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

In the Matter of the Accusation Against:

Case No. 5231

**DEBORAH G. RINEHART  
AKA DEBORAH GAIL RINEHART  
PO Box 1095  
Magalia, CA 95954**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**Pharmacy Technician Registration No. TCH  
25355**

Respondent.

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**FINDINGS OF FACT**

1. On or about November 19, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5231 against Deborah G. Rinehart, also known as (aka) Deborah Gail Rinehart (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 17, 1998, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 25355 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5231 and expired on June 30, 2015.

3. On or about December 3, 2015, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5231, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is: PO Box 1095, Magalia, CA 95954.

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1           4.     Service of the Accusation was effective as a matter of law under the provisions of  
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
3 124.

4           5.     On or about December 31, 2015, the aforementioned documents were returned by the  
5 U.S. Postal Service marked "Unclaimed."

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

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

12           7.     Respondent failed to file a Notice of Defense within 15 days after service upon her of  
13 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5231.

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

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

19           9.     Pursuant to its authority under Government Code section 11520, the Board finds  
20 Respondent is in default. The Board will take action without further hearing and, based on the  
21 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
22 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
23 file at the Board's offices regarding the allegations contained in Accusation No. 5231, finds that  
24 the charges and allegations in Accusation No. 5231, are separately and severally, found to be true  
25 and correct by clear and convincing evidence.

26           10.    Taking official notice of its own internal records, pursuant to Business and  
27 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
28 and Enforcement is \$3,965.50 as of January 20, 2016.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Deborah G. Rinehart aka  
3 Deborah Gail Rinehart has subjected her Pharmacy Technician Registration No. TCH 25355 to  
4 discipline.

5 2. The agency has jurisdiction to adjudicate this case by default.

6 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
7 Registration based upon the following violations alleged in the Accusation which are supported  
8 by the evidence contained in the Default Decision Evidence Packet in this case.:

9 a. Business and Professions Code section 4301, subdivision (l), substantially related  
10 criminal conviction in that Respondent was convicted of violating Health and Safety Code  
11 section 11173, subdivision (a), obtaining a controlled substance by fraud, deceit,  
12 misrepresentation, or subterfuge, a felony, Health and Safety Code section 11350, subdivision (a),  
13 possession of controlled substance, and Penal Code section 550, subdivision (a)(6), knowingly  
14 making a false or fraudulent claim for a health care benefit. The circumstances are that  
15 Respondent admitted to stealing a bottle of 450 tablets of oxycodone from the pharmacy where  
16 she worked.

17 b. Business and Professions Code section 4301, subdivision (f), acts of moral turpitude,  
18 dishonesty, fraud, or deceit for the theft set forth in paragraph a, above.

19 c. Business and Professions Code section 4301, subdivision (j), unlawful possession of  
20 controlled substances, in that Respondent illegally possessed the controlled substance oxycodone  
21 after stealing it from her pharmacy employer as set forth in paragraph a, above.

22 d. Business and Professions Code section 4301, subdivision (o), for violating section  
23 4059, subdivision (a), in that Respondent unlawfully furnished a dangerous drug, oxycodone, to  
24 an individual who did not have a valid prescription. Respondent admitted to illegally furnishing  
25 oxycodone to her husband, a neighbor, and another individual in exchange for handyman  
26 services.

27 e. Business and Professions Code section 4301, subdivision (j), violation of laws  
28 governing controlled substances in that Respondent violated Health and Safety Code section

1 11173, subdivision (a), Health and Safety Code section 11350, subdivision (a), and Code section  
2 4060 by unlawfully possessing and furnishing the controlled substance oxycodone as set forth in  
3 paragraphs a, , c, and d, above.

4 f. Business and Professions Code section 4301, subdivision (o), in that Respondent  
5 violated the laws governing pharmacy as set forth in paragraphs a-e, above.

6 ORDER

7 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 25355, heretofore  
8 issued to Respondent Deborah G. Rinehart, is revoked.

9 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
10 written motion requesting that the Decision be vacated and stating the grounds relied on within  
11 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
12 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

13 This Decision shall become effective on March 17, 2016.

14 It is so ORDERED February 16, 2016.

15 BOARD OF PHARMACY  
16 DEPARTMENT OF CONSUMER AFFAIRS  
17 STATE OF CALIFORNIA

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19  
20 By \_\_\_\_\_

21 Amy Gutierrez, Pharm.D.  
22 Board President  
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# Exhibit A

Accusation

(DEBORAH G. RINEHART)

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5403  
Facsimile: (916) 327-8643  
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:  
12 **DEBORAH G. RINEHART**  
13 **AKA DEBORAH GAIL RINEHART**  
14 **PO Box 1095**  
**Magalia, CA 95954**  
15 **Pharmacy Technician Registration No. TCH**  
**25355**  
16 Respondent.

Case No. 5231  
**ACCUSATION**

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as  
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
22 2. On or about March 17, 1998, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 25355 to Deborah G. Rinehart, also known as (aka) Deborah Gail  
24 Rinehart (Respondent). The Pharmacy Technician Registration was in full force and effect at all  
25 times relevant to the charges brought herein and expired on June 30, 2015.

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1 JURISDICTION

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

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

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

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

10 "(1) Suspending judgment.

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

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

13 "(4) Revoking his or her license.

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

16 5. Section 4300.1 of the Code states:

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

22 6. Section 4301 of the Code states in pertinent part:

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

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

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

3           "(l) The conviction of a crime substantially related to the qualifications, functions, and  
4 duties of a licensee under this chapter. The record of conviction of a violation of  
5 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code  
6 regulating controlled substances or of a violation of the statutes of this state  
7 regulating controlled substances or dangerous drugs shall be conclusive evidence of  
8 unprofessional conduct. In all other cases, the record of conviction shall be  
9 conclusive evidence only of the fact that the conviction occurred. The board may  
10 inquire into the circumstances surrounding the commission of the crime, in order to  
11 fix the degree of discipline or, in the case of a conviction not involving controlled  
12 substances or dangerous drugs, to determine if the conviction is of an offense  
13 substantially related to the qualifications, functions, and duties of a licensee under this  
14 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
15 contendere is deemed to be a conviction within the meaning of this provision. The  
16 board may take action when the time for appeal has elapsed, or the judgment of  
17 conviction has been affirmed on appeal or when an order granting probation is made  
18 suspending the imposition of sentence, irrespective of a subsequent order under  
19 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
20 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
21 dismissing the accusation, information, or indictment."

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 the  
18 board or by any other state or federal regulatory agency."

19           7. Section 4022 of the Code states in pertinent part:

20           "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in  
21 humans or animals, and includes the following:

22           "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without  
23 prescription," "Rx only," or words of similar import.

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

26           8. Section 4059 of the Code states, in pertinent part, that a person may not furnish any  
27 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,  
28 veterinarian, or naturopathic doctor pursuant to Section 3640.7.



1 9. Section 4060 of the Code states in pertinent part:

2 "No person shall possess any controlled substance, except that furnished to a person upon  
3 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
4 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
5 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
6 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
7 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
8 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052..."

9 **DRUGS**

10 10. Oxycodone is a dangerous drug pursuant to Code section 4022, and is a Schedule II  
11 controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M).

12 **COST RECOVERY**

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

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Substantially Related Criminal Conviction)**

19 12. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
20 section 4301, subdivision (I), in that on or about September 25, 2014, in Butte County Superior  
21 Court in the case entitled *People v. Deborah Gail Rinehart*, case number CM041018, Respondent  
22 was convicted of violating Health and Safety Code section 11173, subdivision (a), obtaining a  
23 controlled substance by fraud, deceit, misrepresentation, or subterfuge, a felony, Health and Safety  
24 Code section 11350, subdivision (a), possession of controlled substance, and Penal Code section  
25 550, subdivision (a)(6), knowingly making a false or fraudulent claim for a health care benefit.  
26 The circumstances are as follows:

27 13. On or about October 24, 2013, Respondent was employed as a pharmacy technician at  
28 Walgreens. A prescription for four hundred and fifty (450) tablets of oxycodone was reported

1 missing on October 17, 2013. After review of the surveillance tapes by the Pharmacist in Charge  
2 (PIC), Respondent was identified as the employee who stole the bottle. Respondent admitted to  
3 switching the label on a bottle of oxycodone containing four hundred and fifty (450) tablets with a  
4 label for a prescription that was intended for her cousin. She then picked up the false prescription  
5 from the pharmacy, thereby illegally possessing the controlled substance, and causing the Butte  
6 County Health insurance program to be fraudulently billed for her cousin's prescription.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Acts of Moral Turpitude, Dishonesty, Fraud, or Deceit)**

9 14. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
10 section 4301, subdivision (f), in that on or about October 16, 2013 Respondent committed acts of  
11 moral turpitude, dishonesty, fraud, and deceit, when she stole controlled substances from the  
12 Walgreens pharmacy where she was employed as a Pharmacy Technician. The circumstances are  
13 as follows:

14 15. On or about October 24, 2013, during an investigation by Walgreens Pharmacy where  
15 Respondent was then employed, Respondent admitted to stealing a bottle with four hundred and  
16 fifty (450) tablets of oxycodone. Respondent also admitted that several years previously, she had  
17 stolen approximately thirty (30) to forty-five (45) tablets of oxycodone from a different Walgreens  
18 Pharmacy where she was working at that time.

19 **THIRD CAUSE FOR DISCIPLINE**

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

21 16. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
22 section 4301, subdivision (j), in that on or about October 16, 2013, Respondent possessed  
23 oxycodone without a prescription. The circumstances are as follows:

24 17. On or about October 24, 2013, during an investigation by Walgreens Pharmacy where  
25 Respondent was then employed, Respondent admitted that on or about October 16, 2013, she had  
26 switched a label on a bottle of four hundred and fifty (450) tablets of oxycodone with a label on a  
27 prescription that was intended for her cousin. She then picked up the false prescription, thereby  
28 illegally obtaining and possessing oxycodone without a prescription.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unlawful Furnishing of Dangerous Drugs)**

3 18. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
4 section 4301, subdivision (o), for violating section 4059, subdivision (a), in that Respondent  
5 unlawfully furnished a dangerous drug, oxycodone, to an individual who did not have a valid  
6 prescription. The circumstances are as follows:

7 19. From approximately October 16, 2013 through October 24, 2013, Respondent illegally  
8 furnished oxycodone to another individual in exchange for work on projects around her home.  
9 Respondent also furnished oxycodone to a neighbor. Respondent also admitted to stealing  
10 oxycodone from her employer several years prior to this incident, and illegally furnishing  
11 oxycodone to her husband on that occasion.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 **(Violation of Laws Governing Controlled Substances)**

14 20. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
15 section 4301, subdivision (j), in that Respondent violated laws governing controlled substances.  
16 Respondent violated Health and Safety Code section 11173, subdivision (a), Health and Safety  
17 Code section 11350, subdivision (a), and Code section 4060 by unlawfully possessing and  
18 furnishing the controlled substance oxycodone. The circumstances are as stated in paragraphs 12-  
19 19, above.

20 **SIXTH CAUSE FOR DISCIPLINE**

21 **(Violation of the Laws Governing Pharmacy)**

22 21. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
23 section 4301, subdivision (o), in that Respondent committed acts in violation of the laws governing  
24 pharmacy, as set forth in paragraphs 12-20, above.

25 **PRAYER**

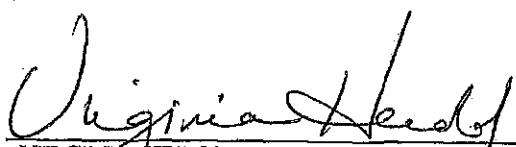
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Pharmacy issue a decision:

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1. Revoking or suspending Pharmacy Technician Registration Number TCH 25355, issued to Deborah G. Rinehart, aka Deborah Gail Rinehart;
2. Ordering Deborah G. Rinehart, aka Deborah Gail Rinehart, 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: 11/19/15



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

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