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

In the Matter of the Accusation Against:

Case No. 4233

#### NATALIE GOLDSWORTHY 5786 Woodland Court

Discovery Bay, CA 94505

Pharmacy Technician License No. TCH 72332

Respondent.

### 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 October 25, 2013.

It is so ORDERED on September 25, 2013.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STAN C. WEISSER Board President

1	KAMALA D. HARRIS	
2	Attorney General of California FRANK H. PACOE	
3	Supervising Deputy Attorney General JOSHUA A. ROOM	
4	Supervising Deputy Attorney General State Bar No. 214663	
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004	
6	Telephone: (415) 703-1299 Facsimile: (415) 703-5480	
7	Attorneys for Complainant BEFORE	THE
8	BOARD OF PI DEPARTMENT OF CO	
9	STATE OF CA	LIFORNIA
10	In the Matter of the Accusation Against:	Case No. 4233
11	NATALIE JEANNE GOLDSWORTHY	
12	5786 Woodland Court Discovery Bay, CA 94505	STIPULATED SURRENDER OF
13	Pharmacy Technician License No. TCH 72332	LICENSE AND ORDER
14	Respondent.	
15	In the interest of a prompt and speedy resolu	tion of this matter, consistent with the public
16	interest and the responsibility of the Board of Phar	macy of the Department of Consumer Affairs
17	the parties hereby agree to the following Stipulated	l Surrender of License and Order which will be
18	submitted to the Board for approval and adoption a	as the final disposition of the Accusation.
19	PART	IES
20	1. Virginia Herold (Complainant), Execu	tive Officer, Board of Pharmacy, brought this
21	action solely in her official capacity and is represent	nted herein by Kamala D. Harris, Attorney
22	General of the State of California, by Joshua A. Ro	oom, Supervising Deputy Attorney General.
23	2. Natalie Jeanne Goldsworthy (Respond	ent) is representing herself in this proceeding
24	and has chosen not to exercise her right to be repre	esented by counsel.
25	3. On or about October 3, 2006, the Boar	d of Pharmacy issued Pharmacy Technician
26	License No. TCH 72332 to Natalie Jeanne Goldsw	orthy (Respondent). The License was in full
27	force and effect at all times relevant to the charges	brought in Accusation No. 4233 and will
28	expire on April 30, 2014, unless renewed.	
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1	JURISDICTION
2	4. Accusation No. 4233 was filed before the Board of Pharmacy (Board), Department of
3	Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
4	statutorily required documents were properly served on Respondent on July 24, 2012.
5	Respondent did not timely file a Notice of Defense contesting the Accusation, and a Default
6	Decision and Order revoking the License was issued on or about Octobe 25, 2012, made effective
7	November 26, 2012. Respondent petitioned the Board to set aside the default, and on or about
8	November 26, 2012 the Board issued an Order Vacating Default Decision, placing the case back
9	at issue. Subsequently, a First Amended Accusation was properly served on Respondent, along
10	with all other statutorily required documents, on March 5, 2013. A copy of First Amended
11	Accusation No. 4233 is attached as Exhibit A and incorporated by reference.
12	ADVISEMENT AND WAIVERS
13	5. Respondent has carefully read, and understands, the charges and allegations in First
14	Amended Accusation No. 4233. Respondent also has carefully read, and understands the effects
15	of, this Stipulated Surrender of License and Order.
16	6. Respondent is fully aware of her legal rights in this matter, including the right to a
17	hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
18	her own expense; the right to confront and cross-examine the witnesses against her; the right to
19	present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
20	compel the attendance of witnesses and the production of documents; the right to reconsideration
21	and court review of an adverse decision; and all other rights accorded by the California
22	Administrative Procedure Act and other applicable laws.
23	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
24	every right set forth above.
25	CULPABILITY
26	8. Respondent admits the truth of each and every charge and allegation in First
27	Amended Accusation No. 4233, agrees that cause exists for discipline, and hereby surrenders her
28	Pharmacy Technician License No. TCH 72332 for the Board's formal acceptance.
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j	Stipulated Surrender of License (Case No. 4233)

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Stipulated Surrender of License (Case No. 4233)

- 9. Respondent understands that by signing this stipulation she enables the Board to issue
   an order accepting the surrender of her Pharmacy Technician License without further process.
- 3

### **CONTINGENCY**

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 4 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 5 communicate directly with the Board regarding this stipulation and surrender, without notice to or 6 participation by Respondent. By signing the stipulation, Respondent understands and agrees that 7 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board 8 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, 9 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this 10 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not 11 be disqualified from further action by having considered this matter. 12

13 11. The parties understand and agree that facsimile copies of this stipulation, including
14 facsimile signatures thereto, shall have the same force and effect as the originals.

15 12. 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.

13. 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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## <u>ORDER</u>

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 72332, issued to
 Respondent Natalie Jeanne Goldsworthy, is surrendered and accepted by the Board of Pharmacy.
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The surrender of Respondent's Pharmacy Technician License and the acceptance of
 the surrendered License by the Board constitutes 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 of Pharmacy.

2. 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.

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

9
4. Respondent may not apply, reapply, or petition for any licensure or registration of the
10
Board for three (3) years from the effective date of the Decision and Order.

5. 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, including, but not limited to, certification by a nationally recognized body prior
to the issuance of a new license. All of the charges and allegations contained in Accusation No.
4233 shall be deemed to be true, correct and admitted by Respondent when the Board determines
whether to grant or deny the application or petition.

18 6. Respondent shall pay the Board its costs of investigation and enforcement in the
amount of \$6,499.50 prior to issuance of a new or reinstated license.

7. If Respondent should ever apply or reapply for a new license or certification, or
petition for reinstatement of a license, by any other health care licensing agency in the State of
California, all of the charges and allegations contained in Accusation, No. 4233 shall be deemed
to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
other proceeding seeking to deny or restrict licensure.

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1	ACCEPTANCE
2	I have carefully read the Stipulated Surrender of License and Order. I understand the
3	stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
4	Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
5	be bound by the Decision and Order of the Board of Pharmacy.
6	
7	DATED: 8/13/2013 Natalie Holdsworthy
8	NATALIE JEANNE GOLDSWORTHY Respondent
9	
10	ENDORSEMENT
11	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
12	for consideration by the Board of Pharmacy of the Department of Consumer Affairs.
13	Dated: $8/22/20(3)$ Respectfully submitted,
14	/ / KAMALA D. HARRIS Attorney General of California
15	FRANK H. PACOE Supervising Deputy Attorney General
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17	have been been been been been been been be
18	JOSHUA A. ROOM Supervising Deputy Attorney General
19	Attorneys for Complainant
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# Exhibit A

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First Amended Accusation No. 4233

1	KAMALA D. HARRIS	
2	Attorney General of California FRANK H. PACOE	
3	Supervising Deputy Attorney General JOSHUA A. ROOM	
4	Deputy Attorney General State Bar No. 214663	
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004	
6	Telephone: (415) 703-1299 Facsimile: (415) 703-5480	
7	Attorneys for Complainant	ה ווווים
8	BEFORI BOARD OF P	HARMACY
9	DEPARTMENT OF CO STATE OF CA	
10		C
11	In the Matter of the Accusation Against:	Case No. 4233
12	NATALIE JEANNE GOLDSWORTHY 5786 Woodland Court	FIRST AMENDED ACCUSATION
13	Discovery Bay, CA 94505	
14	Pharmacy Technician License No. TCH 72332 Respondent.	
15		
16		
17	Complainant alleges:	
18	PART	TES
19	1. Virginia Herold (Complainant) brings	this First Amended Accusation (Accusation)
20	solely in her official capacity as the Executive Of	ficer of the Board of Pharmacy, Department of
21	Consumer Affairs.	
22	2. On or about October 3, 2006, the Boa	rd of Pharmacy issued Pharmacy Technician
23	License No. TCH 72332 to Natalie Jeanne Goldsv	vorthy (Respondent). The License was in full
24	force and effect at all times relevant herein and w	ill expire on April 30, 2014, unless renewed.
25	JURISDI	CTION
26	3. This Accusation is brought before the	Board of Pharmacy (Board), Department of
27	Consumer Affairs, under the authority of the follo	owing laws. All section references are to the
28	Business and Professions Code (Code) unless oth	erwise indicated.
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		Accusation

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Section 4011 of the Code provides that the Board shall administer and enforce both 1 4. the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances 2 Act [Health & Safety Code, § 11000 et seq.]. 3

5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.

6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or 6 suspension of a Board-issued license, the placement of a license on a retired status, or the 7 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to 8 commence or proceed with any investigation of, or action or disciplinary proceeding against, the 9 licensee or to render a decision suspending or revoking the license. 10

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### STATUTORY AND REGULATORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action 12 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but 13 not be limited to, any of the following: 14

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or 15 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and 16 whether the act is a felony or misdemeanor or not. 17

(h) The administering to oneself, of any controlled substance, or the use of any dangerous 18 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to 19 oneself, to a person holding a license under this chapter, or to any other person or to the public, or 20 to the extent that the use impairs the ability of the person to conduct with safety to the public the 21 practice authorized by the license. 22

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(i) 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. 24

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the 25 violation of or conspiring to violate any provision or term of this chapter or of the applicable 26 federal and state laws and regulations governing pharmacy, including regulations established by 27 the board or by any other state or federal regulatory agency. 28

1	8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
2	drug or dangerous device except upon the prescription of an authorized prescriber.
3	9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
4	controlled substance, except that furnished upon a valid prescription/drug order.
5	10. Health and Safety Code section 11170 provides that no person shall prescribe,
6	administer, or furnish a controlled substance for himself or herself.
7	11. Health and Safety Code section 11173, subdivision (a), provides that no person shall
8	obtain or attempt to obtain controlled substances, or procure or attempt to procure the
9	administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
10	or subterfuge; or (2) by the concealment of a material fact.
11	12. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
12	any controlled substance listed in Schedule II (Health and Safety Code section 11055),
13	subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.
14	13. Health and Safety Code section 11357, in pertinent part, makes it unlawful for any
15	person to possess marijuana or concentrated cannabis.
16	12. Health and Safety Code section 11550, in pertinent part, makes it unlawful for any
17	person to use or be under the influence of any controlled substance in Schedule II (Health and
18	Safety Code section 11055), subdivision (d)(1) or (d)(2), or any narcotic drug in Schedules III-V,
19	except when administered by or under the direction of an authorized licensee.
20	COST RECOVERY
21	14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
22	administrative law judge to direct a licentiate found to have committed a violation of the licensing
23	act to pay a sum not to exceed its reasonable costs of investigation and enforcement.
24	<b>CONTROLLED SUBSTANCES / DANGEROUS DRUGS</b>
25	15. Section 4021 of the Code states:
26	"Controlled substance' means any substance listed in Chapter 2 (commencing with Section
27	11053) of Division 10 of the Health and Safety Code."
28	16. Section 4022 of the Code states, in pertinent part:
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"Dangerous drug' or 'dangerous device' means any drug or device unsafe for self use, except veterinary drugs that are labeled as such, 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.

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

7 17. Marijuana is a Schedule I controlled substance as designated by Health and Safety
8 Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions
9 Code section 4022. It is a hallucinogenic drug.

18. Norco, Vicodin, Vicodin ES, Lortab, and Lorcet are among the brand names for
 compounds of varying dosages of acetaminophen (aka APAP) and Hydrocodone, a Schedule III
 controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous
 drug as designated by Business and Professions Code section 4022. The varying compounds are
 also known generically as Hydrocodone with APAP. These are all narcotic drugs.

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## FACTUAL BACKGROUND

19. On or about October 7, 2010, officer(s) from the Brentwood (CA) Police Department 16 responded to a report of two persons smoking **marijuana** in a Brentwood park. Upon arrival, the 17 officer(s) contacted Respondent, who admitted that she had been smoking marijuana, that she 18 did not possess a medical cannabis card, and that she had "a lot" of marijuana in her possession. 19 20. On that date, in Respondent's purse, the officer(s) found a clear, glass jar containing 20 approximately 31.7 grams of marijuana, and also two (2) small plastic pill bottles, each 21 containing several pills of what was subsequently determined to be generic Norco (Hydrocodone 22 with APAP). Under questioning by the officer(s), Respondent admitted that she got the 23 marijuana from a friend, that she smokes marijuana recreationally and to help with the pain 24 caused by her braces, that she got the generic Norco from a friend, paying \$2.00 per pill, and that 25 she also takes the Norco to help with her pain. She admitted to buying approximately fifty (50) 26 pills of Norco every two weeks. Lastly, she eventually admitted to being addicted to Norco. 27

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From an unknown start date in or about January 2012 until on or about October 11, 1 21. 2012, Respondent worked as a pharmacy technician at a Safeway Pharmacy (PHY 36832) in 2 Antioch, CA, where by virtue of her employment she had access to controlled substances and 3 dangerous drugs. During her employment, Respondent used her access to divert/steal controlled 4 substances / dangerous drugs, including Norco or other hydrocodone-containing drugs. 5

22. The exact number of instances of diversion/theft by Respondent, and the full quantity of controlled substances or dangerous drugs diverted/stolen, are not known, but in the course of investigations by Safeway and by the Board, the following was discovered: 8

In or about August 2012, additional hidden surveillance cameras were installed a. 9 in the pharmacy where Respondent worked, due to concerns over possible losses of narcotics. 10

b. On or about October 7, 2012, loss prevention discovered video evidence that 11 12 Respondent was diverting/stealing narcotic controlled substances from the pharmacy stock.

On or about October 10, 2012, Respondent was interviewed by loss prevention c. 13 staff and/or managers for Safeway. She confessed to her past history of self-use of Norco or its 14 generic equivalent(s) in 2010, as described in paragraph 19 above. She further admitted that she 15 continued consuming Norco even after completing a court-ordered drug diversion program, and 16 that she began stealing generic Norco (Hydrocodone with APAP) 10/325 from the Safeway 17 Pharmacy upon starting employment in or about January 2012. She admitted to stealing one 18 hundred (100) tablets of generic Norco (Hydrocodone with APAP) 10/325 from the Antioch 19 store, and that she self-administered the drugs. She tendered her resignation from employment. 20 d. On or about October 17, 2012, Safeway submitted a Report of Theft or Loss of 21 Controlled Substances (Form DEA-106) to the Drug Enforcement Administration (DEA) and to 22 the Board, in which Safeway reported the following losses to employee pilferage: 2,507 tablets 23 of Hydrocodone with APAP 10/325 (generic Norco), and 238 tablets of Norco 10/325. 24 25

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1	FIRST CAUSE FOR DISCIPLINE
2	(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)
3	23. Respondent is subject to discipline under section 4301(f) of the Code, in that
4	Respondent, as described in paragraphs 19 to 22 above, committed acts involving moral
5	turpitude, dishonesty, fraud, deceit, or corruption.
6	
7	SECOND CAUSE FOR DISCIPLINE
8	(Self-Administration/Use of Controlled Substance)
9	24. Respondent is subject to discipline under section 4301(h) of the Code, and/or 4301(j)
10	and/or (o) of the Code and Health and Safety Code section(s) 11170 and/or 11550, in that
11	Respondent, as described in paragraphs 19 to 22 above, self-administered/used, conspired to self-
12	administer/use, and/or assisted in or abetted self-administration use of, a controlled substance.
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14	THIRD CAUSE FOR DISCIPLINE
15	(Furnishing of Controlled Substance(s))
16	25. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
17	4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described
18	in paragraphs 19 to 22 above, furnished to herself or another, and/or conspired to furnish, and/or
19	assisted or abetted furnishing, a controlled substance/dangerous drug, without prescription.
20	
21	FOURTH CAUSE FOR DISCIPLINE
22	(Possession of Controlled Substance(s))
23	26. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
24	4060 of the Code, and/or Health and Safety Code section(s) 11350 and/or 11357, in that
2.5	Respondent, as described in paragraphs 19 to 22 above, possessed, conspired to possess, and/or
26	assisted in or abetted possession of, one or more controlled substance(s), without a prescription.
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1	FIFTH CAUSE FOR DISCIPLINE
2	(Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)
3	27. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
4	and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs
5	19 to 22 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a
6	controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.
7	
8	SIXTH CAUSE FOR DISCIPLINE
9	(Unprofessional Conduct)
10	28. Respondent is subject to discipline under section 4301 of the Code in that
11	Respondent, as described in paragraphs 19 to 27 above, engaged in unprofessional conduct.
12	
13	PRAYER
14	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15	and that following the hearing, the Board of Pharmacy issue a decision:
16	1. Revoking or suspending Pharmacy Technician License No. TCH 72332, issued to
17	Natalie Jeanne Goldsworthy (Respondent);
18	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
19	enforcement of this case, pursuant to Business and Professions Code section 125.3;
20	3. Taking such other and further action as is deemed necessary and proper.
21	
22	DATED: 2/27/13 Diama Verda
23	VIRGINIA HEROLD Executive Officer
24	Board of Pharmacy Department of Consumer Affairs
25	State of California Complainant
26	
27	SF2012401179 40644815.doc
28	
	7
	Accusation

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1	KAMALA D. HARRIS Attorney General of California	
2	FRANK H. PACOE Supervising Deputy Attorney General	
3	JOSHUA A. ROOM Deputy Attorney General	
4	State Bar No. 214663 455 Golden Gate Avenue, Suite 11000	
5	San Francisco, CA 94102-7004 Telephone: (415) 703-1299	
6	Facsimile: (415) 703-5480 Attorneys for Complainant	
7		ימרבריתי יוו
8	BOARD OF	RE THE PHARMACY
9		CONSUMER AFFAIRS CALIFORNIA
10		
- 11	In the Matter of the Accusation Against:	Case No. 4233
12	NATALIE JEANNE GOLDSWORTHY 1441 Mallard Lane	
13	Oakley, CA 94561	ACCUSATION
14	Pharmacy Technician License No. TCH 7233	
15	Responden	
16		
.17	Complainant alleges:	
18	PAR	TIES
19	1. Virginia Herold (Complainant) bring	s this Accusation solely in her official capacity
20	as the Executive Officer of the Board of Pharma	cy, Department of Consumer Affairs.
21	2. On or about October 3, 2006, the Bo	ard of Pharmacy issued Pharmacy Technician
22	License No. TCH 72332 to Natalie Jeanne Gold	worthy (Respondent). The License was in full
23	force and effect at all times relevant herein and y	vill expire on April 30, 2014, unless renewed.
24	JURISI	DICTION
25	3. This Accusation is brought before the	e Board of Pharmacy (Board), Department of
26	Consumer Affairs, under the authority of the fol	owing laws. All section references are to the
27	Business and Professions Code (Code) unless ot	herwise indicated.
28	111	
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1		Accusation

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Section 4011 of the Code provides that the Board shall administer and enforce both 4. 1 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances 2 Act [Health & Safety Code, § 11000 et seq.]. 3

5. Section 4300(a) of the Code provides that every license issued by the Board may be 4 5 suspended or revoked.

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6. Section 118(b) of the Code provides, in pertinent part, 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. Section 4402(a) of the Code provides that any pharmacist license that is not renewed within three years following its expiration may not be renewed, restored, or reinstated and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of the Code provides that any other license issued by the Board may be canceled by the Board if not renewed within 60 days after its expiration, and will require a new application.

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### STATUTORY AND REGULATORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following: 17

(h) The administering to oneself, of any controlled substance, or the use of any dangerous 18 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to 19 oneself, to a person holding a license under this chapter, or to any other person or to the public, or 20to the extent that the use impairs the ability of the person to conduct with safety to the public the 21 22 practice authorized by the license.

(j) The violation of any of the statutes of this state, of any other state, or of the United 23 States regulating controlled substances and dangerous drugs. 24

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the 25 violation of or conspiring to violate any provision or term of this chapter or of the applicable 26 federal and state laws and regulations governing pharmacy, including regulations established by 27 the board or by any other state or federal regulatory agency. 28

8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous 1 drug or dangerous device except upon the prescription of an authorized prescriber. 2 9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any 3 controlled substance, except that furnished upon a valid prescription/drug order. 4 10. Health and Safety Code section 11170 provides that no person shall prescribe, 5 administer, or furnish a controlled substance for himself or herself. 6 Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess 11. 7 any controlled substance listed in Schedule II (Health and Safety Code section 11055), 8 9 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription. Health and Safety Code section 11357, in pertinent part, makes it unlawful for any 12. 10 person to possess marijuana or concentrated cannabis. 11 12. Health and Safety Code section 11550, in pertinent part, makes it unlawful for any 12 person to use or be under the influence of any controlled substance in Schedule II (Health and 13 Safety Code section 11055), subdivision (d)(1) or (d)(2), or any narcotic drug in Schedules III-V, 14 except when administered by or under the direction of an authorized licensee. 15 COST RECOVERY 16 Section 125.3 of the Code provides, in pertinent part, that the Board may request the 13. 17 administrative law judge to direct a licentiate found to have committed a violation of the licensing 18 act to pay a sum not to exceed its reasonable costs of investigation and enforcement. 19 CONTROLLED SUBSTANCES / DANGEROUS DRUGS 20 Section 4021 of the Code states: 14. 21 "Controlled substance' means any substance listed in Chapter 2 (commencing with Section 22 11053) of Division 10 of the Health and Safety Code." 23 Section 4022 of the Code states, in pertinent part: 24 15. "Dangerous drug' or 'dangerous device' means any drug or device unsafe for self use, 25 except veterinary drugs that are labeled as such, and includes the following: 26 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without 27 prescription,' 'Rx only,' or words of similar import. 28 3

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"(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."

16. Marijuana is a Schedule I controlled substance as designated by Health and Safety Code section 11054(d)(13), and a dangerous drug as designated by Business and Professions Code section 4022. It is a hallucinogenic drug.

17. Norco, Vicodin, Vicodin ES, Lortab, and Lorcet are among the brand names for compounds of varying dosages of acetaminophen (aka APAP) and Hydrocodone, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous drug as designated by Business and Professions Code section 4022. The varying compounds are also known generically as Hydrocodone with APAP. These are all narcotic drugs.

#### FACTUAL BACKGROUND

18. On or about October 7, 2010, officer(s) from the Brentwood (CA) Police Department 13 responded to a report of two persons smoking marijuana in a Brentwood park. Upon arrival, the 14 officer(s) contacted Respondent, who admitted that she had been smoking marijuana, that she 15 did not possess a medical cannabis card, and that she had "a lot" of marijuana in her possession. 16 In Respondent's purse, the officer(s) found a clear, glass jar containing approximately 19. 17 31.7 grams of marijuana, and also two (2) small plastic pill bottles, each containing several pills 18 of what was subsequently determined to be generic Norco (Hydrocodone with APAP). Under 19 questioning by the officer(s), Respondent admitted that she got the marijuana from a friend, that 20 she smokes marijuana recreationally and to help with the pain caused by her braces, that she got the generic Norco from a friend, paying \$2.00 per pill, and that she also takes the Norco to help with her pain. She admitted to buying approximately fifty (50) pills of **Norco** every two weeks. 23 Lastly, she eventually admitted to being addicted to Norco.

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	1	FIRST CAUSE FOR DISCIPLINE
	2	(Self-Administration of Controlled Substance(s))
	3	20. Respondent is subject to discipline under section 4301(h) of the Code, and/or 4301(j)
	4	and/or (o) of the Code and Health and Safety Code section 11170, in that Respondent, as
	5	described in paragraphs 18 and 19 above, administered a controlled substance to herself.
	6	SECOND CAUSE FOR DISCIPLINE
	7	(Furnishing of Controlled Substance(s))
	8	21. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
	9	4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described
	. 10	in paragraphs 18 and 19 above, furnished to herself or another without a valid prescription, and/or
•	11	conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.
	12	THIRD CAUSE FOR DISCIPLINE
	13	(Possession of Controlled Substance(s))
	14	22. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section
	15	4060 of the Code, and/or Health and Safety Code section(s) 11350 and/or 11357, in that
	16	Respondent, as described in paragraphs 18 and 19 above, possessed, conspired to possess, and/or
	17	assisted in or abetted possession of, a controlled substance, without a prescription.
	18	FOURTH CAUSE FOR DISCIPLINE
	19	(Possession of Controlled Substance(s))
	20	23. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,
	21	and/or Health and Safety Code section 11550, in that Respondent, as described in paragraphs 18
	22	and 19 above, used and/or was under the influence of, conspired to use/be under the influence of,
* <b>.</b>	23	and/or assisted in or abetted use/being under the influence of, a controlled substance,.
	24	FIFTH CAUSE FOR DISCIPLINE
	25	(Unprofessional Conduct)
	26	24. Respondent is subject to discipline under section 4301 of the Code in that
	27	Respondent, as described in paragraphs 18 to 23 above, engaged in unprofessional conduct.
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		Accusation

1	PRAYER	
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
3	and that following the hearing, the Board of Pharmacy issue a decision:	
4	1. Revoking or suspending Pharmacy Technician License No. TCH 72332, issued to	
5	Natalie Jeanne Goldsworthy (Respondent);	
6	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and	
7	enforcement of this case, pursuant to Business and Professions Code section 125.3;	
8	3. Taking such other and further action as is deemed necessary and proper.	
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10	DATED: 7/19/12 Viginiaderol	
11	VIRGINIA HEROLD Executive Officer	
12	Board of Pharmacy Department of Consumer Affairs	
13	State of California Complainant	
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