WAIVERS

6 5. Respondent has carefully read, and understands the charges and allegations
7 in Accusation No. 3072. Respondent also has carefully read, and understands the effects of this
8 Stipulated Surrender of License and Order.

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

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

18 8. This settlement shall be for the purposes of this proceedings, any future
19 proceedings before the parties and any other actions taken by or before any governmental agency
20 responsible for licensing, and shall not be used for any civil or criminal proceedings.

21 CULPABILITY

22 9 Respondent admits that from January 21, 2005, through January 30, 2006,
23 while she was working at Longs Drug Store #93 in Citrus Heights, California, she fraudulently
24 filled and refilled Hydrocodone with acetaminophen prescriptions without authorizations. On
25 October 4, 2006, Respondent pled nolo contendere to a misdemeanor violation of Penal Code
26 section 487(b) [grand theft], which was dismissed pursuant to Penal Code section 1385 on
27 January 11, 2007. Respondent admits to violating the following Business and Professions Code
28 sections:

1 §4301 (f) obtaining controlled substances through fraud, deceit, subterfuge

2 §4301(g) forged altered prescriptions

3 § 4301 (j, o) violation of state statutes/laws and regulations

4

5 Respondent agrees that cause exists for discipline of her Pharmacy Technician License No. TCH
6 30078.

7 10. Respondent understands that by signing this stipulation she enables the
8 Board to issue an order accepting the surrender of her Pharmacy Technician License No. TCH
9 30078 without further process.

10

RESERVATION

11 11. The admissions made by Respondent herein are only for the purposes of
12 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
13 licensing agency is involved, and shall not be admissible in any other criminal or civil
14 proceeding.

15

CONTINGENCY

16 12. This stipulation shall be subject to approval by the Board of Pharmacy.
17 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
18 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
19 without notice to or participation by Respondent. By signing the stipulation, Respondent
20 understands and agrees that he may not withdraw her agreement or seek to rescind the stipulation
21 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
22 as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or
23 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
24 and the Board shall not be disqualified from further action by having considered this matter.

25 13. The parties agree that facsimile copies to this Stipulated Surrender of
26 License and Order, including facsimile signatures thereto, shall have the same force and effect as
27 original Stipulated Settlement and Disciplinary Order and signatures.

28 14. In consideration of the foregoing admissions and stipulations, the parties

1 agree that the Board may, without further notice or formal proceeding, issue and enter the
2 following Order:

3 **ORDER**

4 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 30078,
5 issued to Cathleen E. Hutchinson is surrendered and accepted by the Board of Pharmacy.

6 15. The surrender of Respondent's pharmacy license and the acceptance of the
7 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
8 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
9 license history with the Board.

10 16. Respondent shall cause to be delivered to the Board both Respondent's
11 license wall and pocket license certificate on or before the effective date of the Decision and
12 Order.

13 17. Respondent understands and agrees that if Respondent ever applies for
14 licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new
15 application for licensure. Respondent must comply with all the laws, regulations and procedures
16 for licensure in effect at the time the application or petition is filed, and all of the charges and
17 allegations contained in Accusation No. 3072 shall be deemed to be true, correct, and admitted
18 by Respondent when the Board determines whether to grant or deny the application or petition.

19 18. Upon application for a new license or a petition for reinstatement,
20 Respondent shall pay to the Board costs associated with its investigation and enforcement
21 pursuant to Business and Professions Code section 125.3 in the amount of Two Thousand
22 Dollars (\$2,000.00).

23 19. Should Respondent ever apply or reapply for a new license or certification,
24 or petition for reinstatement of a license, by any other health care licensing agency in the State of
25 California, all of the charges and allegations contained in Accusation and Petition To Revoke,
26 No. 3072 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any
27 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

28 20. Respondent shall not apply for licensure or petition for reinstatement for

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three (3) years from the effective date of the Board of Pharmacy's Decision and Order.

ACCEPTANCE

I, Cathleen E. Hutchinson have carefully read the above Stipulated Surrender of License and have discussed it with my attorney and enter into this agreement freely and voluntarily with full knowledge of its force and effect, do hereby surrender my Pharmacy Technician License No. TCH 30078 to the Board of Pharmacy, Department of Consumer Affairs, State of California, for its formal acceptance. By signing this Stipulated Surrender of License I recognize that upon its formal acceptance by the Board I will lose all rights and privileges to practice as a pharmacy technician in the State of California and I will also cause to be delivered to the Board both my license and wallet certificate before the effective date of the decision.

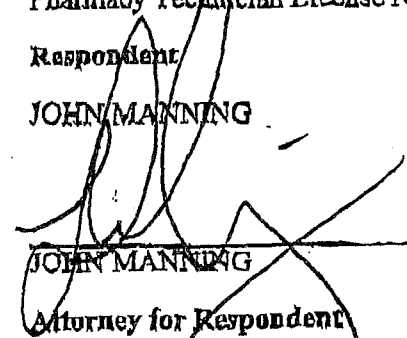
I further agree that a facsimile copy of this Stipulated Surrender of License and Order including facsimile copies of signatures, may be used with the same force and effect as the originals.

DATED: 10-12-07


CATHLEEN E. HUTCHINSON
Pharmacy Technician License No. TCH 30078

Respondent
JOHN MANNING

Dated: 10/15/07

By: 
JOHN MANNING
Attorney for Respondent

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ENDORSEMENT

The foregoing Surrender of license is respectfully submitted for consideration by
the Board of Pharmacy, Department of Consumer Affairs.

DATED: October 15, 2007

EDMUND G. BROWN, Attorney General
of the State of California

By: Jessica M. Amgwerd
JESSICA M. AMGWERD
Deputy Attorney General

Attorneys for Complainant

1 EDMUND G. BROWN, JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JESSICA M. AMGWERD, State Bar No. 155757
Deputy Attorney General
4 California Department of Justice
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-7376
Facsimile: (916) 327-8643

7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3072

13 **CATHLEEN E. HUTCHINSON**

ACCUSATION

14 8836 Fortuna Way
Orangevale, CA 95662

15 Pharmacy Technician Registration TCH 30078

16 Respondent.

17 Complainant alleges:

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

21 I.

22 **LICENSE HISTORY**

23 2. On July 28, 1999, the Board issued Original Pharmacy Technician
24 Registration No. TCH 30078 to Cathleen E. Hutchinson, to act as a pharmacy technician in
25 California. Ms. Hutchinson's pharmacy technician's registration was in full force and effect at all
26 times relevant to the charges brought herein and will expire on March 31, 2009, unless renewed.

27 ///

28 ///

1 II.

2 STATUTORY PROVISIONS

3 3. Under Business and Professions Code ("Bus. & Prof. Code") section 4300
4 the Board may discipline any license, for any reason provided in the Pharmacy Law, (i.e., Bus. &
5 Prof. Code section 4000 et. seq.)

6 4. Bus. & Prof. Code section 4301 states, in pertinent part:

7 **§ 4301. Unprofessional conduct; licenses procured through**
8 **misrepresentation, fraud, or mistake**

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

13

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

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

20 . . .

21 (j) The violation of any of the statutes of this state or of the United States
22 regulating controlled substances and dangerous drugs.

23

24 (l) The conviction of a crime substantially related to the qualifications,
25 functions, and duties of a licensee under this chapter. The record of
26 conviction of a violation of Chapter 13 (commencing with Section 801) of
27 Title 21 of the United States Code regulating controlled substances or of a
28 violation of the unprofessional conduct. In all other cases, the record of
conviction shall be conclusive evidence only of the fact that the conviction
occurred. The board may inquire into the circumstances surrounding the
commission of the crime, in order to fix the degree of discipline or, in the
case of a conviction not involving controlled substances or dangerous
drugs, to determine if the conviction is of an offense 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 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
granting probation is made suspending the imposition of sentence,
irrespective of a subsequent order under Section 1203.4 of the Penal Code
allowing the person to withdraw his or her plea of guilty and to enter a plea

1 of not guilty, or setting aside the verdict of guilty, or dismissing the
2 accusation, information, or indictment.

3 ...

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

8 ...

9 5. Bus. & Prof. Code section 4059 states as follows:

10 **§ 4059. Prescriptions; requirement; exceptions; penalties**

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

17 6. Bus. & Prof. Code section 4060 states as follows:

18 **§ 4060. Controlled substances; possession**

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

...

7. Health and Safety Code section 11173(a), states as follows:

**§ 11158. Prescriptions for schedule II, III, IV, and V
substances; practitioners authorized to administer controlled
substances**

(a) Except as provided in Section 11159 or in subdivision (b) of this
section, no controlled substance classified in Schedule II shall be dispensed
without a prescription meeting the requirements of this chapter. Except as
provided in Section 1159 or when dispensed directly to an ultimate user by
a practitioner, other than a pharmacist or pharmacy, no controlled substance
classified in Schedule III, IV, or V may be dispensed without a prescription

1 meeting the requirements of this chapter.

2
3 8. Health and Safety Code section 11350, in pertinent part, as follows:

4 **§ 11350. Possession of designated controlled substances;
punishment and fine**

5 (a) Except as otherwise provided in this division, every person who
6 possesses (1) any controlled substance specified in subdivision (b) or (c),
7 or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph
8 (14), (15), or (20) of subdivision (d) of Section 11054, or (2) any controlled
9 substances classified in Schedule III, IV, or V which, is a narcotic drug,
10 unless upon the written prescription of a physician, dentist, podiatrist, or
11 veterinarian licensed to practice in this state, shall be punished by
12 imprisonment in the state prison.

13 ...

14 9. Health and Safety Code section 11368, states as follows:

15 **§ 11368. Forged or altered prescriptions; punishment**

16 Every person who forges or alters a prescription or who issues or utters an
17 altered prescription, or who issues or utters a prescription bearing a forged
18 or fictitious signature for any narcotic drug, or who obtains any narcotic
19 drug by any forged, fictitious, or altered prescription, or who has in
20 possession any narcotic drug secured by a forged, fictitious, or altered
21 prescription, shall be punished by imprisonment in the county jail for not
22 less than six months nor more than one year, or in the state prison.

23 10. Penal Code section 487(b)(3) states, in pertinent part, as follows:

24 **§ 487. Grand theft defined**

25 Grand theft is a theft committed in any of the following cases:

26 ...

27 (b) Notwithstanding subdivision (a), grand theft is committed in any of the
28 following cases:

...

(3) Where the money, labor, or real or personal property is taken by
a servant, agent, or employee from his or her principal or employer
and aggregates four hundred dollars (\$400) or more in any 12
consecutive month period.

11. Bus. & Prof. Code section 118, subdivision (b), states:

The suspension, expiration, or forfeiture by operation of law of a license
issued by a board in the department, or its suspension, forfeiture, or
cancellation by order of the board or by order of a court of law, or its
surrender without the written consent of the board, shall not, during any

1 period in which it may be renewed, restored, reissued, or reinstated, deprive
2 the board of its authority to institute or continue a disciplinary proceeding
3 against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action
against the licensee on any such ground.

4 12. Bus. & Prof. Code section 125.3 states, in pertinent part, that the Board
5 may request the administrative law judge to direct a licentiate found to have committed a violation
6 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
7 investigation and enforcement of the case.

8 **III.**

9 **CONTROLLED SUBSTANCES AT ISSUE**

10 13. "Prozac," a brand name for Fluoxetine Hydrochloride, is a dangerous drug,
11 within the meaning of Bus. & Prof. Code 4022, that requires a prescription under federal law.

12 14. "Norco," a brand name for Hydrocodone, is an opiate and a Schedule III
13 controlled substance as designated by Health & Saf. Code section 11056, subdivision (e)(4)

14 15. "Vicodin," a brand name for Hydrocodone, is an opiate and a Schedule III
15 controlled substance as designated by Health & Saf. Code section 11056, subdivision (e)(4).

16

17 BRAND NAME	GENERIC NAME	DANGEROUS DRUG PER B&PC 4022	CONTROLLED SUBSTANCE PER H&S CODE	INDICATIONS FOR USE
18 Prozac	Fluoxetine HCl	Yes	No	Depression
19 Norco	Hydrocodone/ 20 APAP 10mg/325mg	Yes	Yes-C3 HSC 11056 (e) (4)	Pain
21 Vicodin	Hydrocodone 5 22 mg with APAP	Yes	Yes-C3 HSC 11056 (e) (4)	Pain

23

24 **IV.**

25 **GENERAL BACKGROUND**

26 16. From February 2000 through February 3, 2006, Respondent worked as a
27 pharmacy technician at Longs Drug Store #93 and SavOn #7216. From January 21, 2005, through
28 January 30, 2006, while working at Longs Drug Store #93 in Citrus Heights, California,

1 Respondent fraudulently filled and refilled Hydrocodone with acetaminophen prescriptions
2 without authorization.

3 17. Longs Drug Store identified shortages of Hydrocodone with acetaminophen
4 and conducted an audit and investigation. During the investigation, videotaping revealed
5 Respondent and pharmacy technician Jennifer Sheddy conducting fraudulent activity at the
6 pharmacy. The Sacramento County Sheriff's Department reported Respondent was responsible
7 for 22 fraudulent changes to customer prescriptions totaling 2,940 doses of Hydrocodone and
8 passed the medicine to a customer or removed the medication from the store herself, at a cost of
9 \$2,176.

10 18. Further investigation from the Board of Pharmacy Inspector showed that
11 from January 21, 2005, through January 30, 2006, Respondent fraudulently filled and refilled 34
12 HC/AP prescriptions for patients J.G. and L.O. without prescriber authorization, totaling 960
13 HC/AP 5/500 tablets and 3300 HC/AP 10/325 tablets. More specifically, the unauthorized
14 prescriptions Respondent filled and refilled are as follows:

Type	Patient Name	#RXs	Drug	QTY
New	JG	9	Vicodin	540
New	JG	3	Norco	240
Refill	JG	7	Vicodin	420
Refill	JG	7	Norco	660
New	LO	4	Norco	1440
Refill	LO	4	Norco	960
TOTAL		34		4260

23
24 19. Investigation substantiated 34 prescriptions totaling 4,260 doses of HC/AP,
25 including 5 prescriptions that were electronically Returned To Stock were filled or refilled without
26 prescriber authorization.

27 20. Due to the theft at Longs Drugs from October 6, 2005, through January 30,
28 2006, a criminal complaint was filed against Respondent on July 14, 2006, in the Sacramento

1 County Superior Court, entitled, *The People of The State of California v. Cathleen E. Hutchinson*,
2 Case No. 06F06292. On October 4, 2006, Respondent pled Nolo Contendere to a misdemeanor
3 violation of Penal Code section 487(b)(3) for grand theft.

4 V.

5 VIOLATIONS

6 (B&P SECTION 4301(f))

7 (Obtaining controlled substance through fraud, deceit, subterfuge)

8 21. Paragraphs 16 through 20 are incorporated herein by reference.

9 Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section 4301,
10 subdivision (f), on the grounds of unprofessional conduct, in obtaining controlled substances
11 through fraud, deceit and subterfuge. More specifically, Respondent's acts which involve moral
12 turpitude, dishonesty, fraud, deceit, or corruption include the following conduct:

- 13 a. Creating 34 false new and refill prescription documents for
14 Hydrocodone with acetaminophen.
15 b. Falsely electronically returning circa 5 prescriptions to
16 stock, yet the prescriptions for Hydrocodone with
17 acetaminophen 10/325 were filled and furnished from
18 Longs.
19 c. Stealing medication from Longs Drugs.

20 (B&P SECTION 4301(g))

21 (Forged/Altered Prescriptions)

22 22. Paragraphs 16 through 20 are incorporated herein by reference.

23 Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section 4301,
24 subdivision (g), on the grounds of unprofessional conduct, in conjunction with Health and Safety
25 Code section 11368. More specifically, from January 21, 2005 through January 30, 2006,
26 Respondent forged, altered, and created 34 false new and refill prescription documents, totaling
27 960 doses of Hydrocodone with acetaminophen 5/500 tablets and 3,300 doses of Hydrocodone
28 with acetaminophen 10/325 tablets.

///

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1 (B&P SECTION 4301(j/o))

2 (Violation of State Statutes/Laws and Regulations)

3 23. Paragraphs 16 through 20 are incorporated herein by reference.

4 Respondent is subject to disciplinary action on the grounds of unprofessional conduct, pursuant to
5 Bus. & Prof. Code section 4301, subdivision (j), for violating the state statutes, and subdivision
6 (o) for violating laws and regulations. More specifically, the violations are based upon the
7 following acts:

- 8 a. Respondent violated Bus. & Prof. Code section 4060(a) and
9 Health and Safety Code section 11350, by unlawfully
10 possessing narcotic controlled substances. On January 6,
11 2006, at 08:58, Respondent entered Longs Drugs on her day
12 off, removing unauthorized prescription number 758145 for
13 240 Hydrocodone with acetaminophen 10/325mg tablets
14 from the will-call rack, putting the prescription bottle in a
15 bag, placing \$10 into the register instead of cost of \$183,
16 signing "CEH" on the signature log and leaving the
17 pharmacy. Similarly, on January 16, 2006, at 13:09,
18 Respondent entered unauthorized prescription number
19 760390 for 120 Hydrocodone with acetaminophen 10/325
20 mg. tablets into the register as zero cost instead of the cost of
21 \$95.95, signing "CEH" on the customer signature log,
22 placing the prescription bottle in a bag and leaving the
23 pharmacy. Both incidents were videotaped.
- 24 b. Respondent violated Bus. & Prof. Code section 4059(a) and
25 Health and Safety Code section 11158(a), in that from
26 January 21, 2005, through January 30, 2006, Respondent
27 furnished 960 doses of Hydrocodone with acetaminophen
28 5/500 tablets and 3,300 doses of Hydrocodone with
acetaminophen 10/325 tablets, without a prescription.

20 (B&P SECTION 4301(l))

21 (Conviction of a Crime substantially Related)

22 24. Paragraphs 16 through 20 are incorporated herein by reference.

23 Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section 4301,
24 subdivision (l), on the grounds of unprofessional conduct, due to her misdemeanor criminal
25 conviction under Penal Code section 487(b)(3), for grand theft of Hydrocodone with
26 acetaminophen from her employer, Longs Drugs on October 4, 2006.

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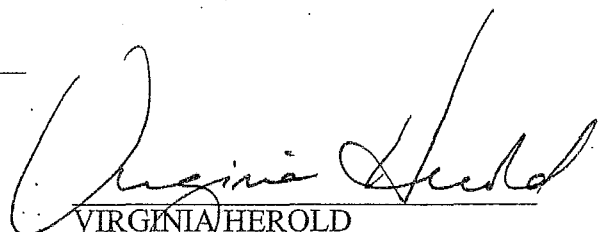
VI.

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 430078 issued to Cathleen Hutchinson;
2. Ordering Respondent Cathleen Hutchinson 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; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/4/07



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

10339104