

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

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

In the Matter of the Accusation Against:  
  
**TAREN DANETTE MADREY**  
4352 Hamilton Street, #8  
San Diego, CA 92104  
  
**Pharmacy Technician License**  
**No. TCH 88082**  
  
Respondent.

Case No. 3566  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about May 6, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3566 against Taren Danette Madrey (Respondent) before the Board of Pharmacy.
2. On or about December 17, 2008, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 88082 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2010, unless renewed.
3. On or about May 11, 2010, V. Cruz, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 3566, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is: 4352 Hamilton Street, #8, San Diego, CA 92104. A copy of the Accusation is attached as Exhibit A, and is incorporated herein by reference.



1 committed an act involving dishonesty, fraud and deceit when on November 19,  
2 2008, Respondent changed the quantity of tablets on a prescription for Percocet  
3 5/325mg from 50 to 150 and then presented the altered prescription to CVS  
4 Pharmacy for filling.

- 5 b. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
6 Business and Professions Code section 4301, subdivision (g), in that Respondent  
7 made a document that falsely represented the existence of a state of facts when on  
8 November 19, 2008, Respondent changed the quantity of tablets on a prescription for  
9 Percocet 5/325mg from 50 to 150.
- 10 c. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
11 Business and Professions Code section 4301, subdivision (o), in that Respondent  
12 attempted to violate a provision of applicable state laws and regulations governing  
13 pharmacy in conjunction with Health and Safety Code section 11173 when she  
14 attempted to obtain controlled substances by fraud, deceit, misrepresentation or  
15 subterfuge. The circumstances are that on November 19, 2008, Respondent changed  
16 the quantity of tablets on a prescription for Percocet 5/325mg from 50 to 150 tablets  
17 and then presented the altered prescription to CVS Pharmacy for filling.
- 18 d. Respondent is subject to disciplinary action pursuant to Business and Professions  
19 Code section 4301(o) for violation of Code section 4324, subdivision (a), in that  
20 Respondent forged a prescription. The circumstances are that on November 19, 2008,  
21 Respondent changed the quantity of tablets on a prescription for Percocet 5/325mg  
22 from 50 to 150 tablets.
- 23 e. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
24 Business and Professions Code section 4301, subdivision (p), for engaging in conduct  
25 that would have warranted denial of a license under Code section 480(a)(2) for  
26 dishonesty when on November 19, 2008, Respondent changed the quantity of tablets  
27 on a prescription for Percocet 5/325mg from 50 to 150 and then presented the altered  
28 prescription to CVS Pharmacy for filling.

1 f. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
2 Business and Professions Code section 4301, subdivision (j), in that Respondent  
3 violated a state statute regulating controlled substances when she violated Health and  
4 Safety Code section 11173, subdivision (a) for changing the quantity of tablets on a  
5 prescription for Percocet 5/325mg from 50 to 150 and then presenting the altered  
6 prescription to CVS Pharmacy for filling.

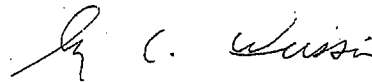
7 ORDER

8 IT IS SO ORDERED that Pharmacy Technician License No. TCH 88082, heretofore issued  
9 to Respondent Taren Danette Madrey, is revoked.

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

14 This Decision shall become effective on August 25, 2010.

15 It is so ORDERED July 26, 2010.



16  
17 \_\_\_\_\_  
18 STANLEY C. WEISSER, BOARD PRESIDENT  
19 FOR THE BOARD OF PHARMACY  
20 DEPARTMENT OF CONSUMER AFFAIRS

21 80463529.DOC  
22 DOJ docket number:SD2009805238

23 Attachment:

24 Exhibit A: Accusation No. 3566  
25  
26  
27  
28

Exhibit A  
Accusation No. 3566

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 RITA M. LANE  
Deputy Attorney General  
4 State Bar No. 171352  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2614  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3566

13 **TAREN DANETTE MADREY**  
14 **4352 Hamilton Street, #8**  
**San Diego, CA 92104**

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

15 **Pharmacy Technician License**  
16 **No. TCH 88082**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about December 17, 2008, the Board of Pharmacy issued Pharmacy Technician  
24 License No. TCH 88082 to Taren Danette Madrey (Respondent). The Pharmacy Technician  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on July 31, 2010, unless renewed.

27 ///

28 ///

1 JURISDICTION

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

5 4. Section 4300 of the Code provides that every license issued may be suspended or  
6 revoked.

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

11 STATUTORY PROVISIONS

12 6. Section 4301 of the Code states:

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

16 ...

17 (f) The commission of any act involving moral turpitude, dishonesty, fraud,  
18 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.

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

21 ...

22 (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.

23 ...

24 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
25 abetting the violation of or conspiring to violate any provision or term of this  
26 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  
27 federal regulatory agency.

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

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

....

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 4324 of the Code states:

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

....

9. 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:

...

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

....

10. Health and Safety Code section 11173, subdivision (a), states, in pertinent part, that "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge . . . ."



1 COST RECOVERY

2 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 DRUG

7 12. Percocet is a Schedule II controlled substance pursuant to Health and Safety Code  
8 section 11055(b)(1)(N) and a dangerous drug pursuant to Business and Professions Code section  
9 4022. Percocet is a trade name for the narcotic substance APAP/Oxycodone.

10 FACTS

11 13. On November 19, 2008, Respondent presented a prescription for Percocet 5/325mg to  
12 Vons Pharmacy in San Diego. The prescription appeared to have an altered quantity reflecting  
13 150 tablets. Respondent admitted to pharmacy staff that she had altered the quantity on the  
14 prescription and asked the pharmacy staff to contact the prescribing doctor to confirm the correct  
15 quantity. The pharmacy staff refused and requested that Respondent obtain a new prescription.  
16 Respondent took the altered prescription with her and left Vons Pharmacy.

17 14. On November 19, 2008, Respondent presented the same prescription for 150 tablets  
18 of Percocet 5/325mg to CVS Pharmacy in San Diego.<sup>1</sup> The pharmacy staff questioned the  
19 quantity on the prescription and when Respondent found out that CVS Pharmacy was going to  
20 call the prescriber, Respondent took the prescription back and left the pharmacy. CVS Pharmacy  
21 staff contacted the prescribing doctor's office to verify Respondent's prescription. The  
22 prescribing doctor's staff informed CVS Pharmacy that the prescription quantity had been altered  
23 from 50 tablets to 150 tablets.

24 15. Later that day, Respondent returned to the Vons Pharmacy in San Diego with a new  
25 prescription from the same prescribing doctor written for Percocet 5/325mg, this time with the  
26 quantity clearly written for 50 tablets.

27 <sup>1</sup> Respondent performed part of her pharmacy technician externship at this CVS  
28 Pharmacy.

1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct – Acts involving Moral Turpitude)

3 16. Respondent is subject to disciplinary action for unprofessional conduct under Code  
4 section 4301, subdivision (f), in that Respondent committed an act involving dishonesty, fraud  
5 and deceit when on November 19, 2008, Respondent changed the quantity of tablets on a  
6 prescription for Percocet 5/325mg from 50 to 150 and then presented the altered prescription to  
7 CVS Pharmacy for filling. The circumstances are more specifically set forth in paragraphs 13  
8 through 15, above and incorporated herein by reference as though fully set forth.

9 SECOND CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct – Making a Document That Falsely Represents Facts)

11 17. Respondent is subject to disciplinary action for unprofessional conduct under Code  
12 section 4301, subdivision (g), in that Respondent made a document that falsely represented the  
13 existence of a state of facts when on November 19, 2008, Respondent changed the quantity of  
14 tablets on a prescription for Percocet 5/325mg from 50 to 150. The circumstances are more  
15 specifically set forth in paragraphs 13 through 15, above and incorporated herein by reference as  
16 though fully set forth.

17 THIRD CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct – Attempting to Violate Laws Governing Pharmacy)

19 18. Respondent is subject to disciplinary action for unprofessional conduct under Code  
20 section 4301, subdivision (o), in that Respondent attempted to violate a provision of applicable  
21 state laws and regulations governing pharmacy in conjunction with Health and Safety Code  
22 section 11173 when she attempted to obtain controlled substances by fraud, deceit,  
23 misrepresentation or subterfuge. The circumstances are that on November 19, 2008, Respondent  
24 changed the quantity of tablets on a prescription for Percocet 5/325mg from 50 to 150 tablets and  
25 then presented the altered prescription to CVS Pharmacy for filling. The circumstances are more  
26 specifically set forth in paragraphs 13 through 15, above and incorporated herein by reference as  
27 though fully set forth.

28 ///

1 FOURTH CAUSE FOR DISCIPLINE

2 (Forgery of a Prescription)

3 19. Respondent is subject to disciplinary action under Code section 4301(o) for violation  
4 of Code section 4324, subdivision (a), in that Respondent forged a prescription. The  
5 circumstances are that on November 19, 2008, Respondent changed the quantity of tablets on a  
6 prescription for Percocet 5/325mg from 50 to 150 tablets as more specifically set forth in  
7 paragraphs 13 through 15, above and incorporated herein by reference as though fully set forth.

8 FIFTH CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct – Conduct That Would Warrant Denial of a License)

10 20. Respondent is subject to disciplinary action for unprofessional conduct under Code  
11 section 4301, subdivision (p), for engaging in conduct that would have warranted denial of a  
12 license under Code section 480(a)(2) for dishonesty when on November 19, 2008, Respondent  
13 changed the quantity of tablets on a prescription for Percocet 5/325mg from 50 to 150 and then  
14 presented the altered prescription to CVS Pharmacy for filling. The circumstances are more  
15 specifically set forth in paragraphs 13 through 15, above and incorporated herein by reference as  
16 though fully set forth.

17 SIXTH CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct – Violation of State Statutes)

19 21. Respondent is subject to disciplinary action for unprofessional conduct under Code  
20 section 4301, subdivision (j), in that Respondent violated a state statute regulating controlled  
21 substances when she violated Health and Safety Code section 11173, subdivision (a) for changing  
22 the quantity of tablets on a prescription for Percocet 5/325mg from 50 to 150 and then presenting  
23 the altered prescription to CVS Pharmacy for filling. The circumstances are more specifically set  
24 forth in paragraphs 13, 14, 15, 18 and 19, above and incorporated herein by reference as though  
25 fully set forth.

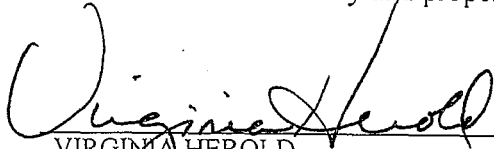
26 PRAYER

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

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

1. Revoking or suspending Pharmacy Technician License No. TCH 88082, issued to Taren Danette Madrey;
2. Ordering Taren Danette Madrey 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: 5/6/10



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

SD2009805238  
80456094.docx