

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

In the Matter of the Accusation Against:

LOIS ELAINE SPENGLER,

Pharmacist License No. RPH 38490

Respondent.

Case No. 5241

OAH No. 2016030365

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective at 5:00 p.m. on March 1, 2017.

It is so ORDERED on January 30, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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

In the Matter of the Accusation Against:

LOIS ELAINE SPENGLER ,

Pharmacist License No. RPH 38490,

Respondent.

Case No. 5241

OAH No. 2016030365

PROPOSED DECISION

Administrative Law Judge Eileen Cohn heard this matter on November 28, 2016, in Los Angeles, California.

Kevin J. Rigley, Deputy Attorney General, Department of Justice, represented Virginia Herold (Complainant), Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, State of California.

Lloyd Dix, Attorney at Law represented Respondent Lois Elaine Spengler (Respondent) who was present throughout the disciplinary proceeding.

At the end of the hearing the record was kept open for receipt of signed character letters to supplement character letters submitted without signatures and which Complainant objected to as lacking foundation. Respondent supplemented exhibit G-4&5 with a signed letter from Christine Spengler, which is marked and admitted as exhibit H, but did not supplement the record with a signed copy of an undated letter from a co-worker, marked as Exhibit G-3, Respondent maintains was sent to her through e-mail. Complainant's objection to the co-worker's letter is sustained and it is not admitted as part of the evidentiary record.

SUMMARY

The Accusation alleges that over a two-year period Respondent, a licensed pharmacist, intentionally and unlawfully dispensed dangerous drugs and controlled substances by forging and processing prescriptions she paid for or stole from her employer, Costco. Respondent attempted to hide her unlawful conduct by deleting the prescriptions from the pharmacy software to avoid detection. Costco discovered Respondent's wrongful

conduct and terminated her, but no criminal charges against Respondent were filed. Respondent admitted her unlawful conduct, but requests discipline be limited to a short period of suspension due to her long unblemished record as a pharmacist. She also cites mitigating circumstances of an abusive and drug-addicted brother-in-law who threatened harm to her family. Based upon the stipulated record and careful consideration of Respondent's evidence of rehabilitation, Respondent's license is revoked.

FACTUAL FINDINGS

Jurisdictional matters

1. On November 27, 2015, Complainant signed the Accusation in her official capacity as the Board's Executive Officer. Respondent timely contested the Accusation and this matter proceeded to hearing.

2. The Board issued license number RPH 38490 to Respondent on March 27, 1980. Respondent's license is scheduled to expire on April 30, 2018. Respondent has no record of discipline.

Stipulation

3. On August 2, 2016, the parties executed a written stipulation wherein Respondent agreed the facts and violations set forth in the Accusation are true and correct¹. By stipulating to the facts and violations, Respondent admits the legal basis for discipline and the drugs and their classifications underlying the nine causes for discipline. The Respondent was represented by her attorney at the time she signed the stipulation and agreed to be bound by its terms, and at hearing, confirmed that she understood and was bound by the terms of the stipulation. As part of the stipulation the parties agreed to limit the hearing to the circumstances of the Accusation for the purpose of determining appropriate discipline: specifically, Complainant presented evidence relevant to the egregious nature of Respondent's conduct, and Respondent presented evidence relevant to mitigation and rehabilitation.

Stipulated Facts

4. Respondent admits to the truth of the drug classifications, set forth in the Accusation at paragraphs 16 -24.

16. Lortab, Norco and Vicodin are prescribed for pain, and are brand/trade names of preparations containing hydrocodone in combination with other non-narcotic ingredients. They were Schedule III Controlled Substances but

¹ The stipulation is marked and admitted as exhibit 6.

became Schedule II Controlled Substances as of October 6, 2014 pursuant to Health and Safety Code section 11056 subdivision (e)(5), and are categorized as dangerous drugs pursuant to section 4022.

17. Soma is prescribed for pain and/or spasms. It is a Schedule IV Controlled Substance pursuant to Health and Safety Code section 11057, and is categorized as a dangerous drug pursuant to section 4022.

18. Xanax, is an anti-anxiety benzodiazepine, and is the brand name for alprazolam. It is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(1), and is categorized as a dangerous drug pursuant to section 4022(c) of the Code.

19. Vicoprofen is prescribed for pain, and is the brand name for a fixed combination of hydrocodone, a narcotic and controlled substance, and ibuprofen, an anti-inflammatory and analgesic. It was a Schedule III controlled narcotic substance and became a Schedule II controlled narcotic substance as of October 6, 2014, pursuant to Health and Safety Code section 11056, subdivision (e)(5), and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

20. Tylenol with Codeine #4 is prescribed for pain, and is the brand name for Acetaminophen with Codeine, containing 60 mg of codeine and 300 mg of acetaminophen. Acetaminophen with Codeine is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(3), and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

21. Proair HFA is prescribed for Asthma, and is the brand name for Albuterol. It is not a controlled substance, but is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

22. Zithromax is prescribed for infections, and is the brand name for Azithromycin. It is not a controlled substance, but is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

23. Phenergan with Codeine is a narcotic and is prescribed for a cough, and is the brand name for Promethazine with Codeine. It is a Schedule V controlled substance as designated by Health and Safety Code section 11058, subdivision (c)(1), and is categorized as a dangerous drug pursuant to section 4022 of the Business and Professions Code.

24. Keflex 500 mg is prescribed for infections, and is the brand named for Cephalexin 500 mg. It is not a controlled substance, but is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

5. Respondent admits to the truth of the allegations of the First Cause of Discipline for Unlawful Possession of Dangerous Drugs, set forth in the Accusation at paragraphs 25-26.

25. Respondent is subject to disciplinary action under section 4059, subdivision (a), in that she unlawfully furnished dangerous drugs without the prescription of a physician, dentist, podiatrist, optometrist, veterinarian or naturopathic doctor. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita, California after an investigation revealed the following violations:

26. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admitted to processing the forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged drug prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the 28 prescription hardcopy from the pharmacy records. Respondent admitted to forging prescription and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name ²	Drug
1/16/2013	1068312	P.C. ¹	HC/IBU#100 liquid prn migraine with 2 refills
3/2/2013	NA	P.C.	Xanax 0.5mg
4/16/2013	1074950	P.C.	HC/IBU # 100 lqid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 lqid prn
4/23/2013	1075755	J.W.	Carisoprodol 350mg #120 1 TID
5/4/2012	1037619	J.W.	Lortab 10/500 #100 lq6 hr
5/9/2013	1077654	J.W.	Soma 350 #60 1TID prn muscle spasms; Norco 10/325 #120 1 TID
8/13/2013	1088029	J.W.	Keflex 500 #40 1 QID; Vicodin 5/500 #60 1-2 Q 4- 6 h prn pain
3/16/2013	1071557	J.W.	Carisonrodol 350mg #30. 1 TID prn
8/13/2013	1088023	D.V.	Keflex 500 #40 1QID; Vicodin 5/500 #60, 1-2q 4- 6h prn p
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120. 1q6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 101325mg #120 1-2q6hprn pain
9/29/2012	1052161 and 1052159	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills; Soma 350mg #30, 1TID Prn with 2 refills
8/10/2013	1087708	J.W.	Vicodin #45, 1q6h prn pain
7/2/2013	1083549	c.w.	Norco 101325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 101325mg #120 1-2q6hprn pain
10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs & qidprn
10/24/2011	1017407	D.S.	Azithromycin 250mg TAD #1
10/24/2011	1017410	D.S.	Ondansteron 8mg # 30 1TID prn NN
6/19/2012	1041935	D.S.	Phen/cod #480. 1-2tspqhs & aidprn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hprn
1/28/2013	1065917	D.S.	Proair HFA 1q46hprn
3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 lqid prn with 2 refills

² Patient initials are used in order to protect their privacy.

11/17/12, 12/17/12, 1/5/2013	1057818	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
1/14/2013, 3/2/2013, 3/23/2013	1064162	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
11/27/2012	1058785	D.O.	Cephalexin 500mg 2bid until gone #40
11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
12/31/2012	1062323	D.O.	AP/Codeine #4 lqidprn #100
2/25/2013	1069300	D.O.	HC/AP 10/500 #100 lq6hprn pain
3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 lq6hprn pain with 2 refills
4/27/2013	1076244	D.O.	HC/AP 10/500 #100 lq6hprn pain with 2 refills
5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 ltidprn
6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hprn pain

6. Respondent admits to the truth of the allegations in the Second Cause for Discipline for Unlawful Possession of Controlled Substances set forth in the Accusation in paragraphs 27-28.

27. Respondent is subject to disciplinary action under section 4060 in that she unlawfully obtained possession of controlled substances without a valid prescription from a physician, dentist, podiatrist, optometrist, veterinarian or naturopathic doctor. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita, California after an investigation revealed the following violations.

28. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of

the forged prescription. Some of the forged prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 lqid prn migraine with 2 refills
3/2/2013	NA	P.C.	Xanax 0.5mg
4/16/2013	1074950	P.C.	HC/IBU # 100 lqid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 lqid prn
4/23/2013	1075755	J.W.	Carisoprodol 350mg #120 1 TID
5/4/2012	1037619	J.W.	Lortab 10/500 #100 lq6 hr
5/9/2013	1077654	J.W.	Soma 350 #60 1TID prn muscle spasms; Norco 10/325 #120 1 TID prn pain
8/13/2013	1088029	J.W.	Vicodin 5/500 #60 1-2 Q 4-6 h prn pain
3/16/2013	1071557	J.W.	Carisoprodol 350mg #30, 1 TID prn
8/13/2013	1088023	D.V.	Vicodin 5/500 #60, 1-2q 4-6h prn p
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, lq6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 101325mg #120 1-2q6hprn pain
9/29/2012	1052161 and	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills;
8/10/2013	1087708	C.W.	Vicodin #45, lq6h prn pain
7/2/2013	1083549	C.W.	Norco 101325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 101325mg #120 1-2q6hprn pain
10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs & qidprn
6/19/2012	1041935	D.S.	Phen/cod #480, 1-2tspqhs & qidprn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q4hprn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 ltspq6hprn

3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 lqid prn with 2 refills
11/17/2012, 12/17/2012, 1/5/2013	1057818	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
1/14/2013, 3/2/2013, 3/23/2013	1064162	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
12/31/2012	1062323	D.O.	AP/Codeine #4 lqidprn #100
2/25/2013	1069300	D.O.	HC/AP 10/500 #100 lq6hprn pain
3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 lq6hprn pain with 2 refills
4/27/2013	1076244	D.O.	HC/AP 10/500 #100 lq6hprn pain with 2 refills
5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 ltidprn
6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hprn pain

7. Respondent admits to the truth of the allegations of the Third Cause for Discipline for Unprofessional Conduct set forth in the Accusation at paragraphs 29-30.

29. Respondent is subject to disciplinary action under section 4301 subdivisions (t) and (j) in that she committed acts of moral turpitude, dishonesty, fraud, deceit and corruption by violating statutes regulating dangerous drugs. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita, California after an investigation revealed the following violations.

30. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous

drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the prescription hardcopy from the pharmacy records. Respondent admitted to forging prescription and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 lqid prn migraine with 2 refills
3/2/2013	NA	P.C.	Xanax 0.5mg
4/16/2013	1074950	P.C.	HC/IBU # 100 lqid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 lqid prn
4/23/2013	1075755	J.W.	Carisoprodol 350mg #120 1 TID
5/4/2012	1037619	J.W.	Lortab 10/500 #100 lq6 hr
5/9/2013	1077654	J.W.	Soma 350 #60 1TID prn muscle spasms; Norco 10/325 #120 1 TID prn pain
8/13/2013	1088029	J.W.	Keflex 500 #40 1 QID; Vicodin 5/500 #60 1-2 Q 4- 6 h prn pain
3/16/2013	1071557	J.W.	Carisoprodol 350mg #30, 1 TID prn
8/13/2013	1088023	D.V.	Keflex 500 #40 IQID; Vicodin 5/500 #60, 1-2q 4- 6h prn p
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, lq6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 101325mg #120 1-2q6hprn pain
9/29/2012	1052161 and 1052159	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills; Soma 350mg #30, 1TID Prn with 2 refills
8/10/2013	1087708	C.W.	Vicodin #45, lq6h prn pain
7/2/2013	1083549	C.W.	Norco 101325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 101325mg #120 1-2q6hprn pain
10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs & qidprn
10/24/2011	1017407	D.S.	Azithromycin 250mg TAD #1
10/24/2011	1017410	D.S.	Ondansteron 8mg # 30 1TID prn N/V
6/19/2012	1041935	D.S.	Phen/cod #480, 1-2tspqhs & qidprn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod # 118 1tspq6hprn

1/28/2013	1065917	D.S.	Proair HFA 1q46hprn
3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 lqid prn with 2 refills
11/17/2012 12/17/2012 1/5/2013	1057818	D.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
1/14/2013, 3/2/2013, 3/23/2013	1064162	D.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
11/27/2012	1058785	D.O.	Cephalexin 500mg 2bid until gone #40
11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
12/31/2012	1062323	D.O.	AP/Codeine #4 lqidprn #100
2/25/2013	1069300	D.O.	HC/AP 10/500 #100 lq6hprn pain
3/9/2013, 3/19/2013 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 lq6hprn pain with 2 refills
4/27/2013	1076244	D.O.	HC/AP 10/500 #100 lq6hprn pain with 2 refills
5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 Itidprn
6/18/2013	1081952	D.O.	HC/AP 101325mg #60 1-2q6hprn pain

8. Respondent admits to the truth of the allegations in the Fourth Cause for Discipline for Unlawful Possession of Controlled Substance-Narcotic set forth in paragraphs 31-32 of the Accusation.

31. Respondent is subject to disciplinary action under Health and Safety Code section 11350, subdivision (a), in that she unlawfully possessed Schedule III, IV and V controlled substances without valid prescriptions. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita, California after an investigation revealed the following violations.

32. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 lqid prn migraine with 2 Refills
4/16/2013	1074950	P.C.	HC/IBU # 100 lqid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 lqid prn
5/4/2012	1037619	J.W.	Lortab 10/500 #100 lq6 hr
5/9/2013	1077654	J.W.	Norco 10/325 #120 1 TID prn pain
8/13/2013	1088029	J.W.	Vicodin 5/500 #60 1-2 O 4-6 h prn pain
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, lq6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 101325mg #120 1-2q6hprn pain
9/29/2012	1052161	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills;
8/10/2013	1087708	C.W.	Vicodin #45, lq6h prn pain
7/2/2013	1083549	C.W.	Norco 101325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspahs & aidprn
6/19/2012	1041935	D.S.	Phen/cod #480, 1-2tspahs & aidprn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hprn
3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 lqid prn with 2
11/17/2012,	1057818	D.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills

12/17/2012			
1/5/2013			
1/14/2013, 3/2/2013, 3/23/2013	1064162	D.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
4/6/2013 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
11/27/2012	1058786	C.S.	HC/AP 10/325 1-2q6hprn pain #120
12/31/2012	1062323	D.O.	AP/Codeine #4 1q6hprn #100
2/25/2013	1069300	D.O.	HC/AP 10/500 #100 1q6hprn pain
3/9/2013 3/19/2013, 3/26/2013,	1070676	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refills
4/27/2013	1076244		HC/AP 10/500 #100 1q6hprn pain with 2 refills
5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 1tidprn
6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hprn pain

9. Respondent admitted to the truth of the allegations in the Fifth Cause For Discipline for Unlawful Transport of Controlled Substances – Narcotic, as set forth in paragraphs 33-34 of the Accusation.

33. Respondent is subject to disciplinary action under Health and Safety Code section 11352 in that she unlawfully possessed Schedule III, IV and V controlled substances without valid prescriptions. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita, California after an investigation revealed the following violations.

34. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged prescriptions were

paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 1qid prn migraine with 2 Refills
4/16/2013	1074950	P.C.	HC/IBU # 100 1qid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 1qid prn
5/4/2012	1037619	J.W.	Lortab 10/500 #100 1q6 hr
5/9/2013	1077654	J.W.	Norco 10/325 #120 1 TID prn pain
8/13/2013	1088029	J.W.	Vicodin 5/500 #60 1-2 O 4-6 h prn pain
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, 1q6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
9/29/2012	1052161	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills;
8/10/2013	1087708	C.W.	Vicodin #45, 1q6h prn pain
7/2/2013	1083549	C.W.	Norco 10/325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspahs & aidprn
6/19/2012	1041935	D.S.	Phen/cod #480, 1-2tspahs & aidprn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hprn
3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 1qid prn with 2 refills
11/17/2012, 12/17/2012, 1/5/2013	1057818	D.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
1/14/2013, 3/2/2013, 3/23/2013	1064162	D.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
4/6/2013 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill

5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
11/27/2012	1058786	C.S.	HC/AP 10/325 1-2q6hprn pain #120
12/31/2012	1062323	D.O.	AP/Codeine #4 1q1dprn #100
2/25/2013	1069300	D.O.	HC/AP 10/500 #100 1q6hprn pain
3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refills
4/27/2013	1076244		HC/AP 10/500 #100 1q6hprn pain with 2 refills
5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 1tidprn
6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hprn pain

10. Respondent admitted to the truth of the allegations in the Sixth Cause of Discipline for Unlawful Possession of Dangerous Drugs – Non Narcotic, set forth in paragraphs 35-36 of the Accusation.

35. Respondent is subject to disciplinary action under Health and Safety Code section 11377, subdivision (b)(4), which states that, except as otherwise provided by law, every person who possesses any controlled substance which is classified in Schedule III - IV and which is not a narcotic is guilty of a misdemeanor. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita, California after an investigation revealed the following violations.

36. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
3/2/2013	NA	P.C.	Xanax 0.5mg

11. Respondent admitted to the truth of the allegations of the Seventh Cause for Discipline for Unlawful Transport of Controlled Substances –Non Narcotic, as set forth in paragraphs 37-38 of the Accusation.

37. Respondent is subject to disciplinary action under Health and Safety Code section 11379 in that Schedule III-IV controlled substances were furnished and/or given away without valid prescriptions. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita, California after an investigation revealed the following violations.

38. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
3/2/2013	NA	P.C.	Xanax 0.5mg

12. Respondent admitted to the truth of the allegations in the Eighth Cause for Discipline for Corresponding Responsibility, set forth in paragraphs 39-40 of the Accusation.

39. Respondent is subject to disciplinary action under Health and Safety Code section 11153, subdivision (a), which provides that prescriptions for controlled substances shall only be issued for legitimate medical purposes. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a

Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita, California after an investigation revealed the following violations.

40. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 lqid prn migraine with 2 refills
3/2/2013	NA	P.C.	Xanax 0.5mg
4/16/2013	1074950	P.C.	HC/IBU # 100 lqid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 lqid prn
4/23/2013	1075755	J.W.	Carisonprodol 350mg #120 1 TID
5/4/2012	1037619	J.W.	Lortab 10/500 #100 1q6 hr
5/9/2013	1077654	J.W.	Soma 350 #60 1TID prn muscle spasms; Norco 10/325 #120 1 TID prn pain
BLANK			
3/16/2013	1071557	J.W.	Carisoprodol 350mg #30, 1 TID prn
BLANK			
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120. 1q6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 101325mg #120 1-2q6hprn pain
9/29/2012	1052161 1052159	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills; Soma 350mg #30, 1TID Prn with 2 refills
8/10/2013	1087708	C.W.	Vicodin #45. 1q6h prn pain
7/2/2013	1083549	C.W.	Norco 101325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 101325mg #120 1-2q6hprn pain

10/24/2011	1017409	D.S.	Prometh/cod #480. 1-2tspahs & aidbrn
10/24/2011	1017407	D.S.	Azithromycin 250mg TAD #1
BLANK			
6/19/2012	1041935	D.S.	Phen/cod #480. 1-2tspahs & aidbrn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hrn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hrn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hrn
BLANK			
3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 lqid prn with 2 refills
11/17/2012, 12/17/2012, 1/5/2013	1057818	C.S.	HC/AP 10/325 #180 1-2q46hrn pain with 2 refills
1/14/2013, 3/2/2013, 3/23/2013	1064162	C.S.	HC/AP 10/325 #180 1-2q46hrn pain with 2 refills
4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hrn pain with 1 refill
5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hrn pain with 2 refills
BLANK			
11/27/2011	1058786	D.O.	HC/AP 10/325 1-2q6hrn pain #120
12/31/2011	1062323	D.O.	AP/Codeine #4 lqidbrn #100
2/25/2013	1069300	D.O.	HC/AP 10/500 #100 lq6hrn pain
3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 lq6hrn pain with 2 refills
4/27/2013	1076244	D.O.	HC/AP 10/500 #100 lq6hrn pain with 2 refill
5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 ltidbrn
6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hrn pain

13. Respondent admitted to the truth of the allegations in the Ninth Cause for Discipline for Forgery of Prescriptions, set forth in paragraphs 41-42 of the Accusation:

41. Respondent is subject to disciplinary action under [Health and Safety] Code section 4324 in that she forged and possessed prescriptions for dangerous drugs and controlled substances. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco

Pharmacy #447 located at 18649 Via Princessa, Santa Clarita, California after an investigation revealed the following violations.

42. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 liquid prn migraine with
3/2/2013	NA	P.C.	Xanax 0.5mg
4/16/2013	1074950	P.C.	HC/IBU # 100 lqid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 lqid prn
4/23/2013	1075755	J.W.	Carisoprodol 350mg #120 1 TID
5/4/2012	1037619	J.W.	Lortab 10/500 #100 lq6 hr
5/9/2013	1077654	J.W.	Soma 350 #60 1TID prn muscle spasms; Norco 10/325 #120 1
8/13/2013	1088029	J.W.	Keflex 500 #40 1 QID; Vicodin 5/500 #60 1-2 Q 4- 6 h prn pain
3/16/2013	1071557	J.W.	Carisoprodol 350mg #30, 1 TID prn
8/13/2013	1088023	D.V.	Keflex 500 #40 1QID; Vicodin 5/500 #60. 1-2q 4- 6h prn p
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, lq6-8 h prn
2/11/2013	1067665	J.W.	HC/AP 101325mg #120 1-2q6hprn pain
9/29/2012	1052161 and 1052159	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills; Soma 350mg #30, 1TID Prn with 2 refills
8/10/2013	1087708	J.W.	Vicodin #45. lq6h prn pain
7/2/2013	1083549	C.W.	Norco 101325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 101325mg #120 1-2q6hprn
10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs &

10/24/2011	1017407	D.S.	Azithromycin 250mg TAD #1
10/24/2011	1017410	D.S.	Ondansteron 8mg # 30 ITID prn NN
6/19/2012	1041935	D.S.	Phen/cod #480. 1-2tspqhs & aidprn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 ltspq6hprn
1/28/2013	1065917	D.S.	Proair HFA 1q46hprn
3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 lqid prn with 2 refills
11/17/12, 12/17/12, 1/5/2013	1057818	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
1/14/2013, 3/2/2013, 3/23/2013	1064162	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
11/27/2012	1058785	D.O.	Cephalexin 500mg 2bid until gone #40
11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
12/31/2012	1062323	D.O.	AP/Codeine #4 lqidprn #100
2/25/2013	1069300	D.O.	HC/AP 10/500 #100 lq6hprn pain
3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 lq6hprn pain with 2 refills
4/27/2013	1076244	D.O.	HC/AP 10/500 #100 lq6hprn pain with 2 refills
5/25/2013	1079413	D.O.	HC/AP 101650mg #60 ltidprn
6/18/2013	1081952	D.O.	HC/AP 101325mg #60 1-2q6hprn pain

Factors in Rehabilitation, Mitigation and Aggravation

14. Respondent credibly explained that she was pressured into her theft and forgery by a emotionally-erratic and highly volatile brother-in-law. She convincingly presented herself as a loving and misguided sister trying to placate a brother-in-law who only became emotionally stable with the use of highly-regulated narcotics like Vicodin. Respondent maintained her sister requested her intervention to stabilize her husband's moods and to keep him from becoming violent as a result of the anabolic steroids he consumed. Her

sister, a lawyer, wrote a personal letter on Respondent's behalf corroborating her now former spouse's condition and confirming Respondent's motivation. However, Respondent's sister did not admit to asking Respondent to intervene on her behalf. Respondent paid for the cost of many of the prescriptions, but took many others without paying for them.

15. Respondent ignored her obligations as a licensee in a misguided attempt to help her sister, who is ten years younger than Respondent. Respondent's sister endured years with an emotionally volatile husband, whom she eventually divorced. Respondent's sister and her family lived two blocks away at the time of Respondent's actions. Respondent's sister would telephone her to express her fear and concern about her husband's agitated state from his ingestion of steroids. Respondent thought her sister might die.

16. Respondent had extremely volatile moods, but over the two-year period of Respondent's theft and forgery, there was no evidence of physical battery by her brother-in-law against his children or wife, or was there convincing evidence that he physically threatened Respondent. On the contrary, Respondent's brother-in-law remained the primary caretaker of his children until their divorce in 2013, around the time Costco discovered Respondent's theft and forgery. Evidence was introduced of Respondent's erratic moods and conduct: his photograph of his children playing with his unloaded rifles, posted on Facebook; his extremely angry e-mails to his wife admitting to sexual liaisons, and his frustration with his wife's failure to acknowledge his contributions to the household; teasing of his daughter, Respondent's niece; one instance of roughhousing with Respondent's son when he placed her son in a chokehold; one instance of throwing a cup over his wife's head; and another instance of smashing his fist through a wall. Two e-mails were dated after Respondent was fired from Costco. There is no reason to doubt these events took place.

17. Less persuasive was Respondent's insistence that her only choice was to compromise her license in order to prevent her brother-in-law from harming her sister, his own children or Respondent and her family. Respondent is an educated woman; she never contacted the police, filed a police report, or called child protective services. She offered her brother-in-law advice on recovery options which he rejected. If Respondent thought her brother-in-law was dangerous to his wife and children, it does not make sense that she would not take other measures aside from providing him with narcotics and enabling his drug addiction. Respondent's sister reported in her letter that she often rushed home to tend to her children when her husband expressed frustration as their caregiver. However, it is not conceivable Respondent's sister, also a highly educated attorney, would leave her children with her husband on a daily basis if she thought they would be harmed.

18. Respondent claimed she and her sister suffered from battered women's syndrome and this affliction caused her to engage in illegal conduct. Respondent's two-year long illegal culling of Costco's inventory of scheduled and dangerous narcotics and cover-up cannot be easily dismissed by simply citing to a syndrome. Respondent did not present expert witness testimony to explain this psychological condition or how it applied to her, a sister-in-law as opposed to the spouse of the purported abuser. Respondent failed to provide any evidence that she sought out or participated in individual or group counseling for her

purported condition or that she obtained a diagnosis from a qualified mental health professional.

19. Respondent admitted to being concerned about her brother-in-law's threat to report her to Costco. Accordingly, once Respondent began to forge prescriptions and take drugs from Costco, she continued to do so, not just to protect her sister, but to protect her job. Respondent felt she was trapped, but given her failure to take active measures to protect her family from someone she thought was violent, it is clear she was trapped not only by fear for her family, but by fear of getting caught stealing from Costco. What started as an appeasement to her brother-in-law developed into an elaborate cover-up to protect her license.

20. Respondent did not just steal from Costco, she carefully planned and executed a cover-up over a two-year period. She selected and forged names of family members and she chose patients she knew did not come in regularly to pick up and sign for their prescriptions. She created prescribing physicians by appropriating the identity of a few doctors, including a close family friend who was unaware of her illegal conduct. She used names of other pharmacists when preparing the prescriptions. After she completed the transactions, she deleted the prescriptions from the computer system. Her theft and forgeries were only uncovered by the diligence of Costco's pharmacy staff that performed a forensic search of backup files to isolate the forgeries and identify the illegal prescriptions. Despite Costco's due diligence, when Respondent was interviewed by the Board's investigator she disclosed additional names she forged which were not uncovered during Costco's investigation.

21. Respondent has not taken any affirmative measures to prevent another incident like this from happening. However, due to the divorce Respondent has no further contact with her former brother-in-law. After Costco terminated Respondent she left California to care for her sick mother. When she came back she no longer spoke with her brother-in-law and he never attempted to contact her. At around the time of Respondent's termination from Costco, her sister obtained a divorce and currently has primary physical custody of her children. There is no evidence the parental rights of Respondent's brother-in-law were limited due to a history of domestic violence or abuse, or that a restraining order was issued limiting his contact with Respondent or her family. Respondent's former brother-in-law still lives in Southern California with his mother. He no longer lives as close to Respondent's residence as he used to live when he was married to her sister. Her sister also lives further away but remains in Southern California.

22. Respondent has been a licensed pharmacist for over 30 years. She did not work continuously as a pharmacist; she took time off to raise her children. Respondent has no other history of wrongful conduct and is currently working as a pharmacist.

23. Respondent fully cooperated with her employer and the Board after her theft and forgery were uncovered. When Costco confronted Respondent with the results of its investigation, she immediately admitted her actions and her reasons for stealing drugs.

Respondent remains protective of her family and did not disclose the name of her brother-in-law to Costco or the Board's investigator. Respondent cooperated with the Board and her admissions to Costco were materially consistent with her disclosures to the Board. Complainant presented the investigative reports and the credible testimony of investigator Sejal Desai which confirmed Respondent's stipulated admissions. Mr. Desai did not consider Respondent's claim her brother-in-law threatened her credible because there were no police records or any other evidence of threats of physical violence against her or her family. Respondent admitted to Mr. Desai that she had no proof to provide to the police because her brother-in-law never actually harmed her or anyone in the family. Undoubtedly Respondent believed her brother-in-law was a threat whether or not he physically harmed Respondent or her family.

24. Respondent expressed sincere remorse and contrition to the Board. However, because she believes she was victimized by her brother-in-law, Respondent does not appear to fully appreciate the consequences of her conduct to the public. Respondent believes she was the victim of one person. By mere happenstance, rather than by any action on her part, he is no longer present in her life. She does not have a plan in place to avoid engaging in this conduct again. Her daughter's sincere and heartfelt letter describing the circumstances of Respondent's conduct and Respondent's character corroborates Respondent's commitment to family above her license, as well as her self-image as a victim. Likewise, the letter submitted from Respondent's sister underscores Respondent's susceptibility to family pressure and an unhealthy family dynamic. Respondent maintains she did not understand she could quit her job to avoid being pressured to commit theft, but if faced with this situation again she would choose that option. Respondent never sought individual or family counseling to address her conduct or its causes. Respondent offers no other constructive measures to assure the Board her conduct will never be repeated. She placed not only her license, but her employer's license, and the health of the public, including her brother-in law, at risk.

25. Respondent's conduct constitutes a Category III violation under the Board's comprehensive disciplinary guidelines. Respondent has admitted to the violations, as set forth in factual findings 3-13. For Category III violations the Board recommends a range of penalties from revocation to revocation stayed with a period of 90 days suspension and three to five years of probation. Because Respondent has not sufficiently demonstrated rehabilitation to satisfy the Board's disciplinary guidelines, her license is revoked.

Costs of investigation and enforcement

26. A declaration of the deputy attorney general who prosecuted this matter was submitted to support a claim of enforcement costs of (Exhibit 4). Investigative costs were not submitted. Respondent objected to the cost of prosecution as excessive. Respondent admitted her conduct to the Board and the Board had the benefit of Costco's investigation. Three deputy attorney generals worked on the matter between the opening of the case in 2014 and the hearing in 2016, but only one attorney, Kevin J. Rigley, not only evaluated the case, but worked on the stipulated settlement and prepared it for hearing. Of the total of \$10,457.50, Deputy Attorney General Rigley's time of 19.50 hours per hour and 10 hours of

Leslie A. Walden's time for pleading preparation, for a total of 29.5 hours at \$170 an hour, or \$5,015, is reasonable.

LEGAL CONCLUSIONS

1. The practice of pharmacy, like the practice of medicine, is a profession. (*Vermont & 110th Medical Arts Pharmacy v. Board of Pharmacy* (1981) 125 Cal.App.3d 19, 25.) The standard of proof in an administrative disciplinary action seeking the suspension or revocation of a professional license is "clear and convincing evidence." (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.) The key element of "clear and convincing evidence" is that it must establish a high probability of the existence of the disputed fact, greater than proof by a preponderance of the evidence. Evidence of a charge is clear and convincing so long as there is a "high probability" that the charge is true. (*People v. Mabini* (2001) 92 Cal.App.4th 654, 662.)

2. Cause exists to discipline Respondent's license, as set forth in factual findings 3-13.

Disciplinary guidelines and appropriate discipline

3. Respondent's stipulated conduct met the criteria of a Category III violation under the Board's disciplinary guidelines. The Board recognizes that individual cases may necessitate a departure from the guidelines; in such cases, the mitigating circumstances should be detailed, especially where a Category III violation is involved. The Board's guidelines set forth several factors to be considered in determining the appropriate penalty.

1&2. Actual or potential harm to the public and to any consumer. The actual and potential harm to the public is that Respondent misappropriated the identity of doctors, other pharmacists and clients, to provide dangerous and controlled drugs without a legitimate prescription. Respondent provided her brother-in-law dangerous and controlled drugs without a prescription. Respondent enabled her brother-in-law's reported addiction and his unregulated use of drugs could have resulted in serious injury.

3. Prior disciplinary record, including level of compliance with disciplinary order(s). Respondent has no prior disciplinary record.

4. Prior warning(s), including but not limited to citation(s) and fine(s), letter(s) of admonishment, and/or correction notice(s). Respondent has none.

5. Number and/or variety of current violations.
Numerous violations took place over a two-year period is high.

6. Nature and severity of the act(s), offense(s) or crime(s) under consideration. Respondent's conduct was severe.

7. Aggravating evidence. Respondent did not take any affirmative steps to stop her illegal conduct, or the source of it, her brother-in-law, and only stopped when she was discovered, fired and her sister in-law divorced her brother-in-law and he moved from the immediate area. She did not seek counseling individually or with her family, obtain a restraining order or take any other affirmative measures to assure the Board she would not commit these egregious licensing violations again.

8&9. Mitigating and rehabilitation evidence.
Respondent admitted her conduct and cooperated fully with the Board.

[¶ . . . ¶]

10. Overall criminal record. None

[¶ . . . ¶]

13. Time passed since the act(s) or offense(s). The last act occurred three years ago..

14. Whether the conduct was intentional or negligent, demonstrated incompetence, or, if the Respondent is being held to account for conduct committed by another, the Respondent had knowledge of or knowingly participated in such conduct.
Respondent's conduct was intentional and although she committed the conduct to benefit her family, she is solely responsible as a pharmacist for her wrongful acts.

15. Financial benefit to the Respondent from the misconduct. Respondent did not benefit financially.

4. Respondent has many positive qualities as demonstrated by her years as a pharmacist without incident, and her cooperation and candor with Costco and the Board, as well as at the hearing. Undoubtedly Respondent engaged in her wrongful conduct due to her decision that she needed to violate her obligations as a licensed pharmacist to protect her family. Her loyalty and compassion for her family may be noble, but her willingness to sacrifice her professional obligations by distributing dangerous and controlled

pharmaceuticals using forged prescriptions, and a well-designed cover-up, is not. Respondent engaged in multiple violations over a two-year period and only stopped when she was caught.

5. Due to the severity of her conduct, Respondent has not provided sufficient evidence of rehabilitation (factual findings 14-25). Respondent was remorseful and candid, but that is not enough to establish rehabilitation. Rehabilitation is a state of mind, and the law looks with favor upon rewarding with the opportunity to serve, one who has achieved reformation and regeneration. (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.) Remorse does not demonstrate rehabilitation. A truer indication of rehabilitation is presented when an individual demonstrates by sustained conduct over an extended period of time that he is once again fit to practice. (*In re Menna* (1995) 11 Cal.4th 975, 991.) Respondent needs to demonstrate rehabilitation in the form of actions which would assure the Board that she would not be vulnerable to similar threats in the future, including from her former brother-in-law, who is more distant but still a part of the family as the parent of Respondent's niece and nephew. Respondent has not provided any evidence of affirmative measures to treat what she claims is a psychological condition which caused her to commit illegal acts. She has not sought out counseling. As such, Respondent has not provided sufficient evidence of rehabilitation to support a restricted license. Her license is revoked.

Cost award

6. A licensee found to have violated a licensing act may be ordered to pay reasonable costs of investigation and prosecution. (Bus. & Prof. Code § 125.3.) In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the Supreme Court rejected a constitutional challenge to a similar cost recovery provision. In so doing, however, the Court directed the administrative law judge and the licensing agency to evaluate several factors to ensure that the cost recovery provision did not deter individuals from exercising their right to a hearing. Thus, the Board must not assess the full costs where it would unfairly penalize a licensee who has committed misconduct, but who has used the hearing process to obtain the dismissal of some charges or a reduction in the severity of the penalty; must consider a licensee's subjective good faith belief in the merits of his or her position and whether the licensee has raised a colorable challenge; must consider a licensee's ability to pay; and may not assess disproportionately large investigation and prosecution costs when it has conducted a disproportionately large investigation to prove that a licensee engaged in relatively innocuous misconduct. (*Id.* at p. 45.)

7. As set forth in factual finding 26, the reasonable cost of the Board's investigation and prosecution in connection with the Accusation is \$5,015. In light of Respondent's cooperation with the Board, her good faith effort in defending her license at hearing, and the resulting revocation of the license and its impact on her ability to pay, Respondent will not be required to pay the costs of investigation and prosecution.

ORDER

Pharmacist License number RPH 38490, issued to Respondent Lois Elaine Spengler, is hereby revoked.

DATED: January 6, 2017

DocuSigned by:
Eileen Cohn
8B83201C4CF6474...

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-3465
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

Case No. 5241

11 **LOIS ELAINE SPENGLER**
12 **17405 Canvas St.**
13 **Canyon Country, CA 91387**

A C C U S A T I O N

14 **Pharmacist License No. RPH 38490**

15 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 March 27, 1984, the Board of Pharmacy issued Pharmacist License
22 Number RPH 38490 to Lois Elaine Spengler (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on April 30,
24 2016, unless renewed.

25 ///

26 ///

27
28

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. California Code of Regulations, title 16, section 1770, states:

6 "For the purpose of denial, suspension, or revocation of a personal or facility license
7 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
8 crime or act shall be considered substantially related to the qualifications, functions or duties of a
9 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
10 licensee or registrant to perform the functions authorized by his license or registration in a manner
11 consistent with the public health, safety, or welfare."

12 5. Section 4300 of the Code states:

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

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

17 "(1) Suspending judgment.

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

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

20 "(4) Revoking his or her license.

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

23 "(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The
24 board may, in its sole discretion, issue a probationary license to any applicant for a license who is
25 guilty of unprofessional conduct and who has met all other requirements for licensure. The board
26 may issue the license subject to any terms or conditions not contrary to public policy, including,
27 but not limited to, the following:

28 "(1) Medical or psychiatric evaluation.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

"(2) Continuing medical or psychiatric treatment.

"(3) Restriction of type or circumstances of practice.

"(4) Continuing participation in a board-approved rehabilitation program.

"(5) Abstention from the use of alcohol or drugs.

"(6) Random fluid testing for alcohol or drugs.

"(7) Compliance with laws and regulations governing the practice of pharmacy.

"(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

6. Section 4300.1 of the Code states:

"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, the placement of a license on a retired status, or the voluntary surrender of a license by a 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."

7. Section 4301 of the Code states:

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

"..."

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

4 "..."

5 "(i) Except as otherwise authorized by law, knowingly selling, furnishing, giving away, or
6 administering or offering to sell, furnish, give away, or administer any controlled substance to an
7 addict.

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

10 "...."

11 8. Section 4059 of the Code states:

12 "(a) A person may not furnish any dangerous drug, except upon the prescription of a
13 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
14 3640.7. A person may not furnish any dangerous device, except upon the prescription of a
15 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
16 3640.7.

17 "...."

18 9. Section 4060 of the Code states:

19 "A person shall not possess any controlled substance, except that furnished to a person upon
20 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
21 doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
22 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a
23 physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5,
24 or a pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the
25 possession of any controlled substance by a manufacturer, wholesaler, third-party logistics
26 provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian,
27 naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, if in stock
28 in containers correctly labeled with the name and address of the supplier or producer.

1 This section does not authorize a certified nurse-midwife, a nurse practitioner, a physician
2 assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices."

3 10. Section 4324 of the Code states:

4 "(a) Every person who signs the name of another, or of a fictitious person, or falsely makes,
5 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any
6 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the
7 state prison, or by imprisonment in the county jail for not more than one year.

8 "(b) Every person who has in his or her possession any drugs secured by a forged
9 prescription shall be punished by imprisonment in the state prison, or by imprisonment in the
10 county jail for not more than one year."

11 11. Health and Safety Code section 11350 subdivision (a) states:

12 "(a) Except as otherwise provided in this division, every person who possesses (1) any
13 controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of subdivision (f) of
14 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
15 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
16 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
17 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
18 licensed to practice in this state, shall be punished by imprisonment in a county jail for not more
19 than one year, except that such person shall instead be punished pursuant to subdivision (h) of
20 Section 1170 of the Penal Code if that person has one or more prior convictions for an offense
21 specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of
22 the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290
23 of the Penal Code.

24 "..."

25 12. Health and Safety Code section 11352 states:

26 "(a) Except as otherwise provided in this division, every person who transports, imports
27 into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this
28 state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1

1 any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision
2 (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section
3 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of
4 Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a
5 narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or
6 veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to
7 subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.

8 “(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports
9 any controlled substances specified in subdivision (a) within this state from one county to another
10 noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section
11 1170 of the Penal Code for three, six, or nine years.

12 “(c) For purposes of this section, "transports" means to transport for sale.

13 “(d) This section does not preclude or limit the prosecution of an individual for aiding and
14 abetting the commission of, or conspiring to commit, or acting as an accessory to, any act
15 prohibited by this section.”

16 13. Health and Safety Code section 11377 states:

17 “(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section
18 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the
19 Business and Professions Code, every person who possesses any controlled substance which is (1)
20 classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision
21 (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified
22 in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of
23 subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,
24 unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice
25 in this state, shall be punished by imprisonment in a county jail for a period of not more than one
26 year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170
27 of the Penal Code if that person has one or more prior convictions for an offense specified in
28 clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal

1 Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the
2 Penal Code.

3 “(b) The judge may assess a fine not to exceed seventy dollars (\$70) against any person who
4 violates subdivision (a), with the proceeds of this fine to be used in accordance with Section
5 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's
6 ability to pay, and no defendant shall be denied probation because of his or her inability to pay the
7 fine permitted under this subdivision.”

8 14. Health and Safety Code section 11153 states:

9 “(a) A prescription for a controlled substance shall only be issued for a legitimate medical
10 purpose by an individual practitioner acting in the usual course of his or her professional practice.
11 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
12 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
13 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
14 an order purporting to be a prescription which is issued not in the usual course of professional
15 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
16 controlled substances, which is issued not in the course of professional treatment or as part of an
17 authorized narcotic treatment program, for the purpose of providing the user with controlled
18 substances, sufficient to keep him or her comfortable by maintaining customary use.

19 “(b) Any person who knowingly violates this section shall be punished by imprisonment
20 pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a county jail not exceeding
21 one year, or by a fine not exceeding twenty thousand dollars (\$20,000), or by both that fine and
22 imprisonment.

23 “(c) No provision of the amendments to this section enacted during the second year of the
24 1981-82 Regular Session shall be construed as expanding the scope of practice of a pharmacist.”

25 COST RECOVERY

26 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 DRUG CLASSIFICATIONS

5 16. Lortab, Norco and Vicodin are prescribed for pain, and are brand/trade names of
6 preparations containing hydrocodone in combination with other non-narcotic ingredients. They
7 were Schedule III Controlled Substances but became Schedule II Controlled Substances as of
8 October 6, 2014 pursuant to Health and Safety Code section 11056 subdivision (e)(5), and are
9 categorized as dangerous drugs pursuant to section 4022.

10 17. Soma is prescribed for pain and/or spasms. It is a Schedule IV Controlled Substance
11 pursuant to Health and safety Code section 11057, and is categorized as a dangerous drug
12 pursuant to section 4022.

13 18. Xanax, is an anti-anxiety benzodiazepine, and is the brand name for alprazolam. It is a
14 Schedule IV controlled substance as designated by Health and Safety Code section 11057
15 subdivision (d)(1), and is categorized as a dangerous drug pursuant to section 4022(c) of the
16 Code.

17 19. Vicoprofen is prescribed for pain, and is the brand name for a fixed combination of
18 hydrocodone, a narcotic and controlled substance, and ibuprofen, an anti-inflammatory and
19 analgesic. It was a Schedule III controlled narcotic substance and became a Schedule II controlled
20 narcotic substance as of October 6, 2014, pursuant to Health and Safety Code section 11056
21 subdivision (e)(5), and is categorized as a dangerous drug pursuant to Business and Professions
22 Code section 4022.

23 20. Tylenol with Codeine #4 is prescribed for pain, and is the brand name for
24 Acetaminophen with Codeine, containing 60 mg of codeine and 300 mg of acetaminophen.
25 Acetaminophen with Codeine is a Schedule III controlled substance as designated by Health and
26 Safety Code section 11056 subdivision (e)(3), and is categorized as a dangerous drug pursuant to
27 Business and Professions Code section 4022.

28

1 21. Proair HFA is prescribed for Asthma, and is the brand name for Albuterol. It is not a
2 controlled substance, but is categorized as a dangerous drug pursuant to Business and Professions
3 Code section 4022.

4 22. Zithromax is prescribed for infections, and is the brand name for Azithromycin. It is
5 not a controlled substance, but is categorized as a dangerous drug pursuant to Business and
6 Professions Code section 4022.

7 23. Phenergan with Codeine is a narcotic and is prescribed for a cough, and is the brand
8 name for Promethazine with Codeine. It is a Schedule V controlled substance as designated by
9 Health and Safety Code section 11058 subdivision (c)(1), and is categorized as a dangerous drug
10 pursuant to section 4022 of the Code.

11 24. Keflex 500mg is prescribed for infections, and is the brand named for Cephalexin
12 500mg. It is not a controlled substance, but is categorized as a dangerous drug pursuant to
13 Business and Professions Code section 4022.

14 **FIRST CAUSE FOR DISCIPLINE**

15 (Unlawful Possession of Dangerous Drugs)

16 25. Respondent is subject to disciplinary action under section 4059 subdivision (a) in that
17 she unlawfully furnished dangerous drugs without the prescription of a physician, dentist,
18 podiatrist, optometrist, veterinarian or naturopathic doctor. The circumstances surrounding this
19 violation are such that on or about September 3, 2013, Respondent was terminated from her
20 position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita
21 California after an investigation revealed the following violations:

22 26. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and
23 dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent
24 admitted to processing the forged prescriptions, including typing, counting and complete filling of
25 the forged prescription. Some of the forged drug prescriptions were paid for by Respondent and
26 others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from
27 the pharmacy software to avoid it being traced. Once deleted, Respondent removed the
28

1 prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions
 2 and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C. ¹	HC/IBU#100 1qid prn migraine with 2 refills
3/2/2013	NA	P.C.	Xanax 0.5mg
4/16/2013	1074950	P.C.	HC/IBU # 100 1qid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 1qid prn
4/23/2013	1075755	J.W.	Carisoprodol 350mg #120 1 TID
5/4/2012	1037619	J.W.	Lortab 10/500 #100 1q6 hr
5/9/2013	1077654	J.W.	Soma 350 #60 1TID prn muscle spasms; Norco 10/325 #120 1 TID prn pain
8/13/2013	1088029	J.W.	Keflex 500 #40 1 QID; Vicodin 5/500 #60 1-2 Q 4-6 h prn pain
3/16/2013	1071557	J.W.	Carisoprodol 350mg #30, 1 TID prn
8/13/2013	1088023	D.V.	Keflex 500 #40 1QID; Vicodin 5/500 #60, 1-2q 4-6h prn p
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, 1q6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
9/29/2012	1052161 and 1052159	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills; Soma 350mg #30, 1TID Prn with 2 refills
8/10/2013	1087708	J.W.	Vicodin #45, 1q6h prn pain
7/2/2013	1083549	C.W.	Norco 10/325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs & qidprn
10/24/2011	1017407	D.S.	Azithromycin 250mg TAD #1
10/24/2011	1017410	D.S.	Ondansteron 8mg # 30 1TID prn N/V
6/19/2012	1041935	D.S.	Phen/cod #480, 1-2tspqhs & qidprn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hprn
1/28/2013	1065917	D.S.	Proair HFA 1q46hprn
3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 1qid prn with 2 refills
11/17/2012, 12/17/2012, 1/5/2013	1057818	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
1/14/2013, 3/2/2013, 3/23/2013	1064162	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
11/27/2012	1058785	D.O.	Cephalexin 500mg 2bid until gone #40
11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
12/31/2012	1062323	D.O.	AP/Codeine #4 1qidprn #100
2/25/2013	1069300	D.O.	HC/AP 10/500 #100 1q6hprn pain

1 Patient initials are used in lieu of real names in order to protect the privacy rights of patients.

3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
4/27/2013	1076244	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 1tidprn
6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hprn pain

SECOND CAUSE FOR DISCIPLINE

(Unlawful Possession of Controlled Substances)

27. Respondent is subject to disciplinary action under section 4060 in that she unlawfully obtained possession of controlled substances without a valid prescription from a physician, dentist, podiatrist, optometrist, veterinarian or naturopathic doctor. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita California after an investigation revealed the following violations.

28. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 1qid prn migraine with 2 refills
3/2/2013	NA	P.C.	Xanax 0.5mg
4/16/2013	1074950	P.C.	HC/IBU # 100 1qid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 1qid prn
4/23/2013	1075755	J.W.	Carisoprodol 350mg #120 1 TID
5/4/2012	1037619	J.W.	Lortab 10/500 #100 1q6 hr
5/9/2013	1077654	J.W.	Soma 350 #60 1TID prn muscle spasms; Norco 10/325 #120 1 TID prn pain
8/13/2013	1088029	J.W.	Vicodin 5/500 #60 1-2 Q 4-6 h prn pain
3/16/2013	1071557	J.W.	Carisoprodol 350mg #30, 1 TID prn
8/13/2013	1088023	D.V.	Vicodin 5/500 #60, 1-2q 4-6h prn p
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, 1q6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain

1	9/29/2012	1052161 and 1052159	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills; Soma 350mg #30, 1TID Prn with 2 refills
2	8/10/2013	1087708	C.W.	Vicodin #45, 1q6h prn pain
3	7/2/2013	1083549	C.W.	Norco 10/325mg # 120 1TID prn with 1 refill
4	3/16/2013	1071556	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
5	10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs & qidprn
6	6/19/2012	1041935	D.S.	Phen/cod #480, 1-2tspqhs & qidprn
7	1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
8	1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
9	1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hprn
10	3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 1qid prn with 2 refills
11	11/17/2012, 12/17/2012, 1/5/2013	1057818	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
12	1/14/2013, 3/2/2013, 3/23/2013	1064162	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
13	4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
14	5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
15	11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
16	12/31/2012	1062323	D.O.	AP/Codeine #4 1qidprn #100
17	2/25/2013	1069300	D.O.	HC/AP 10/500 #100 1q6hprn pain
18	3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
19	4/27/2013	1076244	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
20	5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 1tidprn
21	6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hprn pain

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

29. Respondent is subject to disciplinary action under section 4301 subdivisions (f) and (j) in that she committed acts of moral turpitude, dishonesty, fraud, deceit and corruption by violating statutes regulating dangerous drugs. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita California after an investigation revealed the following violations.

30. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling

1 of the forged prescription. Some of the forged prescriptions were paid for by Respondent and
 2 others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from
 3 the pharmacy software to avoid it being traced. Once deleted, Respondent removed the
 4 prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions
 5 and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 1qid prn migraine with 2 refills
3/2/2013	NA	P.C.	Xanax 0.5mg
4/16/2013	1074950	P.C.	HC/IBU # 100 1qid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 1qid prn
4/23/2013	1075755	J.W.	Carisoprodol 350mg #120 1 TID
5/4/2012	1037619	J.W.	Lortab 10/500 #100 1q6 hr
5/9/2013	1077654	J.W.	Soma 350 #60 1TID prn muscle spasms; Norco 10/325 #120 1 TID prn pain
8/13/2013	1088029	J.W.	Keflex 500 #40 1 QID; Vicodin 5/500 #60 1-2 Q 4-6 h prn pain
3/16/2013	1071557	J.W.	Carisoprodol 350mg #30, 1 TID prn
8/13/2013	1088023	D.V.	Keflex 500 #40 IQID; Vicodin 5/500 #60, 1-2q 4-6h prn p
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, 1q6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
9/29/2012	1052161 and 1052159	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills; Soma 350mg #30, 1TID Prn with 2 refills
8/10/2013	1087708	C.W.	Vicodin #45, 1q6h prn pain
7/2/2013	1083549	C.W.	Norco 10/325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs & qidprn
10/24/2011	1017407	D.S.	Azithromycin 250mg TAD #1
10/24/2011	1017410	D.S.	Ondansteron 8mg # 30 1TID prn N/V
6/19/2012	1041935	D.S.	Phen/cod #480, 1-2tspqhs & qidprn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hprn
1/28/2013	1065917	D.S.	Proair HFA 1q46hprn
3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 1qid prn with 2 refills
11/17/2012, 12/17/2012, 1/5/2013	1057818	D.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
1/14/2013, 3/2/2013, 3/23/2013	1064162	D.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
11/27/2012	1058785	D.O.	Cephalexin 500mg 2bid until gone #40

11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
12/31/2012	1062323	D.O.	AP/Codeine #4 1qidprn #100
2/25/2013	1069300	D.O.	HC/AP 10/500 #100 1q6hprn pain
3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
4/27/2013	1076244	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 1tidprn
6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hprn pain

FOURTH CAUSE FOR DISCIPLINE

(Unlawful Possession of Controlled Substance - Narcotic)

31. Respondent is subject to disciplinary action under Health and Safety Code section 11350 subdivision (a) in that she unlawfully possessed Schedule III, IV and V controlled substances without valid prescriptions. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita California after an investigation revealed the following violations.

32. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 1qid prn migraine with 2 refills
4/16/2013	1074950	P.C.	HC/IBU # 100 1qid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 1qid prn
5/4/2012	1037619	J.W.	Lortab 10/500 #100 1q6 hr
5/9/2013	1077654	J.W.	Norco 10/325 #120 1 TID prn pain
8/13/2013	1088029	J.W.	Vicodin 5/500 #60 1-2 Q 4-6 h prn pain
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, 1q6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
9/29/2012	1052161	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills;
8/10/2013	1087708	C.W.	Vicodin #45, 1q6h prn pain
7/2/2013	1083549	C.W.	Norco 10/325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain

1	10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs & qidprn
	6/19/2012	1041935	D.S.	Phen/cod #480, 1-2tspqhs & qidprn
2	1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
	1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
3	1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hprn
4	3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 1qid prn with 2 refills
5	11/17/2012, 12/17/2012, 1/5/2013	1057818	D.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
6	1/14/2013, 3/2/2013, 3/23/2013	1064162	D.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
7	4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
8	5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
9	11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
10	12/31/2012	1062323	D.O.	AP/Codsine #4 1qidprn #100
11	2/25/2013	1069300	D.O.	HC/AP 10/500 #100 1q6hprn pain
12	3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
13	4/27/2013	1076244	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
	5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 1tidprn
14	6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hprn pain

FIFTH CAUSE FOR DISCIPLINE

(Unlawful Transport of Controlled Substances - Narcotic)

33. Respondent is subject to disciplinary action under Health and Safety Code section 11352 in that she unlawfully transported, furnished and/or gave away Schedule III, IV & V controlled substances without valid prescriptions. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita California after an investigation revealed the following violations.

34. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent admittedly processed whole forged prescriptions, including typing, counting and complete filling of the forged prescription. Some of the forged prescriptions were paid for by Respondent and others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from the pharmacy software to avoid it being traced. Once deleted, Respondent removed the

1 prescription hardcopy from the pharmacy records. Respondent admitted that she thereafter
 2 provided some of these drugs to a drug addict. Respondent admitted to forging prescriptions and
 3 theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 1qid prn migraine with 2 refills
4/16/2013	1074950	P.C.	HC/IBU # 100 1qid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 1qid prn
5/4/2012	1037619	J.W.	Lortab 10/500 #100 1q6 hr
5/9/2013	1077654	J.W.	Norco 10/325 #120 1 TID prn pain
8/13/2013	1088029	J.W.	Vicodin 5/500 #60 1-2 Q 4-6 h prn pain
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, 1q6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
9/29/2012	1052161	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills;
8/10/2013	1087708	C.W.	Vicodin #45, 1q6h prn pain
7/2/2013	1083549	C.W.	Norco 10/325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs & qidprn
6/19/2012	1041935	D.S.	Phen/cod #480, 1-2tspqhs & qidprn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hprn
3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 1qid prn with 2 refills
11/17/2012, 12/17/2012, 1/5/2013	1057818	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
1/14/2013, 3/2/2013, 3/23/2013	1064162	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
12/31/2012	1062323	D.O.	AP/Codeine #4 1qidprn #100
2/25/2013	1069300	D.O.	HC/AP 10/500 #100 1q6hprn pain
3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
4/27/2013	1076244	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 1tidprn
6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hprn pain

SIXTH CAUSE FOR DISCIPLINE

(Unlawful Possession of Dangerous Drugs - Non Narcotic)

35. Respondent is subject to disciplinary action under Health and Safety Code section 11377
 subdivision (b)(4) which states that, except as otherwise provided by law, every person who

1 possess any controlled substance which is classified in Schedule III –IV and which is not a
2 narcotic is guilty of a misdemeanor. The circumstances surrounding this violation are such that
3 on or about September 3, 2013, Respondent was terminated from her position as a Pharmacist at
4 Costco Pharmacy #447 located at 18649 Via Princessa, Santa Clarita California after an
5 investigation revealed the following violations.

6 36. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and
7 dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent
8 admittedly processed whole forged prescriptions, including typing, counting and complete filling
9 of the forged prescription. Some of the forged prescriptions were paid for by Respondent and
10 others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from
11 the pharmacy software to avoid it being traced. Once deleted, Respondent removed the
12 prescription hardcopy from the pharmacy records. Respondent admitted that she thereafter
13 provided some of these drugs to a drug addict. Respondent admitted to forging prescriptions and
14 theft of dangerous drugs for the following patient:

Date	RX#	Patient Name	Drug
3/2/2013	NA	P.C.	Xanax 0.5mg

15
16
SEVENTH CAUSE FOR DISCIPLINE

17 (Unlawful Transport of Controlled Substances - Non Narcotic)

18 37. Respondent is subject to disciplinary action under Health and Safety Code section 11379 in
19 that Schedule III-IV controlled substances were furnished and/or given away without valid
20 prescriptions. The circumstances surrounding this violation are such that on or about September 3,
21 2013, Respondent was terminated from her position as a Pharmacist at Costco Pharmacy #447
22 located at 18649 Via Princessa, Santa Clarita California after an investigation revealed the
23 following violations.

24 38. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and
25 dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent
26 admittedly processed whole forged prescriptions, including typing, counting and complete filling
27 of the forged prescription. Some of the forged prescriptions were paid for by Respondent and
28

1 others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from
2 the pharmacy software to avoid it being traced. Once deleted, Respondent removed the
3 prescription hardcopy from the pharmacy records. Respondent admitted that she thereafter
4 provided some of these drugs to a drug addict. Respondent admitted to forging prescriptions and
5 theft of dangerous drugs for the following patient:

Date	RX#	Patient Name	Drug
3/2/2013	NA	P.C.	Xanax 0.5mg

6
7
8 **EIGHTH CAUSE FOR DISCIPLINE**

9 (Corresponding Responsibility)

10 39. Respondent is subject to disciplinary action under Health and Safety Code section 11153(a)
11 which provides that prescriptions for controlled substances shall only be issued for legitimate
12 medical purposes. The circumstances surrounding this violation are such that on or about
13 September 3, 2013, Respondent was terminated from her position as a Pharmacist at Costco
14 Pharmacy #447 located at 18649 Via Princessa, Santa Clarita California after an investigation
15 revealed the following violations.

16 40. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and
17 dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent
18 admittedly processed whole forged prescriptions, including typing, counting and complete filling
19 of the forged prescription. Some of the forged prescriptions were paid for by Respondent and
20 others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from
21 the pharmacy software to avoid it being traced. Once deleted, Respondent removed the
22 prescription hardcopy from the pharmacy records. Respondent admitted that she thereafter
23 provided some of these drugs to a drug addict. Respondent admitted to forging prescriptions and
24 theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/IBU#100 1qid prn migraine with 2 refills
3/2/2013	NA	P.C.	Xanax 0.5mg
4/16/2013	1074950	P.C.	HC/IBU # 100 1qid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 1qid prn
4/23/2013	1075755	J.W.	Carisoprodol 350mg #120 1 TID

1	5/4/2012	1037619	J.W.	Lortab 10/500 #100 1q6 hr
2	5/9/2013	1077654	J.W.	Soma 350 #60 1TID prn muscle spasms; Norco 10/325 #120 1 TID prn pain
3	3/16/2013	1071557	J.W.	Carisoprodol 350mg #30, 1 TID prn
4	7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, 1q6-8 h prn pain
5	2/11/2013	1067665	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
6	9/29/2012	1052161 1052159	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills; Soma 350mg #30, 1TID Prn with 2 refills
7	8/10/2013	1087708	C.W.	Vicodin #45, 1q6h prn pain
8	7/2/2013	1083549	C.W.	Norco 10/325mg # 120 1TID prn with 1 refill
9	3/16/2013	1071556	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
10	10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs & qidprn
11	10/24/2011	1017407	D.S.	Azithromycin 250mg TAD #1
12	6/19/2012	1041935	Daniel Schleher	Phen/cod #480, 1-2tspqhs & qidprn
13	1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
14	1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
15	1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hprn
16	3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 1qid prn with 2 refills
17	11/17/2012, 12/17/2012, 1/5/2013	1057818	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
18	1/14/2013, 3/2/2013, 3/23/2013	1064162	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
19	4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
20	5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
21	11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
22	12/31/2012	1062323	D.O.	AP/Codeine #4 1qidprn #100
23	2/25/2013	1069300	D.O.	HC/AP 10/500 #100 1q6hprn pain
24	3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
25	4/27/2013	1076244	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
26	5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 1tidprn
27	6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2q6hprn pain

NINTH CAUSE FOR DISCIPLINE

(Forgery of Prescriptions)

41. Respondent is subject to disciplinary action under section 4324 in that she forged and possessed prescriptions for dangerous drugs and controlled substances. The circumstances surrounding this violation are such that on or about September 3, 2013, Respondent was

1 terminated from her position as a Pharmacist at Costco Pharmacy #447 located at 18649 Via
 2 Princessa, Santa Clarita California after an investigation revealed the following violations.

3 42. Between October 24, 2011 and August 13, 2013, Respondent admittedly forged and
 4 dispensed multiple prescriptions of controlled substances and other dangerous drugs. Respondent
 5 admittedly processed whole forged prescriptions, including typing, counting and complete filling
 6 of the forged prescription. Some of the forged prescriptions were paid for by Respondent and
 7 others were stolen by Respondent. Respondent then deleted or cancelled the prescriptions from
 8 the pharmacy software to avoid it being traced. Once deleted, Respondent removed the
 9 prescription hardcopy from the pharmacy records. Respondent admitted to forging prescriptions
 10 and theft of dangerous drugs for the following patients:

Date	RX#	Patient Name	Drug
1/16/2013	1068312	P.C.	HC/TBU#100 1qid prn migraine with 2 refills
3/2/2013	NA	P.C.	Xanax 0.5mg
4/16/2013	1074950	P.C.	HC/IBU # 100 1qid prn migraine with 2 refills
7/1/2013	1083420	J.W.	Vicodin 10/660 #60 1qid prn
4/23/2013	1075755	J.W.	Carisoprodol 350mg #120 1 TID
5/4/2012	1037619	J.W.	Lortab 10/500 #100 1q6 hr
5/9/2013	1077654	J.W.	Soma 350 #60 1TID prn muscle spasms; Norco 10/325 #120 1 TID prn pain
8/13/2013	1088029	J.W.	Keflex 500 #40 1 QID; Vicodin 5/500 #60 1-2 Q 4-6 h prn pain
3/16/2013	1071557	J.W.	Carisoprodol 350mg #30, 1 TID prn
8/13/2013	1088023	D.V.	Keflex 500 #40 1QID; Vicodin 5/500 #60, 1-2q 4-6h prn p
7/14/2012	1044455	J.D.	HC/IBU 7.5/200 #120, 1q6-8 h prn pain
2/11/2013	1067665	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
9/29/2012	1052161 and 1052159	J.W.	HC/AP 7.5/325 #100 1-2q6h prn pain with 2 refills; Soma 350mg #30, 1TID Prn with 2 refills
8/10/2013	1087708	C.W.	Vicodin #45, 1q6h prn pain
7/2/2013	1083549	C.W.	Norco 10/325mg # 120 1TID prn with 1 refill
3/16/2013	1071556	J.W.	HC/AP 10/325mg #120 1-2q6hprn pain
10/24/2011	1017409	D.S.	Prometh/cod #480, 1-2tspqhs & qidprn
10/24/2011	1017407	D.S.	Azithromycin 250mg TAD #1
10/24/2011	1017410	D.S.	Ondansteron 8mg # 30 1TID prn N/V
6/19/2012	1041935	D.S.	Phen/cod #480, 1-2tspqhs & qidprn
1/19/2013	1064903	D.S.	HC/AP 7.5/750 #200 1-2q46hprn pain
1/28/2013	1065911	D.S.	HC/AP 10/325 #180 1-2q4hprn pain
1/28/2013, 4/23/2013	1065916	D.S.	Prometh/cod #118 1tspq6hprn
1/28/2013	1065917	D.S.	Proair HFA 1q46hprn
3/4/2013, 4/6/2013, 4/23/2013	1070056	D.S.	HC/AP 10/500 #100 1qid prn with 2 refills

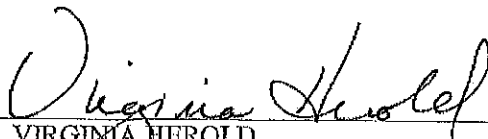
1	11/17/2012, 12/17/2012, 1/5/2013	1057818	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
2	1/14/2013, 3/2/2013, 3/23/2013	1064162	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
3	4/6/2013, 4/27/2013	1073860	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 1 refill
4	5/7/2013	1077373	C.S.	HC/AP 10/325 #180 1-2q46hprn pain with 2 refills
5	11/27/2012	1058785	D.O.	Cephalexin 500mg 2bid until gone #40
6	11/27/2012	1058786	D.O.	HC/AP 10/325 1-2q6hprn pain #120
7	12/31/2012	1062323	D.O.	AP/Codeine #4 1qidprn #100
8	2/25/2013	1069300	D.O.	HC/AP 10/500 #100 1q6hprn pain
9	3/9/2013, 3/19/2013, 3/26/2013	1070676	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
10	4/27/2013	1076244	D.O.	HC/AP 10/500 #100 1q6hprn pain with 2 refill
11	5/25/2013	1079413	D.O.	HC/AP 10/650mg #60 1tidprn
12	6/18/2013	1081952	D.O.	HC/AP 10/325mg #60 1-2c6hprn pain

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 Pharmacist License Number RPH 38490, issued to Lois Elaine Spengler;
2. Ordering Lois Elaine Spengler 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: 11/27/15


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

LA2014512187
51682480.doc