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

In the Matter of the Accusation Against:

**BRANDI RENEE SCHNEIDER**  
16108 Ardath Avenue  
Gardena, CA 90249

Pharmacy Technician Registration  
No. TCH 50527

Respondent.

Case No. 3365

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 1, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3365 against Brandi Renee Schneider (Respondent) before the Board of Pharmacy.

2. On or about August 25, 2003, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 50527 to Respondent. The License was in full force and effect at all times relevant to the charges brought herein, and will expire on December 31, 2010, if not renewed.

3. On or about March 9, 2010, Thurman Peden, an employee of the Department of Justice, served by Certified and First Class Mail a copy of Accusation No. 3365 (Accusation), a Statement to Respondent, two copies of a form Notice of Defense, a Request for Discovery, and copies of Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of

1 record with the Board: 16108 Ardath Avenue, Gardena, CA 90249. Copies of the Accusation are  
2 attached as exhibit A and are incorporated herein by reference.

3 4. Service of the Accusation was effective as a matter of law under the provisions of  
4 Government Code section 11505, subdivision (c).

5 5. Government Code section 11506 states, in pertinent part:

6 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
7 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
8 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
9 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

10 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
11 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3365.

12 7. California Government Code section 11520 states, in pertinent part:

13 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
14 agency may take action based upon the respondent's express admissions or upon other evidence  
15 and affidavits may be used as evidence without any notice to respondent.

16 8. Pursuant to its authority under Government Code section 11520, the Board finds  
17 Respondent is in default. The Board will take action without further hearing and, based on the  
18 evidence on file herein, finds that the allegations in Accusation No. 3365 are true.

19 9. The total costs for investigation and enforcement in connection with the Accusation  
20 are \$2,211.75 as of April 27, 2010.

21 DETERMINATION OF ISSUES

22 1. Based on the foregoing findings of fact, Respondent Brandi Schneider has subjected  
23 her Pharmacy Technician License No. TCH 50527 to discipline.

24 2. A copy of the Accusation is attached.

25 3. The agency has jurisdiction to adjudicate this case by default.

26 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
27 License based upon the following violations alleged in the Accusation:

28 ///

1 a. In violation of Business and Professions Code sections 4301 (j) and (o), and 4060, in  
2 conjunction with Health and Safety Code section 11350 (a), Respondent was found to be in  
3 possession of controlled substances without a valid prescription;

4 b. In violation of Business and Professions Code sections 4301(g) and 4324, in  
5 conjunction with Health and Safety Code section 11173 (a), Respondent knowingly created a  
6 false document;

7 c. In violation of Business and Professions Code section 4301 (f), Respondent  
8 committed dishonest acts by stealing controlled substances from her employer by using a  
9 fraudulent prescription she had created;

10 d. In violation of Business and Professions Code sections 4301 (h) and (j) as defined in  
11 Health and Safety Code section 11170, Respondent self-administered controlled substances  
12 without a valid prescription.

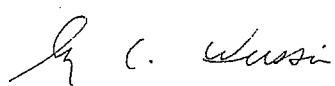
13 ORDER

14 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 50527, heretofore  
15 issued to Respondent Brandi Schneider, is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
17 written motion requesting that the Decision be vacated and stating the grounds relied on within  
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on August 5, 2010.

21 It is so ORDERED July 6, 2010.



22  
23 STANLEY C. WEISSER, BOARD PRESIDENT  
24 FOR THE BOARD OF PHARMACY  
25 DEPARTMENT OF CONSUMER AFFAIRS

26  
27  
28 Attachment: Exhibit A: Accusation No. 3365

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**Exhibit A**  
**Accusation No. 3365**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 KEVIN J. RIGLEY  
Deputy Attorney General  
4 State Bar No. 131800  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 620-2558  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation Against:

Case No. 3365

12 **BRANDI RENEE SCHNEIDER**  
16108 Ardath Avenue  
13 Gardena, CA 90249

**A C C U S A T I O N**

14 **Pharmacy Technician Registration**  
15 **No. TCH 50527**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 21 2. On or about August 25, 2003, the Board of Pharmacy (Board) issued Pharmacy  
22 Technician Registration No. TCH 50527 to Brandi Renee Schneider (Respondent). The  
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on December 31, 2010, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board, under the authority of the following  
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

28 ///

1 STATUTORY PROVISIONS

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

5 5. Section 4060 states:

6 "No person shall possess any controlled substance, except that furnished to a person upon  
7 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
8 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
9 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
10 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
11 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
12 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
13 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
14 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
15 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
16 labeled with the name and address of the supplier or producer."

17 6. Section 4300 provides, in pertinent part, that every license issued by the Board is  
18 subject to discipline, including suspension or revocation.

19 7. Section 4301 states:

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

23 ....

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

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

1           “(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
2 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
3 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
4 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
5 practice authorized by the license.

6           ....

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

9           ....

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

14           8. Section 4324 states:

15           “(a) Every person who signs the name of another, or of a fictitious person, or falsely  
16 makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription  
17 for any drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment  
18 in the state prison, or by imprisonment in the county jail for not more than one year.

19           “(b) Every person who has in his or her possession any drugs secured by a forged  
20 prescription shall be punished by imprisonment in the state prison, or by imprisonment in the  
21 county jail for not more than one year.”

22           9. Health and Safety Code section 11170 states:

23           “No person shall prescribe, administer, or furnish a controlled substance for himself.”

24           10. Health and Safety Code section 11173, subdivision (a) states:

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

28           ///

1 11. Health and Safety Code section 11350, subdivision (a) states:

2 "Except as otherwise provided in this division, every person who possesses (1) any  
3 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of  
4 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or  
5 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section  
6 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic  
7 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian  
8 licensed to practice in this state, shall be punished by imprisonment in the state prison."

9 **COST RECOVERY**

10 12. Section 125.3 states, in pertinent part, that the Board may request the administrative  
11 law judge to direct a licensee found to have committed a violation or violations of the licensing  
12 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
13 case.

14 **CONTROLLED SUBSTANCE**

15 13. "Hydrocodone 10mg/Acetaminophen 650mg," is a Schedule III controlled substance  
16 as defined in Health and Safety Code section 11056, subdivision (e)(4) and is categorized as a  
17 dangerous drug pursuant to section 4022.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Possession of Controlled Substances Without a Valid Prescription)**

20 14. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and  
21 (o), for violating section 4060 and Health and Safety Code section 11350, subdivision (a), in that  
22 Respondent was found to be in possession of controlled substances, without a valid prescription.  
23 On or about April 16, 2008, during an investigation concerning thefts of prescription drugs at Rite  
24 Aid 5481 Pharmacy (Rite Aid), in Redondo Beach, CA, by Redondo Beach Police Officers, the  
25 Rite Aid personnel indicated that approximately 500 tablets of Hydrocodone 10/650mg had been  
26 stolen between January and April, 2008. This was during a time that Respondent worked at Rite  
27 Aid, as a Pharmacy Technician. The Patient History Report for Respondent indicated that she  
28 had a prescription for Hydrocodone 10/650mg, with six refills. This prescription was not



1 authorized and was found to be fraudulent. Respondent, by her own admission, admitted that  
2 from on or about January 27, 2008 through April 16, 2008, she created a fraudulent prescription  
3 and had it filled several times. She also admitted that between refills she reprinted the  
4 prescription label, placed it on an empty pill container, and filled the container with Hydrocodone  
5 10/650mg tablets. In addition, Respondent admitted that she had a bottle of pills in her vehicle.  
6 During a search of Respondent's vehicle, a container with 98 tablets of Hydrocodone 10/650mg  
7 was found.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Knowingly Created a False Document)**

10 15. Respondent is subject to disciplinary action under sections 4301, subdivision (g) for  
11 violating section 4324 and Health and Safety Code section 11173, subdivision (a), in that from on  
12 or about January 27, 2008 to on or about April 16, 2008, while employed as a Pharmacy  
13 Technician at Rite Aid, Respondent knowingly created a false document, by forging prescriptions  
14 in order to obtain Hydrocodone 10/650mg (a controlled substance). Complainant refers to, and  
15 by this reference incorporates, the allegations set forth above in paragraph 14, as though set forth  
16 fully.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Dishonest Acts)**

19 16. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
20 that from on or about January 27, 2008 to on or about April 16, 2008, while employed as a  
21 Pharmacy Technician at Rite Aid, Respondent committed dishonest acts, by stealing controlled  
22 substance from her employer, using fraudulent prescriptions. Complainant refers to, and by this  
23 reference incorporates, the allegations set forth above in paragraphs 14 and 15, inclusive, as  
24 though set forth fully.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Self Administration of Controlled Substances)**

27 17. Respondent is subject to disciplinary action under section 4301, subdivisions (h) and  
28 (j), as defined in Health and Safety Code section 11170, in that Respondent self administered

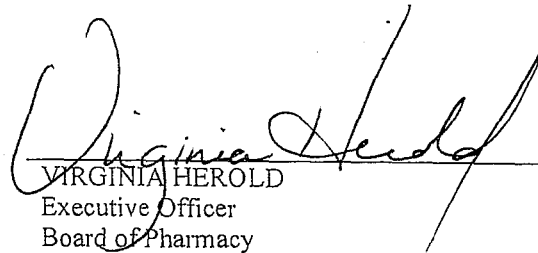
1 controlled substances without a valid prescription. On or about February 18, 2009, during a  
2 meeting with a Board of Pharmacy investigator, Respondent, by her own admission, admitted that  
3 she was addicted to Hydrocodone and that the drugs that she took from Rite Aid were for self use  
4 of migraine headaches. In addition, Respondent admitted that she checked into the Thelma  
5 McMillen Center for Chemical Dependency at Torrance Memorial Hospital in April, 2008 and  
6 completed the program on January 28, 2009.

7 PRAYER

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

- 10 1. Revoking or suspending Pharmacy Technician Registration No. TCH 50527, issued  
11 to Respondent;
- 12 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
13 enforcement of this case, pursuant to section 125.3;
- 14 3. Taking such other and further action as deemed necessary and proper.

15  
16 DATED: 3/1/10

17   
18 VIRGINIA HEROLD  
19 Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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25  
26  
27 LA2009603217  
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jz/lena (10/16/09)