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

10 In the Matter of the Accusation Against:

Case No. 3933

11 **PATRICIA ANN CARPIO**
12 **1815 E. Jenner Street**
13 **Lancaster, CA 93535**
14 **Pharmacy Technician Registration No. TCH**
15 **3520**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

16 **FINDINGS OF FACT**

17 1. On or about February 28, 2011, Complainant Virginia Herold, in her official capacity
18 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
19 Accusation No. 3933 against Patricia Ann Carpio ("Respondent") before the Board of Pharmacy.

20 2. On or about January 22, 1993, the Board of Pharmacy ("Board") issued Pharmacy
21 Technician Registration No. TCH 3520 to Respondent. The Pharmacy Technician Registration
22 was in full force and effect at all times relevant to the charges brought herein and will expire on
23 February 29, 2012, unless renewed.

24 3. On or about March 4, 2011, Respondent was served by Certified and First Class Mail
25 copies of the Accusation No. 3933, Statement to Respondent, Notice of Defense, Request for
26 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
27 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
28

1 is required to be reported and maintained with the Board. Respondent's address on record with
2 the Board was and is:

3 **1815 E. Jenner Street**
4 **Lancaster, CA 93535.**

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

7 5. On or about March 16, 2011, the aforementioned documents were returned by the
8 U.S. Postal Service marked "Notify sender of new address Carpio, Patricia A, 4222 E Banton
9 Road, Tucson AZ 8 [ilegible]." The zip code is illegible and the address is not valid.

10 6. Government Code section 11506 states, in pertinent part:

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

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3933.

18 8. California Government Code section 11520 states, in pertinent part:

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

23 9. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 3933, finds that
28 the charges and allegations in Accusation No. 3933, are separately and severally, found to be true
and correct by clear and convincing evidence.

1 California Health and Safety Code section 4324, in that Respondent falsely made a prescription
2 for a drug, to wit Vicoprofen.

3 **f. Unauthorized Writing of a Prescription.** Respondent's Pharmacy Technician
4 Registration number is subject to disciplinary action under Code section 4301, subdivisions (j)
5 and (o), and California Health and Safety Code section 11150, in that Respondent wrote a
6 prescription for a drug, to wit Vicoprofen, even though she was not authorized by law to do so.

7 **g. Issue a False Prescription.** Respondent's Pharmacy Technician Registration number
8 is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), and California
9 Health and Safety Code section 11157, in that Respondent issued a prescription for drugs, to wit
10 Soma and Vicoprofen, that was false.

11 **h. Dispensed a Schedule III Controlled Substance Without a Prescription.**
12 Respondent's Pharmacy Technician Registration number is subject to disciplinary action under
13 Code section 4301, subdivisions (j) and (o), and California Health and Safety Code section
14 11158, in that Respondent dispensed a schedule III controlled substance, to wit Vicoprofen,
15 without a prescription.

16 **i. Procured Administration of Controlled Substance By Fraud.** Respondent's
17 Pharmacy Technician Registration number is subject to disciplinary action under Code section
18 4301, subdivisions (j) and (o), and California Health and Safety Code section 11173, subdivision
19 (a), in that Respondent procured the administration of a controlled substance by fraud.

20 **j. Make a False Statement in a Prescription.** Respondent's Pharmacy Technician
21 Registration number is subject to disciplinary action under Code section 4301, subdivisions (j)
22 and (o), and California Health and Safety Code section 11173, subdivision (b), in that
23 Respondent made a false statement in a prescription.

24 **ORDER**

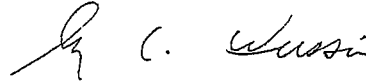
25 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 3520, heretofore
26 issued to Respondent Patricia Ann Carpio, is revoked.

27 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
28 written motion requesting that the Decision be vacated and stating the grounds relied on within

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on June 22, 2011.

4 It is so ORDERED May 23, 2011.

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STANLEY C. WEISSER, BOARD PRESIDENT
8 FOR THE BOARD OF PHARMACY
9 DEPARTMENT OF CONSUMER AFFAIRS

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11 DOJ Matter ID:LA2010601470

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Exhibit A
Accusation No. 3933

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

10 In the Matter of the Accusation Against:

Case No. 3933

11 **PATRICIA ANN CARPIO**
12 **1815 E. Jenner Street**
13 **Lancaster, CA 93535**
14 **Pharmacy Technician Registration No.**
TCH 3520

A C C U S A T I O N

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about January 22, 1993, the Board of Pharmacy issued Pharmacy Technician
21 Registration Number TCH 3520 to Patricia Ann Carpio ("Respondent"). The Pharmacy
22 Technician Registration Number was in full force and effect at all times relevant to the charges
23 brought herein and will expire on February 29, 2012, unless renewed.

24 **JURISDICTION**

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

28

1 10. Section 4300 of the Code provides, in pertinent part, that every license issued by
2 the Board is subject to discipline, including suspension or revocation.

3 11. Section 4301 of the Code provides, in pertinent part:

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

8 ...

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

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

14 ...

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

17 ...

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

22 12. Section 4324 of the Code provides, in pertinent part:

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

27 13. California Health and Safety Code section 11150 provides,

28 “No person other than a physician, dentist, podiatrist, or veterinarian, or naturopathic doctor

1 acting pursuant to Section 3640.7 of the Business and Professions Code, or pharmacist acting
2 within the scope of a project authorized under Article 1 (commencing with Section 128125) of
3 Chapter 3 of Part 3 of Division 107 or within the scope of either Section 4052.1 or 4052.2 of the
4 Business and Professions Code, a registered nurse acting within the scope of a project authorized
5 under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107, a
6 certified nurse-midwife acting within the scope of Section 2746.51 of the Business and
7 Professions Code, a nurse practitioner acting within the scope of Section 2836.1 of the Business
8 and Professions Code, a physician assistant acting within the scope of a project authorized under
9 Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 or Section
10 3502.1 of the Business and Professions Code, a naturopathic doctor acting within the scope of
11 Section 3640.5 of the Business and Professions Code, or an optometrist acting within the scope of
12 Section 3041 of the Business and Professions Code, or an out-of-state prescriber acting pursuant
13 to Section 4005 of the Business and Professions Code shall write or issue a prescription.”

14 14. California Health and Safety Code section 11157 provides that no person shall
15 issue a prescription that is false or fictitious in any respect.

16 15. California Health and Safety Code section 11158, subdivision (a) provides that,
17 “Except as provided in Section 11159 or in subdivision (b) of this section, no controlled
18 substance classified in Schedule II shall be dispensed without a prescription meeting the
19 requirements of this chapter. Except as provided in Section 11159 or when dispensed directly to
20 an ultimate user by a practitioner, other than a pharmacist or pharmacy, no controlled substance
21 classified in Schedule III, IV, or V may be dispensed without a prescription meeting the
22 requirements of this chapter.”

23 16. California Health and Safety Code section 11173 provides, in pertinent part:

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

27 ~~(b) No person shall make a false statement in any prescription, order, report, or record,~~
28 required by this division....”

1 technician at Pharmaca Integrative Pharmacy in Los Angeles, Respondent prepared a Refill
2 Authorization Request form from a Dr. Peress, for patient S.W.¹ authorizing the refill of a
3 prescription for thirty Vicoprofen tablets, as well as authorizing five additional refills.
4 Respondent signed the Refill Authorization Request form. Dr. Peress did not authorize such a
5 refill.

6 24. On or about May 26, 2009, while working in her capacity as a pharmacy
7 technician at Pharmaca Integrative Pharmacy in Los Angeles, Respondent prepared a Refill
8 Authorization Request form from a Dr. Akhondi, for patient S.W. authorizing the refill of a
9 prescription for sixty Vicoprofen tablets, as well as authorizing five additional refills. Respondent
10 signed the Refill Authorization Request form. Dr. Akhondi did not authorize such a refill.

11 25. Between September 2007 and January 2010, while working in her capacity as a
12 pharmacy technician at Pharmaca Integrative Pharmacy in Los Angeles, Respondent dispensed
13 eighty-five refills for hydrocodone/ibuprofen 7.5/200 mg and twenty-four refills for Soma
14 without valid prescriptions.

15 26. On or about January 14, 2010, Respondent was terminated from employment at
16 Pharmaca Integrative Pharmacy and was arrested by officers with the Los Angeles Police
17 Department.

18 27. Respondent admitted to dispensing controlled substances without valid
19 prescriptions.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Furnishing Drugs Without a Prescription)**

22 28. Respondent's Pharmacy Technician Registration number is subject to disciplinary
23 action under Code sections 4059 and 4301, subdivisions (j) and (o), in that Respondent furnished
24 dangerous drugs, to wit Soma and Vicoprofen without a valid prescription. The circumstances
25 surrounding the conduct are more particularly described in paragraphs 22 through 27, inclusive,
26 above, and herein incorporated by reference.

27
28 ¹ Patient initials are being used to maintain confidentiality.

1 substance by fraud. The circumstances surrounding the conduct are more particularly described in
2 paragraphs 22 through 27, inclusive, above, and herein incorporated by reference.

3 **TENTH CAUSE FOR DISCIPLINE**

4 **(Make a False Statement in a Prescription)**

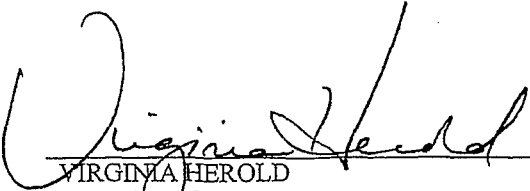
5 37. Respondent's Pharmacy Technician Registration number is subject to disciplinary
6 action under Code section 4301, subdivisions (j) and (o), and California Health and Safety Code
7 section 11173, subdivision (b), in that Respondent made a false statement in a prescription. The
8 circumstances surrounding the conduct are more particularly described in paragraphs 22 through
9 27, inclusive, above, and herein incorporated by reference.

10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacy Technician Registration Number TCH 3520,
14 issued to Patricia Ann Carpio;
- 15 2. Ordering Patricia Ann Carpio to pay the Board of Pharmacy the reasonable costs of
16 the investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.

19
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21 DATED: 2/28/11

22 
23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant

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