

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

In the Matter of the Accusation Against:

Case No. 4821

LAUREN DANIELLE FREDIANI

13951 S. Ponderosa Way
Grass Valley, CA 95949

Pharmacy Technician Registration No.
TCH 98833

Respondent.

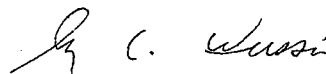
DECISION AND ORDER

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 September 24, 2014.

It is so ORDERED on September 19, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:
13 **LAUREN DANIELLE FREDIANI**
13951 S. Ponderosa Way
14 Grass Valley, CA 95949
15 **Pharmacy Technician Registration No.**
98833
16
17 Respondent.

Case No. 4821
OAH No. 2013120631
**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

21 **PARTIES**

22 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy
23 ("Board"), Department of Consumer Affairs. She brought this action solely in her official
24 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
25 California, by Stephanie Alamo-Latif, Deputy Attorney General.

26 2. Lauren Danielle Frediani ("Respondent") is representing herself in this proceeding
27 and has chosen not to exercise her right to be represented by counsel.
28

1 3. On or about February 8, 2010, the Board of Pharmacy issued Pharmacy Technician
2 Registration No. 98833 to Lauren Danielle Frediani. The Pharmacy Technician Registration was
3 in full force and effect at all times relevant to the charges brought in Accusation No. 4821. The
4 Pharmacy Technician Registration expired on August 31, 2013, and has not been renewed.

5 **JURISDICTION**

6 4. Accusation No. 4821 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 September 20, 2013. Respondent timely filed her Notice of Defense contesting
9 the Accusation. A copy of Accusation No. 4821 is attached as Exhibit A and incorporated by
10 reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 4821. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

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

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

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 4821, and agrees that cause exists for discipline and hereby surrenders her Pharmacy
27 Technician Registration No. 98833 for the Board's formal acceptance.

28

1 1. Respondent surrenders Pharmacy Technician Registration No. 98833 as of the
2 effective date of this decision. Respondent shall relinquish her Pharmacy Technician Registration
3 to the Board within ten (10) days of the effective date of this decision.

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

6 2. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
7 of the surrendered license by the Board shall constitute the imposition of discipline against
8 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
9 Respondent's license history with the Board of Pharmacy.

10 3. Respondent understands and agrees that if she ever files an application for licensure
11 or a petition for reinstatement in the State of California, the Board shall treat it as a new
12 application for licensure. Respondent may not apply for any license, permit, or registration from
13 the Board for three (3) years from the effective date of the Board of Pharmacy's Decision and
14 Order. Respondent stipulates that should she ever apply or reapply for a any license or
15 certification, or petition for reinstatement of a license, from the Board on or after the effective
16 date of this decision, all allegations set forth in Accusation No. 4821 shall be deemed to be true,
17 correct, and admitted by Respondent when the Board determines whether to grant or deny the
18 application. Respondent shall satisfy all requirements applicable to that license as of the date the
19 application is submitted to the Board, including, but not limited to certification by a nationally
20 recognized body prior to the issuance of a new license. Respondent is required to report this
21 surrender as disciplinary action.

22 4. Respondent further stipulates that should she every apply for any license from the
23 Board on or after the effective date of this decision, investigation and prosecution costs in the
24 amount of \$2,865 shall be paid to the Board prior to issuance the license.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my 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: August 11, 2014 *Lauren Frediani*
LAUREN DANIELLE FREDIANI
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: Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General

STEPHANIE ALAMO-LATIF
Deputy Attorney General
Attorneys for Complainant

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Stipulated Surrender.docx

Exhibit A

Accusation No. 4821

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
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3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
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6 Telephone: (916) 327-6819
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7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13 **LAUREN DANIELLE FREDIANI**
13951 S. Ponderosa Way
14 Grass Valley, CA 95946
15 **Pharmacy Technician Registration No. TCH**
16 **98833**
17 Respondent.

Case No. 4821

A C C U S A T I O N

18
19 Virginia Herold ("Complainant") alleges:

20 **PARTIES**

- 21 1. Complainant brings this Accusation solely in her official capacity as the Executive
22 Officer of the Board of Pharmacy, Department of Consumer Affairs.
23 2. On or about February 8, 2010, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 98833 to Lauren Danielle Frediani ("Respondent"). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on August 31, 2013, 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 provides, in pertinent part:

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

5. Code Section 4300.1 provides, in pertinent part, that the expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

6. 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.”

7. Code Section 4306 states, in pertinent part, that it shall constitute unprofessional conduct and a violation of this chapter (“Pharmacy Law”) for any person licensed under this chapter to violate, attempt to violate, directly or indirectly, any provision or terms of this article or any regulations duly adopted under those laws.

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8. Code Section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct. 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.

...

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

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.

...

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

9. Health and Safety Code Section 11173, subdivision (a) provides that "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."

10. Health and Safety Code Section 11350, subdivision (a) provides, that "except as otherwise provided in this division, every person who possesses (1) any controlled substance as specified in subdivision (b) or (c), or paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substances classified in Schedule III, IV, or V which is a

1 narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or
2 veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to
3 subdivision (h) of Section 1170 of the Penal Code.”

4 11. Health and Safety Code Section 11368 states that “every person who forges or alters a
5 prescription or who issues or utters an altered prescription, or who issues or utters a prescription
6 bearing a forged or fictitious signature for any narcotic drug, or who obtains any narcotic drug by
7 any forged, fictitious, or altered prescription, or who has in possession any narcotic drug secured
8 by a forged, fictitious, or altered prescription, shall be punished by imprisonment in the county jail
9 for not less than six months nor more than one year, or in the state prison.”

10 COST RECOVERY

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

17 DRUGS

18 13. Norco, a brand of hydrocodone bitartrate and acetaminophen, is a Schedule III
19 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

20 14. Morphine is a Schedule II Controlled Substance as defined in Health and Safety Code
21 section 11055, subdivision (b)(1)(L).

22 15. Vicodin, a compound consisting of 5 mg hydrocodone bitartrate, also known as
23 dihydrocodeinone, and 500 mg acetaminophen per tablet, and is a Schedule III controlled
24 substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

25 16. Hydrocodone with Acetaminophen, or “Hydrocodone Bitartrate APAP” is a Schedule
26 III controlled substance as designated by Health and Safety Code section 11056(e)(4).
27 Hydrocodone Bitartrate, the generic name, is also known as dihydrocodeinone.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Crime)**

3 17. Respondent is subject to discipline under Code section 4301, subdivision (l), on the
4 grounds of unprofessional conduct, in that, she was convicted of the following crime that is
5 substantially related to the qualifications, functions or duties of a licensed pharmacy technician: On
6 or about October 9, 2012, in the case of *People v. Lauren Danielle Frediani* (Super. Ct. Placer
7 County, Case No. 62-11610), Respondent was convicted by the Court on her plea of guilty of
8 violating Health and Safety Code section 11368 (Uttering a Forged Prescription), a felony. The
9 circumstances of the crime were as follows:

10 (A) On or about June 5, 2012, Respondent called the Target Pharmacy in Auburn,
11 California, and fraudulently authorized a verbal prescription for a controlled substance (Norco) for
12 herself by misrepresenting herself as an employee of a doctor's office. Respondent arrived at the
13 Target Pharmacy on or about June 5, 2012, attempting to obtain prescription drugs (Norco), and
14 was arrested for violating Health and Safety Code section 11173, subdivision (a) (Attempting to
15 Obtain Prescription Drugs by Fraud).

16 (B) On or about June 5, 2012, a search incident to arrest of Respondent's purse
17 revealed that Respondent was in possession of one pill of Morphine, one pill of Hydrocodone with
18 Acetaminophen, and one-half of a pill of Vicodin. Respondent admitted that she did not have a
19 prescription for the controlled substances found in her purse and that she had stolen the Morphine
20 from her boyfriend.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Dishonest/Corrupt Acts)**

23 18. Respondent is subject to discipline under Code section 4301, subdivision (f), on the
24 grounds of unprofessional conduct, in that, on or about June 5, 2012, Respondent committed
25 dishonest and corrupt acts, as more fully set forth above in paragraph 17.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unlawful Possession of Controlled Substances)**

3 19. Respondent is subject to discipline under Code section 4060 in that Respondent had
4 possession of controlled substances without authorization or a valid prescription therefor, as more
5 fully set forth in paragraphs 17 and 18 above.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

8 20. Respondent is subject to discipline under Code section 4301, subdivision (j), on the
9 grounds of unprofessional conduct, in that, on or about June 5, 2012, Respondent violated statutes
10 regulating controlled substances and dangerous drugs, including Business and Professions Code
11 section 4060, and Health and Safety Code sections 11173, 11350, and 11368, as more fully set
12 forth in paragraphs 17 through 19.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Violating Laws and Regulations Governing Pharmacy)**

15 21. Respondent is subject to discipline under Code sections 4306 and 4301, subdivision
16 (o), on the grounds of unprofessional conduct, in that, on or about June 5, 2012, Respondent
17 violated the laws and regulations governing pharmacy, as set forth in paragraphs 17 through 20
18 above.

19 **PRAYER**

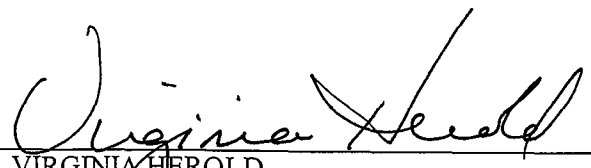
20 **WHEREFORE,** Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Pharmacy issue a decision:

- 22 1. Revoking or suspending Pharmacy Technician Registration Number TCH 98833,
23 issued to Lauren Danielle Frediani;
- 24 2. Ordering Lauren Danielle Frediani to pay the Board of Pharmacy the reasonable costs
25 of the investigation and enforcement of this case, pursuant to Business and Professions Code
26 section 125.3;
- 27 3. Taking such other and further action as deemed necessary and proper.

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DATED: 9/6/13



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

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