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

In the Matter of the Accusation Against: **HEIDI SUE COLLINS** 33562 Astoria Street Dana Point, CA 92629 Pharmacy Technician License No. TCH 64864 Respondent.	Case No. 3734

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 7, 2011.

It is so ORDERED December 8, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

STANLEY C. WEISSER
Board President

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

In the Matter of the Accusation Against: **HEIDI SUE COLLINS** **33562 Astoria Street** **Dana Point, CA 92629** **Original Pharmacy Technician Registration No. TCH 64864** Respondent.	Case No. 3734 **STIPULATED SURRENDER OF LICENSE AND ORDER**

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

PARTIES

1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Sherry L. Ledakis, Deputy Attorney General.

2. Heidi Sue Collins (Respondent) is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about September 1, 2005, the Board of Pharmacy issued Original Pharmacy Technician Registration No. TCH 64864 to Heidi Sue Collins (Respondent). The registration was

in full force and effect at all times relevant to the charges brought in Accusation No. 3734 and will expire on September 30, 2011, unless renewed.

JURISDICTION

4. Accusation No. 3734 was filed before the Board of Pharmacy (Board) Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 17, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 3734 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 3734. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 3734, agrees that cause exists for discipline and hereby surrenders her Original Pharmacy Technician Registration No. TCH 64864 for the Board's formal acceptance.

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

RESERVATION

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

CONTINGENCY

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

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the (Board) may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Original Pharmacy Technician Registration No. TCH 64864, issued to Respondent Heidi Sue Collins, is surrendered and accepted by the Board of Pharmacy.

15. The surrender of Respondent's Original Pharmacy Technician Registration and the acceptance of the surrendered registration by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

16. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

17. Respondent shall cause to be delivered to the Board both her wall license certificate and, if one was issued, pocket license on or before the effective date of the Decision and Order.

18. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 3734 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

Respondent may not apply for any license, permit, or registration from the board for three (3) years from the effective date of this decision. Respondent stipulates that should she apply for any license from the board on or after the effective date of this decision, all allegations set forth in the accusation shall be deemed to be true, correct and admitted by respondent when the board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board, including, but not limited to certification by a nationally recognized body prior to the issuance of a new license. Respondent is required to report this surrender as disciplinary action.

19. Respondent shall pay the Board its costs of investigation and enforcement in the amount of $6,006.00 prior to issuance of a new or reinstated license.

ACCEPTANCE

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

DATED: Sept 21, 2010 Heidi Sue Collins

HEIDI SUE COLLINS
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: September 15, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General

Sherry Ledakis

SHERRY L. LEDAKIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3734

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

In the Matter of the Accusation Against: **HEIDI SUE COLLINS** **33562 Astoria Street** **Dana Point, CA 92629** **Original Pharmacy Technician Registration No. TCH 64864** Respondent.	Case No. 3734 **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, State of California.

2. On or about September 1, 2005, the Board of Pharmacy issued Original Pharmacy Technician Registration Number TCH 64864 to Heidi Sue Collins (Respondent). The Original Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2011, 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 unless otherwise indicated.

4. Code section 4300 states:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

. . . .

5. Code section 118(b) states:

(b) 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 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding 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.

6. Code section 4059 provides:

(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.

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7. Code section 4060 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, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either Section 4052.1 or 4052.2. 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.

8. Code section 4301 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.

. . .

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

. . .

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

. . . .

9. Health and Safety Code section 11170 states:

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

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10. Health and Safety Code section 11173 states:

(a) No 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; or (2) by the concealment of a material fact.

11. Health and Safety Code section 11377(a) states:

(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year or in the state prison.

COST RECOVERY

12. Section 125.3 of the Code provides, 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.

DRUGS

13. Zolpidem Tartarate, sold under the brand name Ambien, is a controlled substance pursuant to Health and Safety Code section 11057(d)(32), a dangerous drug as defined by Business and Professions Code section 4022, and is used as a sleep aid.

14. Lorazepam, sold under the brand name of Ativan, is a controlled substance pursuant to Health and Safety Code section 11057(d)(16), a dangerous drug as defined by Business and Professions Code section 4022, and is used as an anti-anxiety medication.

15. Flurazepam, sold under the brand name of Dalmane, is a controlled substance pursuant to Health and Safety Code section 11057(d)(14), a dangerous drug as defined by Business and Professions Code section 4022, and is used as a sleep aid.

16. Amitriptyline, sold under the brand name of Elavil, is a dangerous drug as defined by Business and Professions Code section 4022, and is used as an anti-depressant.

17. Butalbital 50 mg, Caffeine 40 mg with APAP 325 mg, sold under the brand name of Fioricet, is a controlled substance pursuant to Health and Safety Code section 11056(c)(3), a dangerous drug as defined by Business and Professions Code section 4022, and is used to treat headaches and migraines.

18. Hydrocodone/APAP, sold under the brand name of Lorcet or Vicodin or Vicodin ES, or Norco, is a controlled substance pursuant to Health and Safety Code section 11056(e)(4), a dangerous drug as defined by Business and Professions Code section 4022, and is used to treat pain.

19. Eszopiclone Analog (Zopiclone), sold under the brand name of Lunesta, is a controlled substance pursuant to Code of Federal Regulations title 21, section 1308.14(c)(51), a dangerous drug as defined by Business and Professions Code section 4022, and is used as a sleep aid

20. Isometheptene/Dichloralphenazone/APAP, sold under the brand name of Midrin, is a dangerous drug as defined by Business and Professions Code section 4022, and is used to treat tension and vascular headaches.

21. Temazepam, sold under the brand name of Restoril, is a controlled substance pursuant to Health and Safety Code section 11057(d)(29), a dangerous drug as defined by Business and Professions Code section 4022, and is used as a sleep aid

22. Quetiapine, sold under the brand name of Seroquel, is a dangerous drug as defined by Business and Professions Code section 4022, and is used to treat acute manic or depressive episodes with Bipolar Disorder.

23. Pyrazolopyrimidine (Zaleplon), sold under the brand name of Sonata, is a controlled substance pursuant to Health and Safety Code section 11057(d)(31), a dangerous drug as defined by Business and Professions Code section 4022, and is used as a sleep aid.

24. Alprazolam, sold under the brand name of Xanax, is a controlled substance pursuant to Health and Safety Code section 11057(d)(1), a dangerous drug as defined by Business and Professions Code section 4022, and is used to treat panic disorder and anxiety.

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25. Diazepam, sold under the brand name of Valium, is a controlled substance pursuant to Health and Safety Code section 11057(d)(9), a dangerous drug as defined by Business and Professions Code section 4022, and is used to treat seizures and anxiety.

FACTS

26. On October 27, 2008, and on February 20, 2009, the Board received notification of losses of controlled substances from Rite-Aid Pharmacy located in San Juan Capistrano, California. The losses were of the following substances: Alprazolam, Amitriptyline, Ambien CR, Diazepam, Fioricet, Flurazepam, Seroquel, Temazepam, Xanax, Hydrocodone/APAP 7.5 - 750, Isometheptene/APAP/Dichlor, Lorazepam, Lunesta, and Sonata.

27. On March 3, 2009, the Board received notification from Rite-Aid that it had terminated Respondent's employment at the San Juan Capistrano Rite-Aid.

28. An investigation into the losses revealed that Respondent had been taking large amounts of controlled substances and dangerous drugs for her own purposes.

29. On January 27, 2009, Respondent was interviewed about the losses and she admitted to stealing Alprazolam, Ambien, Diazepam, Flurazepam, Lorazepam, Lunesta and Seroquel in the amount of $4,828.51. Respondent wrote a letter of explanation admitting to stealing the drugs, she said, ". . . being an insomniac it was like being in a candy store." Respondent signed a promissory note to re-pay the company, and her employment was terminated. Respondent went to her home and retrieved pills that she still had in her possession and returned them to the pharmacy.

30. On June 5, 2009, a Board Investigator received a letter from Respondent wherein she admitted to stealing the drugs in order to find the "perfect" sleeping pill to treat her lifelong insomnia.

FIRST CAUSE FOR DISCIPLINE

(Obtained Controlled Substances by Fraud, Deceit and Subterfuge)

31. Respondent is subject to disciplinary action under section 4301(f) and Health and Safety Code section 11173(a) in conjunction with 4301(j) by obtaining controlled substances by

dishonesty, fraud, deceit or subterfuge, as more fully set forth above in paragraphs 26 through and including paragraph 30.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Self-administration of Dangerous Drugs)

32. Respondent is subject to disciplinary action under Code section 4301(h), for unprofessional conduct in administering to herself controlled substances and dangerous drugs, or using dangerous drug to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impaired Respondent's ability to conduct with safety to the public the practice authorized by her license, as set forth above in paragraphs 26 through and including paragraph 30.

THIRD CAUSE FOR DISCIPLINE

(Possessed Controlled Substances Without a Prescription)

33. Respondent is subject to disciplinary action under Code section 4060, and Health and Safety Code section 11377(a) in conjunction with Code section 4301(j) by possessing controlled substances and dangerous drugs without a prescription as more fully set forth above in paragraphs 26 through and including paragraph 30.

FOURTH CAUSE FOR DISCIPLINE

(Furnishing of Controlled Substances Without a Prescription)

34. Respondent is subject to disciplinary action under Code section 4059, and Health and Safety Code section 11170 pursuant to Code section 4301(j) by furnishing controlled substances and dangerous drugs to herself without a prescription, as more fully set forth above in paragraphs 26 through and including paragraph 30.

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 Original Pharmacy Technician Registration Number TCH 64864, issued to Heidi Sue Collins.

2. Ordering Heidi Sue Collins 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: 8/10/10

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

SD2010701049