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

In the Matter of the Accusation Against: **JAIME P. EDGE** Pharmacy Technician Registration No. TCH 78753 Respondent.	Case No. 3323 OAH No. 2009080380

NOTICE OF DECISION AND ORDER

No action having been taken and processed timely on the attached Proposed Decision, pursuant to Government Code section 11517(c)(2) the attached decision is hereby deemed adopted by operation of law on February 26, 2010, by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in the above entitled matter.

Pursuant to Government Code section 11519, this Decision shall become effective on April 3, 2010.

Date 3/4/10

VIRGINIA K. HEROLD, EXECUTIVE OFFICER
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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

In the Matter of the Accusation Against: JAIME P. EDGE 9312 Comstock Drive Huntington Beach, CA 92646 Pharmacy Technician Registration No. TCH 78753, Respondent.	No. 3323 OAH No. 2009080380

PROPOSED DECISION

On November 3, 2009, in San Diego, California, Alan S. Meth, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

G. Michael German, Deputy Attorney General, represented the complainant.

John C. Tolla, Attorney at Law, represented respondent.

The matter was submitted on November 3, 2009.

FACTUAL FINDINGS

1. On May 14, 2009, Virginia Herold, Executive Officer, Board of Pharmacy, Department of Consumer Affairs, State of California (hereafter, "Board") filed Accusation No. 3323 in her official capacity. Respondent filed a timely Notice of Defense.

2. On October 18, 2007, the Board issued Original Pharmacy Technician Registration Number TCH 78753 to respondent to work as a pharmacy technician in California.

3. On December 8, 2008, in the Superior Court of Orange County, respondent pled guilty and was convicted of violating Penal Code section 459-460, second degree commercial burglary, a misdemeanor. Pursuant to a plea bargain, charges of grand theft by an employee (Pen. Code, § 487) and obtaining a controlled substance by fraud (Health & Saf.

Code, § 11173) were dismissed. The court then placed respondent on informal probation for three years on condition, among others, that she pay various fines and fees and complete 20 days of community service by March 9, 2009. Respondent did not appear in court on March 9, and did not submit proof of her completion of community service. Consequently, the court revoked probation and issued a bench warrant. On October 23, 2009, the court re-activated probation and extended it until July 22, 2012.

4. The facts and circumstances of the offense are as follows:

Judith K. is approximately 90 years old, suffers from arthritis, cannot write well, and has difficulty walking. On April 25, 2008, her physician wrote her a prescription for 100 oxycontin, 40 mg., a pain medication and a Schedule 2 controlled substance. Oxycontin is widely abused and has a street value of about $1.00 per milligram. Judith K. filled the prescription at CVS Pharmacy No. 9491 located at 5822 Edinger Ave., Huntington Beach, California. The hard copy of the prescription was retained at that pharmacy. Respondent was employed at this pharmacy as a technician.

On May 23, 2008, respondent's husband, Michael, accompanied by their small child, took the same prescription to CVS Pharmacy No. 8850 located at 19121 Beach Blvd. and had the prescription filled. Respondent had stolen the prescription from CVS Pharmacy No. 9491 and had given it to her husband for him to fill.

On June 1, 2008, Judith K. presented a new prescription for 100 oxycontin, 40 mg., at CVS Pharmacy No. 9491. A pharmacy technician processed the new prescription and learned that it could not be filled due to an insurance rejection because the prescription had been refilled on May 23, 2008 at CVS Pharmacy No. 8850. Judith K. had not presented a prescription to CVS Pharmacy No. 8850 on May 23 and only used CVS Pharmacy No. 9491. She did not sign the log. CVS records showed that on May 23, 2008, respondent generated the April 25, 2008 prescription to a new prescription and then inactivated it.

On June 2, 2008, Dharmesh Patel, a supervising pharmacist for CVS Pharmacy, and James Meador, a loss prevention manager for CVS Pharmacy, interviewed respondent. Respondent wrote a statement in which she indicated that she stole a prescription for 100 oxycontin and gave it to her husband to fill, and he filled it. She explained that their intention was to sell the drug to her uncle for $1,000.00 which they needed because of their financial problems. She indicated the retail price of the drug was $528.99 and she planned to pay it back. She signed a promissory note acknowledging her unlawful conversions of CVS Pharmacy's property and agreed to repay the pharmacy $528.99.

On July 24, 2008, officers of the Huntington Beach Police Department interviewed respondent. Her attorney represented her. She told the officers she took Judith K.'s prescription and gave it to her husband to fill, and her husband gave the oxycontin to her uncle.

On December 8, 2008, at the time she entered her plea of guilty to commercial burglary, respondent indicated on the guilty plea form that on May 23, 2008, she "unlawfully entered CVS Pharmacy with the intent of stealing an oxycontin prescription."

5. The offense for which respondent was convicted is substantially related to the qualifications, duties, and functions of a pharmacy technician. She committed acts which involve moral turpitude, dishonesty, fraud, deceit, and corruption.

6. Respondent's husband testified he stole the oxycontin prescription without respondent's knowledge. He testified he saw the prescription in a stack of prescriptions, saw it as a potential opportunity, they needed the money, and he took it. He added that after respondent learned about what he had done, she yelled at him and he destroyed the drugs. He also pleaded guilty to criminal charges relating to his theft of the oxycontin.

7. Respondent testified that she did not steal the oxycontin prescription, but admitted to doing so because she was overwhelmed, upset, and crying. She indicated that she believed that if she admitted to the theft and cooperated with the CVS managers, the police would not be called and she could protect her family. She said she learned a few days before the interview that her husband had taken the prescription and filled it, and he intended to sell the drugs and use the money to pay an outstanding bill. She testified she told him he could not do that and that he had to destroy the drugs.

Respondent testified that after she was terminated from CVS Pharmacy, she got a job at a small pharmacy and worked there until March 2009, when she quit to have her second child. She presently stays home raising her baby.

Respondent testified she has not paid CVS Pharmacy the $528.99 she agreed to.

8. The testimony of respondent and her husband, to the effect that Mr. Edge stole the oxycontin prescription from the CVS pharmacy and filled it himself without the participation and knowledge of respondent, is not credible and is rejected. Respondent admitted that she stole the prescription twice, once shortly after Mr. Edge filled the stolen prescription and once a month later while being represented by her attorney. Six months later, in court, she admitted to a limited role in the theft, that of entering the CVS pharmacy with the intent of stealing an oxycontin prescription. Respondent's claim that she was pressured or coerced into falsely admitting her role in the theft of the prescription is contradicted by others and is not believable. Mr. Edge's testimony that he somehow stole a valuable prescription, oxycontin, simply by reaching into a stack of prescriptions kept behind the counter at the CVS pharmacy, is farfetched and likewise not believable.

9. The Board incurred costs for the investigation and enforcement of this matter in the amount of $8,051.80 for the services of the Attorney General and $816.00 in investigative costs. The total amount of $8,867.80 is reasonable.

LEGAL CONCLUSIONS

1. Business and Professions Code section 4301 provides in part:

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

[¶] . . .

(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 otherwise, and whether the act is a felony or misdemeanor or not.

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

[¶] . . .

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

[¶] . . .

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . 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. . .

[¶] . . .

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

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

2. Business and Professions Code section 4059 provides in part:

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

3. Business and Professions Code section 4060 provides in part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7 or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

4. Business and Professions Code section 490 provides in part:

A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere . . . .

5. Cause to revoke or suspend respondent's pharmacy technician registration pursuant to Business and Professions Code sections 4300, subdivision (l) and 490 was established by Findings 3, 4, and 5 in that respondent was convicted of a crime that is substantially related to the qualifications, function, and duties of a pharmacy technician.

6. Cause to revoke or suspend respondent's pharmacy technician registration pursuant to Business and Professions Code section 4300, subdivision (f) was established by Findings 3, 4, 5, and 8 in that respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, and corruption.

7. Cause to revoke or suspend respondent's pharmacy technician registration pursuant to Business and Professions Code section 4300, subdivision (g) was established by Findings 3, 4, 5, and 8 in that respondent knowingly fabricated a fraudulent prescription for a controlled substance.

8. Cause to revoke or suspend respondent's pharmacy technician registration pursuant to Business and Professions Code sections 4300, subdivision (j), 4059, and 4060 was established by Findings 3, 4, 5, and 8 in that respondent furnished a prescription for a controlled substance that she stole from her employer.

9. Cause to revoke or suspend respondent's pharmacy technician registration pursuant to Business and Professions Code section 4300, subdivision (o) was established by Findings 3, 4, 5, and 8 in that respondent violated federal and state laws governing pharmacy.

10. Cause to revoke or suspend respondent's pharmacy technician registration pursuant to Business and Professions Code section 4300, subdivision (p), was established by Findings 3, 4, 5, and 8 in that respondent's conduct would have warranted the denial of a pharmacy technician registration pursuant to Business and Professions Code section 480.

11. The evidence introduced in this matter points conclusively toward revocation of respondent's pharmacy technician registration. Respondent offered no evidence of rehabilitation. She committed a crime a year ago, is on criminal probation, and had probation extended because she failed to comply with its terms. She abused her position as a pharmacy technician to help steal a controlled substance that has a significant street value, and she did it solely for financial gain. Her conduct adversely affected a patient who was in need of the pain relief afforded by the drug but was deprived of it for a period of time. Respondent has not paid restitution to CVS. While claiming to be remorseful for her conduct, she testified untruthfully under oath. Her conduct is egregious. There is absolutely no reason to allow respondent to retain her pharmacy registration.

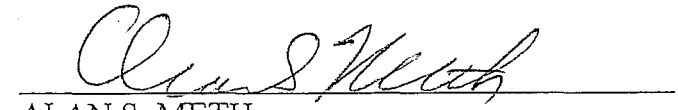
12. Cause to order respondent to reimburse the Board for its costs of investigation and enforcement of this matter in the amount of $8,867.80 was established by reason of Finding 9.

ORDER

1. Pharmacy Technician Registration No. TCH 78753 issued to respondent Jaime P. Edge is revoked.

2. Respondent shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of $8,867.80.

DATED: 11/19/09



ALAN S. METH
Administrative Law Judge
Office of Administrative Hearings

EDMUND G. BROWN JR., Attorney General
of the State of California
LINDA K. SCHNEIDER, State Bar No. 101336
Supervising Deputy Attorney General
AMANDA DODDS
Legal Analyst
110 West "A" Street, Suite 1100
San Diego, CA 92101

P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 645-2141
Facsimile: (619) 645-2061

Attorneys for Complainant

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

In the Matter of the Accusation Against: JAIME P. EDGE 9312 Comstock Drive Huntington Beach, CA 92646 Pharmacy Technician Registration No. TCH 78753 Respondent.	Case No. 3323 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about October 20, 2007, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 78753 to Jaime P. Edge (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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

STATUTORY PROVISIONS

6. Section 4301 of the Code states:

> The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:
>
> . . . .
>
> (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 otherwise, and whether the act is a felony or misdemeanor or not.
>
> (g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.
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> . . . .
>
> (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.
>
> . . . .
>
> (l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of 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 of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

. . . .

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

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

. . . .

7. Section 4022 of the Code states

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

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

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

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

8. Section 4059 of the Code states, in pertinent part, that a person may not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

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9. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7,or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not 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 in containers correctly labeled with the name and address of the supplier or producer.

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

10. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code.

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

(3) Done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made.

. . . .

11. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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12. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

13. United States Code, title 21, section 843 states, in pertinent part:

(a) It shall be unlawful for any person knowingly or intentionally --

. . . .

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge;

. . . .

REGULATORY PROVISIONS

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

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present 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.

15. California Code of Regulations, title 16, section 1769 states:

. . . .

(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

COST RECOVERY

16. Section 125.3 of the Code states, 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.

DRUG

17. OxyContin, the brand name for the controlled-release oral formulation of oxycodone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(N), and is a dangerous drug pursuant to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(December 8, 2008 Criminal Conviction for Second Degree Commercial Burglary on May 23, 2008)

18. Respondent subjected her license to discipline under sections 490 and 4301, subdivision (l) of the Code in that she was convicted of a crime that is substantially related to the qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

a. On or about December 8, 2008, in a criminal proceeding entitled *People of the State of California v. Jaime Edge,* in Orange County Superior Court, case number 08WM11306, Respondent was convicted on her plea of guilty for violating Penal Code section 459-460, subdivision (b), second degree burglary of a commercial structure, reduced to a misdemeanor as part of the plea agreement.

b. As a result of the conviction, on or about December 8, 2008, Respondent was sentenced to three years informal probation, 160 hours of community service,

and payment of fees and restitution in the amount of $120.00. Respondent was ordered to return on March 9, 2009, for a probation review hearing. Respondent failed to appear and a bench warrant was issued and remains in effect. Respondent's probation was revoked on March 9, 2009.

c. The facts that led to the conviction were that on or about June 1, 2008, Patient J.K. presented a new prescription for OxyContin at a CVS Pharmacy in Huntington Beach (Store #9491). During the processing of the prescription, the pharmacy technician received a rejection notice from the insurance company because it had already been filled on May 23, 2008, at another Huntington Beach CVS Pharmacy (Store #8850), and it was too soon for a refill. Patient J.K. never used Store #8850 to fill her prescriptions. After reviewing the prescription signature logs from Store #8850, Patient J.K. stated it was not her signature on the log. The original hard copy of Patient J.K.'s prescription dated April 25, 2008 was missing from the pharmacy's prescriptions files. Based upon the computer records, it was determined that Respondent, who worked as a pharmacy technician at the CVS Pharmacy Store #9491, generated a new prescription with a new number under Patient J.K.'s name on May 23, 2008, and then inactivated the prescription.

d. The following day, on June 2, 2008, Respondent's supervisor questioned Respondent. Respondent told her supervisor that she generated the new prescription under Patient J.K.'s name to check if the patient's insurance would cover it.

e. On June 3, 2008, after viewing video surveillance from CVS Pharmacy Store #8850, it was discovered that on May 23, 2008, Respondent's husband and four-year-old child went to Store #8850 with Patient J.K.'s original hard copy prescription dated April 25, 2008, which was stolen from Store #9491. Respondent's husband obtained 100 OxyContin 40 mg. tablets with the prescription stolen by Respondent. In a written statement to investigators, Respondent admitted she and her husband conspired to steal the OxyContin for the purpose of re-selling them for $1,000 because they were having financial difficulties. The estimated cost of the 100 OxyContin tablets was $528.99.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit & Corruption)

19. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the Code in that on or about May 23, 2008, while working as a pharmacy technician, Respondent fraudulently generated a prescription, and stole an original prescription written for Patient J.K. to illegally obtain controlled substances from her employer, CVS Pharmacy, using fraud, deceit, and dishonesty, as detailed in paragraph 18, above.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Knowingly Fabricating a Prescription)

20. Respondent is subject to disciplinary action under section 4301, subdivision (g) of the Code in that on or about May 23, 2008, while working as a pharmacy technician, Respondent knowingly made a fraudulent prescription for OxyContin, which constitutes unprofessional conduct, as detailed in paragraph 18, above.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Furnishing Controlled Substances)

21. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the Code in that on or about May 23, 2008, while working as a pharmacy technician, Respondent furnished to her husband a prescription for controlled substances stolen from her employer, in violation of sections 4059 and 4060 of the Code, as detailed in paragraph 18, above.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Violating Federal & State Laws & Regulations Governing Pharmacy)

22. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the Code in that on or about May 23, 2008, while working as a pharmacy technician, Respondent violated Title 21 United States Code section 843, subdivision (a)(3), Board of Pharmacy Regulations (California Code of Regulations, Title 16, Section 1700, et seq.),

and the California Uniform Controlled Substances Act (Health and Safety Code 11000, et seq.), as detailed in paragraph 18, above.

FIFTH CAUSE FOR DISCIPLINE

(Conduct That Would Have Warranted Denial of a License)

23. Respondent is subject to disciplinary action under section 4301, subdivision (p) of the Code in that on or about May 23, 2008, while working as a pharmacy technician, Respondent fraudulently generated a prescription for controlled substances and illegally obtained controlled substances using a stolen prescription, and was subsequently convicted for second degree commercial burglary. Such egregious conduct would have warranted the denial a pharmacy technician registration under section 480, subdivisions (a)(1) and (a)(2) of the Code.

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 78753, issued to Jaime P. Edge;

2. Ordering Jaime P. Edge 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: 5/14/09

Virginia Herold

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

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