

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

In the Matter of the Accusation Against:

MEGAN JOYCE MARGETTS
8450 N. Brandon Ave., #225
Portland, Oregon 97217

**Pharmacy Technician Registration No. TCH
131276**

Respondent.

Case No. 4908

OAH No. 2014090425

DECISION AND ORDER

Pursuant to the Board of Pharmacy's action on September 30, 2015, the attached Stipulated Surrender of License and Order was adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 9, 2015.

It is so ORDERED on October 9, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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

11 In the Matter of the Accusation Against:

Case No. 4908

12 **MEGAN JOYCE MARGETTS**
13 **8450 N. Brandon Ave., #225**
Portland, Oregon 97217

OAH No. 2014090425

14 **Pharmacy Technician Registration No. TCH 131276**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

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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 Department of Consumer Affairs, ("Board"). She brought this action solely in her official
23 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
24 California, by Leslie A. Burgermyer, Deputy Attorney General.

25 2. Megan Joyce Margetts ("Respondent") is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel.

27 3. On or about March 14, 2013, the Board of Pharmacy issued Pharmacy Technician
28 Registration No. TCH 131276 to Respondent. The Pharmacy Technician Registration was in full

1 force and effect at all times relevant to the charges brought in Accusation No. 4908 expired on
2 December 31, 2014, and was canceled on April 5, 2015.

3 **JURISDICTION**

4 4. Accusation No. 4908 was filed before the Board and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on June 5, 2014. Respondent timely filed her Notice of Defense contesting the
7 Accusation. A copy of Accusation No. 4908 is attached hereto, marked Exhibit A, and
8 incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 4908. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

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

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 4908, agrees that cause exists for discipline, and hereby surrenders her Pharmacy Technician
25 Registration No. TCH 131276 for the Board's formal acceptance.

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

CONTINGENCY

1
2 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and surrender, without notice to or
5 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
6 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
7 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
8 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

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

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

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

ORDER

22
23 **IT IS HEREBY ORDERED** that Pharmacy Technician Registration No. TCH 131276,
24 issued to Respondent Megan Joyce Margetts ("Respondent") is surrendered and accepted by the
25 Board of Pharmacy.

26 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
27 of the surrendered license by the Board shall constitute the imposition of discipline against
28

1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
2 Respondent's license history with the Board of Pharmacy.

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

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

7 4. If she ever applies for licensure or petitions for reinstatement in the State of
8 California, the Board shall treat it as a new application for licensure. Respondent must comply
9 with all the laws, regulations, and procedures for licensure in effect at the time the application or
10 petition is filed, and all of the charges and allegations contained in Accusation No. 4908 shall be
11 deemed to be true, correct, and admitted by Respondent when the Board determines whether to
12 grant or deny the application or petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$ 4,097.00, pursuant to Business and Professions Code section 125.3, as of June 4,
15 2015, prior to issuance of a new or reinstated license.

16 6. If Respondent should ever apply or re-apply for a new license or certification, or
17 petition for reinstatement of a license by any other health care licensing agency in the State of
18 California, all of the charges and allegations contained in Accusation No. 4908 shall be deemed to
19 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
20 other proceeding seeking to deny or restrict licensure.

21 7. Respondent may not re-apply for licensure for three (3) years from the effective date
22 of this decision.

23 ACCEPTANCE

24 I have carefully read the Stipulated Surrender of License and Order. I understand the
25 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this

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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: 6-22-15

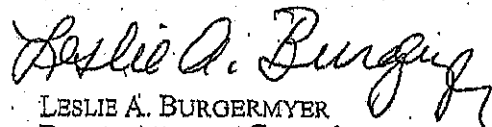

MEGAN JOYCE MARGETTS
Respondent

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: 6-26-2015

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General


LESLIE A. BURGERMYER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4908

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BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4908

12 **MEGAN JOYCE MARGETTS**
13 **aka MEGAN MARGETTS**
14 **8481 Skyway**
Paradise, CA 95969

ACCUSATION

15 **Pharmacy Technician Registration No. 131276**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about March 14, 2013, the Board issued Pharmacy Technician Registration
23 Number 131276 to Megan Joyce Margetts, also known as Megan Margetts, ("Respondent"). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on December 31, 2014, unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
4 indicated.

5 4. Section 4300 of the Code provides; among other things, that the Board may suspend,
6 revoke, or take any other action in relation to disciplining a licensee as the board in its discretion
7 may deem proper.

8 5. Section 4300.1 of the Code states:

9 The expiration, cancellation, forfeiture, or suspension of a board-issued license
10 by operation of law or by order or decision of the board or a court of law, the
11 placement of a license on a retired status, or the voluntary surrender of a license by a
12 licensee 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

13
14 6. Code section 4301 states, in pertinent part:

15 The board shall take action against any holder of a license who is guilty of
16 unprofessional conduct or whose license has been procured by fraud or misrepres-
17 sentation or issued by mistake. Unprofessional conduct shall include, but is not
limited to any of the following:

18 (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
19 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

23 (l) The conviction of a crime substantially related to the qualifications,
24 functions, and duties of a licensee under this chapter. The record of conviction of a
25 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
States Code regulating controlled substances or of a violation of the statutes of this
26 state shall be conclusive evidence of unprofessional conduct. In all other cases, the
record of conviction shall be conclusive evidence only of the fact that the conviction
27 occurred. The board may inquire into the circumstances surrounding the
commission of the crime, in order to fix the degree of discipline or, in the case of a
28 conviction not involving controlled substances or dangerous drugs, to determine if
the conviction is of an offense substantially relate to the qualifications, functions,
and duties of a licensee under this chapter. A plea or verdict of guilty or a

conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

8. Code section 4022 states, in pertinent part:

"Dangerous drug" or "dangerous device" means any drug . . . unsafe for self-use in humans or animals, 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.

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

9. DRUGS

Brand Name	Generic Name	Dangerous Drug - BP 4022	Controlled Substance	Indications for Use
Endocet, Percocet	Oxycodone / Acetaminophen	Yes	II - HS Code § 11055(b)(1)(M) ¹	Pain Relief
Soma	Carisprodol	Yes	IV - CFR, § 1308.14(c)(5) ²	Muscle Relaxant

COST RECOVERY

10. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

11. Respondent's license is subject to discipline under Code sections 4301, subdivision (l), in that on or about June 27, 2013, in the case titled *People v. Megan Joyce Margetts*, Butte County Superior Court Case No. SCR93459, Respondent was convicted on her plea of nolo

¹ "HS Code" refers to the Health and Safety Code.

² "CFR" refers to the Code of Federal Regulations.

1 contendere to driving under the influence of alcohol or drugs in violation of Vehicle Code section
2 23152, subdivision (a), a misdemeanor. Said crime is substantially related to the qualifications,
3 duties and functions of a Pharmacy Technician.

4 a. On or about April 18, 2013, a Chico Police Department officer observed Respondent
5 driving at a high rate of speed and failing to stop at stop signs. He pulled her over for a traffic
6 stop. Upon contact with Respondent, the officer immediately detected the odor of alcohol
7 emanating from her breath and observed Respondent had bloodshot, watery eyes and slurred
8 speech. Respondent admitted to taking Soma 350mg and Oxycodone 325mg and drinking two 12
9 ounce Rum and Coke drinks at a local bar, Banshee. The Oxycodone and Soma had been
10 prescribed to Respondent. The officer administered Field Sobriety Tests to Respondent, which
11 she failed to satisfactorily pass.

12 BACKGROUND

13 12. On or about January 24, 2013, Respondent was employed as a clerk in the pharmacy
14 department of Paradise Drug, located in Paradise, California, and awaiting licensure as a
15 Pharmacy Technician.

16 13. On or about January 24, 2013, Respondent admittedly took 120 tablets of the
17 controlled substance Oxycodone /Acetaminophen 10/325mg (Endocet) from Paradise Drug. The
18 controlled substance had been prescribed and dispensed to her but she did not pay for it or have it
19 charged to her account with the pharmacy.

20 14. On or about January 24, 2013, Paradise Drug terminated Respondent due to her theft.

21 15. On or about March 14, 2013, the Board issued Pharmacy Technician Registration No.
22 TCH 131276 to Respondent.

23 SECOND CAUSE FOR DISCIPLINE

24 (Acts of Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

25 16. Respondent is subject to discipline under Code section 4301, subdivision (f), in that
26 on or about January 24, 2013, Respondent committed acts involving moral turpitude, dishonesty
27 fraud, deceit, or corruption, as set forth in paragraphs 12 through 15, above, incorporated herein
28 by reference.

