

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

In the Matter of the Accusation Against:

Case No. 4729

**WINDI MICHELLE HALL
2089 E. Duron
Colton, CA 92324**

**Pharmacy Technician Registration License No.
TCH 52571**

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 November 13, 2015.

It is so ORDERED on October 14, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4729

12 **WINDI MICHELLE HALL**

**STIPULATED SURRENDER OF
LICENSE AND DISCIPLINARY ORDER**

13 2089 E. Duron
14 Colton, CA 92324

15 Pharmacy Technician Registration
16 No. TCH 52571

Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Kimberlee D. King, Deputy Attorney
24 General.

25 2. Windi Michelle Hall (Respondent) is represented in this proceeding by attorney
26 Kristie S. Hutchinson, Esq., whose address is Karlzen, Hutchinson, Inc., 3655 Torrance Blvd.,
27 Suite 260, Torrance, CA 90503.

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1 3. On or about January 2, 2004, the Board of Pharmacy (Board) issued Pharmacy
2 Technician Registration No. TCH 52571 to Windl Michelle Hall (Respondent). The Pharmacy
3 Technician Registration was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 4729 and will expire on October 31, 2015, unless renewed.

5 JURISDICTION

6 4. Accusation No. 4729 was filed before the Board and is currently pending against
7 Respondent. The Accusation and all other statutorily required documents were properly served
8 on Respondent on October 22, 2014. Respondent timely filed her Notice of Defense contesting
9 the Accusation. A copy of Accusation No. 4729 is attached as Exhibit A and incorporated by
10 reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, fully discussed with counsel, and understands the
13 charges and allegations in Accusation No. 4729. Respondent also has carefully read, fully
14 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
15 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 Accusation
27 No. 4729, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
28 Registration No. TCH 53571 for the Board's formal acceptance.

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

4 CONTINGENCY

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

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Surrender of License and Disciplinary Order, including Portable
16 Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as
17 the originals.

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

25 13. In consideration of the foregoing admissions and stipulations, the parties agree that
26 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 Pharmacy Technician Registration No. TCH 52571, issued to Respondent Windi Michelle Hall, is surrendered and accepted by the Board of Pharmacy,

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license 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 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 Disciplinary Order.

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

4. Respondent understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$3,921.50 prior to issuance of a new or reinstated license.

6. 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.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Disciplinary Order and have fully discussed it with my attorney, Kristie S. Hutchinson, Esq. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Disciplinary Order of the Board of Pharmacy.

DATED: 7/26/15 
WINDI MICHELLE HALL
Respondent

I have read and fully discussed with Respondent Windi Michelle Hall the terms and conditions and other matters contained in this Stipulated Surrender of License and Disciplinary Order. I approve its form and content.

DATED: 7/26/15 
KRISTIE S. HUTCHINSON, ESQ.
Attorney for Respondent

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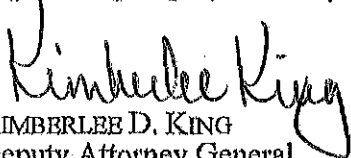
ENDORSEMENT

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

Dated: August 20, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General


KIMBERLEE D. KING
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4729

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 KIMBERLEE D. KING
Deputy Attorney General
4 State Bar No. 141813
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12 **2089 E. Duron**
13 **Colton, CA 92324**

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **53571**

Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about January 2, 2004, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 53571 to Windi Michelle Hall ("Respondent"). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on October 31, 2015, unless renewed.

25 **JURISDICTION**

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

1 4. Section 4300.1 of the Code states:

2 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
3 operation of law or by order or decision of the board or a court of law, the placement of a license
4 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
5 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
6 proceeding against, the licensee or to render a decision suspending or revoking the license."

7 5. Section 4300 of the Code states, in pertinent part:

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

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

12 "(1) Suspending judgment.

13 "(2) Placing him or her upon probation.

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

15 "(4) Revoking his or her license.

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

18 STATUTES

19 6. Section 4060 of the Code states, in pertinent part:

20 "No person shall possess any controlled substance, except that furnished to a person upon
21 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
22 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
23 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
24 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
25 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
26 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
27 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
28 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified

1 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
2 labeled with the name and address of the supplier or producer. . . ."

3 7. Section 4301 of the Code states, in pertinent part:

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

7

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

11

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

14

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

19 8. Section 4323 of the Code states, in pertinent part:

20 Every person who, in order to obtain any drug, falsely represents himself or herself to be a
21 physician or other person who can lawfully prescribe the drug, or falsely represents that he or she
22 is acting on behalf of a person who can lawfully prescribe the drug, in a telephone or electronic
23 communication with a pharmacist, shall be punished by imprisonment in the county jail for not
24 more than one year.

25 9. Section 4324 of the Code states, in pertinent part:

26 Every person who signs the name of another, or of a fictitious person, or falsely makes,
27 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any
28 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment pursuant

1 to subdivision (h) of Section 1170 of the Penal Code, or by imprisonment in a county jail for not
2 more than one year.

3 (b) Every person who has in his or her possession any drugs secured by a forged
4 prescription shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the
5 Penal Code, or by imprisonment in the county jail for not more than one year.

6 10. Health and Safety Code section 11170 states, "[n]o person shall prescribe, administer,
7 or furnish a controlled substance for himself."

8 11. Health and Safety Code section 11173, subdivision states:

9 "(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt
10 to procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
11 misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

12 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

13 12. Norco, a brand name for hydrocodone/apap, is a Schedule III controlled substance
14 pursuant to Health and Safety Code section 11056, subdivision (e)(4) and is a dangerous drug
15 pursuant to Code section 4022.

16 **COST RECOVERY**

17 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
21 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
22 included in a stipulated settlement.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Dishonest Acts/False Representation)**

25 14. Respondent is subject to disciplinary action under Code section 4301, subdivisions
26 (f), (j), and (o) in conjunction with sections 4323 and 4324 of the Code, on the grounds of
27 unprofessional conduct in that Respondent committed acts of dishonesty and false representation.
28 The circumstances are as follows:

1 (a) On or about May 25, 2012, Respondent's physician prescribed her Norco 5/325
2 #50 with no refills. Respondent, a pharmacy technician at Redlands Community Hospital
3 Pharmacy, filled the prescription, which became RX #P0055232, that same day at the pharmacy.

4 (b) On or about June 9, 2012, Respondent filled RX #P0055232 at Redlands
5 Community Hospital Pharmacy as a "duplicate label" despite having no refills on RX #P0055232
6 and not having a new prescription for Norco authorized by her physician.

7 (c) On or about July 6, 2012, Respondent's physician authorized two refills on RX
8 #P0055232. Respondent filled the two authorized refills on RX #P0055232 on July 6, 2012 and
9 July 24, 2012 at Redlands Community Hospital Pharmacy.

10 (d) On or about August 3, 2012, Respondent filled RX #P0055232 at Redlands
11 Community Hospital Pharmacy as a "duplicate label" despite having no remaining refills on RX
12 #P0055232.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Unlawful Possession of a Controlled Substance)**

15 15. Respondent is subject to disciplinary action under Code sections 4060 and 4301,
16 subdivision (o) on the grounds of unprofessional conduct in that Respondent violated the
17 Pharmacy Law by unlawfully possessing a controlled substance, to wit: Norco. Complainant
18 incorporates by reference Paragraph 12, subparagraphs (a) through (d), inclusive, as though fully
19 set forth herein.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Violating Drug Statutes)**

22 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
23 in conjunction with Health and Safety Code sections 11170 and 11173, subdivision (a), on the
24 grounds of unprofessional conduct in that Respondent violated rules and regulations relating to
25 statutes governing controlled substances by furnishing herself Norco and by obtaining Norco by
26 fraud. Complainant incorporates by reference Paragraph 12, subparagraphs (a) through (d),
27 inclusive, as though fully set forth herein.

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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 Pharmacy Technician Registration Number TCH 53571, issued to Windi Michelle Hall;

2. Ordering Windi Michelle Hall 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: 9/28/14 Virginia Herold

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

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