



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

2016 JAN 25 PM 1:11

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Miranda Scott</u>	Case No. <u>5311</u>
Address of Record: <u>16006 Gramercy Ave Apt. 303</u> <u>Torrance, CA 90501</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 5311, I hereby request to surrender my pharmacy technician license, License No. TC#41378. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Miranda Scott
 Applicant's Signature

Jan. 22 2016
 Date

[Signature]
 Executive Officer's Approval

1/22/16
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

**MIRANDA SUE SCOTT
1606 Gramercy Avenue #303
Torrance, CA 90501**

**Pharmacy Technician Registration No. TCH
41378**

Case No. 5311

OAH No. 2015 020663

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 4, 2015.

It is so ORDERED on November 4, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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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. 5311

11 **MIRANDA SUE SCOTT**
12 **1606 Gramercy Avenue # 303**
13 **Torrance, CA 90501**

OAH No. 2015050663

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Pharmacy Technician Registration No. TCH**
15 **41378**

16 Respondent.

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

20 **PARTIES**

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

25 2. Respondent Miranda Sue Scott ("Respondent") is represented in this proceeding by
26 attorney Adam Brown, whose address is: Law Offices of Brown & Brown, 3848 Carson St.,
27 Suite 206, Torrance, CA 90503.
28

1 15. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 41378 issued
6 to Respondent Miranda Sue Scott ("Respondent") is revoked. However, the revocation is stayed
7 and Respondent is placed on probation for five (5) years on the following terms and conditions.

8 **1. Certification Prior to Resuming Work**

9 Respondent shall be automatically suspended from working as a pharmacy technician until
10 she is certified as defined by Business and Professions Code section 4202, subdivision (a)(4) and
11 provides satisfactory proof of certification to the board. Respondent shall not resume working as
12 a pharmacy technician until notified by the board. Failure to achieve certification within one (1)
13 year shall be considered a violation of probation. Respondent shall not resume working as a
14 pharmacy technician until notified by the board.

15 During suspension, Respondent shall not enter any pharmacy area or any portion of any
16 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
17 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
18 devices or controlled substances are maintained. Respondent shall not do any act involving drug
19 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent
20 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
21 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
22 substances. Respondent shall not resume work until notified by the board.

23 Subject to the above restrictions, Respondent may continue to own or hold an interest in
24 any licensed premises by the board in which she holds an interest at the time this decision
25 becomes effective unless otherwise specified in this order.

26 Failure to comply with this suspension shall be considered a violation of probation.

27 **2. Obey All Laws**

28 Respondent shall obey all state and federal laws and regulations.

1 Respondent shall report any of the following occurrences to the board, in writing, within
2 seventy-two (72) hours of such occurrence:

- 3 an arrest or issuance of a criminal complaint for violation of any provision of the
4 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
5 substances laws
- 6 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
7 criminal complaint, information or indictment
- 8 a conviction of any crime
- 9 discipline, citation, or other administrative action filed by any state or federal agency
10 which involves Respondent's pharmacy technician registration or which is related to
11 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
12 billing, or charging for any drug, device or controlled substance.

13 Failure to timely report any such occurrence shall be considered a violation of probation.

14 3. Report to the Board

15 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
16 designee. The report shall be made either in person or in writing, as directed. Among other
17 requirements, Respondent shall state in each report under penalty of perjury whether there has
18 been compliance with all the terms and conditions of probation. Failure to submit timely reports
19 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
20 in submission of reports as directed may be added to the total period of probation. Moreover, if
21 the final probation report is not made as directed, probation shall be automatically extended until
22 such time as the final report is made and accepted by the board.

23 4. Interview with the Board

24 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
25 with the board or its designee, at such intervals and locations as are determined by the board or its
26 designee. Failure to appear for any scheduled interview without prior notification to board staff,
27 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
28 the period of probation, shall be considered a violation of probation.

1 **5. Cooperate with Board Staff**

2 Respondent shall cooperate with the board's inspection program and with the board's
3 monitoring and investigation of Respondent's compliance with the terms and conditions of her
4 probation. Failure to cooperate shall be considered a violation of probation.

5 **6. Notice to Employers**

6 During the period of probation, Respondent shall notify all present and prospective
7 employers of the decision in case number 5311 and the terms, conditions and restrictions imposed
8 on Respondent by the decision, as follows:

9 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
10 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,
11 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
12 tenure of employment) and owner to report to the board in writing acknowledging that the listed
13 individual(s) has/have read the decision in case number 5311 and the terms and conditions
14 imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or
15 supervisor(s) submit timely acknowledgement(s) to the board.

16 If Respondent works for or is employed by or through a pharmacy employment service,
17 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
18 of the terms and conditions of the decision in case number 5311 in advance of the Respondent
19 commencing work at each pharmacy. A record of this notification must be provided to the board
20 upon request.

21 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
22 (15) days of Respondent undertaking any new employment by or through a pharmacy
23 employment service, Respondent shall cause her direct supervisor with the pharmacy
24 employment service to report to the board in writing acknowledging that she has read the decision
25 in case number 5311 and the terms and conditions imposed thereby. It shall be Respondent's
26 responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
27 acknowledgment(s) to the board.

28 Failure to timely notify present or prospective employer(s) or to cause that/those

1 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
2 probation.

3 "Employment" within the meaning of this provision shall include any full-time,
4 part-time, temporary or relief service or pharmacy management service as a pharmacy
5 technician or in any position for which a pharmacy technician license is a requirement
6 or criterion for employment, whether the Respondent is considered an employee,
7 independent contractor or volunteer.

8 **7. Reimbursement of Board Costs**

9 As a condition precedent to successful completion of probation, Respondent shall pay to the
10 board its costs of investigation and prosecution in the amount of \$ 2,000.00. Respondent shall be
11 permitted to pay the costs in a payment plan approved by the board or its designee. Failure to pay
12 costs by the deadline(s) in the payment plan shall be considered a violation of probation.

13 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility
14 to reimburse the board its costs of investigation and prosecution.

15 **8. Probation Monitoring Costs**

16 Respondent shall pay any costs associated with probation monitoring as determined by the
17 board each and every year of probation. Such costs shall be payable to the board on a schedule as
18 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
19 be considered a violation of probation.

20 **9. Status of License**

21 Respondent shall, at all times while on probation, maintain an active, current pharmacy
22 technician license with the board, including any period during which suspension or probation is
23 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

24 If Respondent's pharmacy technician license expires or is cancelled by operation of law or
25 otherwise at any time during the period of probation, including any extensions thereof due to
26 tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all
27 terms and conditions of this probation not previously satisfied.

28 ///

1 **10. License Surrender While on Probation/Suspension**

2 Following the effective date of this decision, should Respondent cease work due to
3 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
4 Respondent may tender her pharmacy technician license to the board for surrender. The board or
5 its designee shall have the discretion whether to grant the request for surrender or take any other
6 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
7 license, Respondent will no longer be subject to the terms and conditions of probation. This
8 surrender constitutes a record of discipline and shall become a part of the Respondent's license
9 history with the board.

10 Upon acceptance of the surrender, Respondent shall relinquish her pharmacy technician
11 license to the board within ten (10) days of notification by the board that the surrender is
12 accepted. Respondent may not reapply for any license, permit, or registration from the board for
13 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
14 applicable to the license sought as of the date the application for that license is submitted to the
15 board.

16 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
17 **Employment**

18 Respondent shall notify the board in writing within ten (10) days of any change of
19 employment. Said notification shall include the reasons for leaving, the address of the new
20 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
21 shall further notify the board in writing within ten (10) days of a change in name, residence
22 address and mailing address, or phone number.

23 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
24 phone number(s) shall be considered a violation of probation.

25 **12. Tolling of Probation**

26 Except during periods of suspension, Respondent shall, at all times while on probation, be
27 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.
28 Any month during which this minimum is not met shall toll the period of probation, i.e., the

1 period of probation shall be extended by one month for each month during which this minimum is
2 not met. During any such period of tolling of probation, Respondent must nonetheless comply
3 with all terms and conditions of probation.

4 Should Respondent, regardless of residency, for any reason (including vacation) cease
5 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
6 Respondent must notify the board in writing within ten (10) days of cessation of work and must
7 further notify the board in writing within ten (10) days of the resumption of the work. Any
8 failure to provide such notification(s) shall be considered a violation of probation.

9 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
10 provisions of this condition for a total period, counting consecutive and non-consecutive months,
11 exceeding thirty-six (36) months.

12 "Cessation of work" means calendar month during which Respondent is not
13 working for at least 40 hours as a pharmacy technician, as defined in Business and
14 Professions Code section 4115. "Resumption of work" means any calendar month
15 during which Respondent is working as a pharmacy technician for at least 40 hours as
16 a pharmacy technician as defined by Business and Professions Code section 4115.

17 13. Violation of Probation

18 If Respondent has not complied with any term or condition of probation, the board shall
19 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
20 until all terms and conditions have been satisfied or the board has taken other action as deemed
21 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
22 to impose the penalty that was stayed.

23 If Respondent violates probation in any respect, the board, after giving Respondent notice
24 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
25 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
26 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
27 a petition to revoke probation or an accusation is filed against Respondent during probation, the
28 board shall have continuing jurisdiction, and the period of probation shall be automatically

1 extended until the petition to revoke probation or accusation is heard and decided.

2 **14. Completion of Probation**

3 Upon written notice by the board indicating successful completion of probation,
4 Respondent's pharmacy technician license will be fully restored.

5 **15. No Ownership of Licensed Premises**

6 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
7 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
8 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
9 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
10 days following the effective date of this decision and shall immediately thereafter provide written
11 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
12 documentation thereof shall be considered a violation of probation.

13 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

14 Within thirty (30) days of the effective date of this decision, Respondent shall begin regular
15 attendance at a recognized and established substance abuse recovery support group in California,
16 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
17 or its designee. Respondent must attend at least one group meeting per week unless otherwise
18 directed by the board or its designee. Respondent shall continue regular attendance and submit
19 signed and dated documentation confirming attendance with each quarterly report for the duration
20 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
21 probation.

22 **17. Abstain from Drugs and Alcohol Use**

23 Respondent shall completely abstain from the possession or use of alcohol, controlled
24 substances, dangerous drugs and their associated paraphernalia except when the drugs are
25 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
26 request of the board or its designee, Respondent shall provide documentation from the licensed
27 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
28 treatment of the Respondent. Failure to timely provide such documentation shall be considered a

1 violation of probation. Respondent shall ensure that she is not in the same physical location as
2 individuals who are using illicit substances even if Respondent is not personally ingesting the
3 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
4 not supported by the documentation timely provided, and/or any physical proximity to persons
5 using illicit substances, shall be considered a violation of probation.

6 **18. Random Drug Screening**

7 Respondent, at her own expense, shall participate in random testing, including but not
8 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
9 screening program as directed by the board or its designee. Respondent may be required to
10 participate in testing for the entire probation period and the frequency of testing will be
11 determined by the board or its designee. At all times Respondent shall fully cooperate with the
12 board or its designee, and shall, when directed, submit to such tests and samples for the detection
13 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
14 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
15 of probation. Upon request of the board or its designee, Respondent shall provide documentation
16 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
17 a necessary part of the treatment of the Respondent. Failure to timely provide such
18 documentation shall be considered a violation of probation. Any confirmed positive test for
19 alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented
20 medical treatment shall be considered a violation of probation and shall result in the automatic
21 suspension of work by Respondent. Respondent may not resume work as a pharmacy technician
22 until notified by the board in writing.

23 During suspension, Respondent shall not enter any pharmacy area or any portion of or any
24 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
25 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
26 devices or controlled substances are maintained. Respondent shall not do any act involving drug
27 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent
28 manage, administer, or assist any licensee of the board. Respondent shall not have access to or

1 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
2 substances. Respondent shall not resume work until notified by the board.

3 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
4 Subject to the above restrictions, Respondent may continue to own or hold an interest in any
5 licensed premises in which she holds an interest at the time this decision becomes effective unless
6 otherwise specified in this order.

7 Failure to comply with this suspension shall be considered a violation of probation.

8 **19. Work Site Monitor**

9 Within ten (10) days of the effective date of this decision, Respondent shall identify a work
10 site monitor, for prior approval by the board, who shall be responsible for supervising Respondent
11 during working hours. Respondent shall be responsible for ensuring that the work site monitor
12 reports in writing to the board quarterly. Should the designated work site monitor determine at
13 any time during the probationary period that Respondent has not maintained sobriety, she shall
14 notify the board immediately, either orally or in writing as directed. Should Respondent change
15 employment, a new work site monitor must be designated, for prior approval by the board, within
16 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
17 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
18 considered a violation of probation.

19 **20. Notification of Departure**

20 Prior to leaving the probationary geographic area designated by the board or its designee for
21 a period greater than twenty-four (24) hours, Respondent shall notify the board verbally and in
22 writing of the dates of departure and return. Failure to comply with this provision shall be
23 considered a violation of probation.

24 **21. Prescription Coordination and Monitoring of Prescription Use** (Appropriate for
25 chemical dependency (alcohol, drugs), or psychiatric disorders (mental illness, emotional
26 disturbance, gambling)

27 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
28 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,

1 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the Respondent's
2 history with the use controlled substances, and/or dangerous drugs and who will coordinate and
3 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-
4 altering drugs. The approved practitioner shall be provided with a copy of the board's accusation
5 and decision. A record of this notification must be provided to the board upon request.

6 Respondent shall sign a release authorizing the practitioner to communicate with the board about
7 respondent's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or
8 psychiatrist shall report to the board on a quarterly basis for the duration of probation regarding
9 Respondent's compliance with this condition. If any substances considered addictive have been
10 prescribed, the report shall identify a program for the time limited use of any such substances.

11 The board may require that the single coordinating physician, nurse practitioner, physician
12 assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive
13 medicine. Should Respondent, for any reason, cease supervision by the approved practitioner,
14 Respondent shall notify the board immediately and, within thirty (30) days of ceasing treatment,
15 submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist
16 of Respondent's choice to the board or its designee for its prior approval. Failure to timely submit
17 the selected practitioner or replacement practitioner to the board for approval, or to ensure the
18 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

19 If at any time an approved practitioner determines that Respondent is unable to practice
20 safely or independently as a pharmacist, the practitioner shall notify the board immediately by
21 telephone and follow up by written letter within three (3) working days. Upon notification from
22 the board or its designee of this determination, Respondent shall be automatically suspended and
23 shall not resume practice until notified by the board that practice may be resumed.

24 During suspension, Respondent shall not enter any pharmacy area or any portion of the
25 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
26 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
27 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
28 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient

1 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
2 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
3 and controlled substances. Respondent shall not resume practice until notified by the board.

4 During suspension, Respondent shall not engage in any activity that requires the
5 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
6 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
7 designated representative for any entity licensed by the board.

8 Subject to the above restrictions, Respondent may continue to own or hold an interest in
9 any licensed premises in which he or she holds an interest at the time this decision becomes
10 effective unless otherwise specified in this order.

11 Failure to comply with this suspension shall be considered a violation of probation.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
14 discussed it with my attorney, Adam Brown. I understand the stipulation and the effect it will
15 have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and
16 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
17 Decision and Order of the Board of Pharmacy.

18
19 DATED: Aug. 29th 2015 Miranda Scott
20 MIRANDA SUE SCOTT
21 Respondent

22 I have read and fully discussed with Respondent Miranda Sue Scott the terms and
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
24 I approve its form and content.

25 DATED: 8-31-15 Adam Brown
26 Adam Brown
27 Attorney for Respondent

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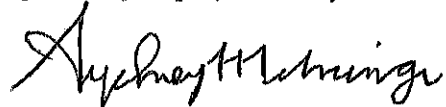
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: September 2, 2015

Respectfully submitted,

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



SYDNEY M. MEHRINGER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5311

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
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3 SYDNEY M. MEHRINGER
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5311

12 **MIRANDA SUE SCOTT**
13 1606 Gramercy Avenue # 303
14 Torrance, CA 90501

A C C U S A T I O N

15 Pharmacy Technician Registration
No. TCH 41378

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 ("Board").

21 2. On or about February 8, 2002, the Board issued Pharmacy Technician Registration
22 No. TCH 41378 to Miranda Sue Scott ("Respondent"). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 March 31, 2015, unless renewed.

25 **JURISDICTION**

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

1 4. Section 4011 of the Code provides that "[t]he board shall administer and enforce this
2 chapter [Pharmacy Law, (Business and Profession Code, Sec 4000 et seq.)] and the Uniform
3 Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and
4 Safety Code)."

5 5. Section 4300, subdivision (a), of the Code states, in pertinent part, that "[e]very
6 license issued may be suspended or revoked."

7 6. Section 4300.1 of the Code states, in pertinent part:

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

13 **STATE AND FEDERAL STATUTORY PROVISIONS**

14 7. Section 490 states, in pertinent part:

15 "(a) In addition to any other action that a board is permitted to take against a licensee, a
16 board may suspend or revoke a license on the ground that the licensee has been convicted of a
17 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
18 or profession for which the license was issued.

19 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
20 discipline a licensee for conviction of a crime that is independent of the authority granted under
21 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of
22 the business or profession for which the licensee's license was issued.

23 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
24 conviction following a plea of nolo contendere. Any action that a board is permitted to take
25 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
26 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
27 made suspending the imposition of sentence, irrespective of a subsequent order under the
28 provisions of Section 1203.4 of the Penal Code. . . ."

1 8. Section 492 of the Code state, in pertinent part:

2 "Notwithstanding any other provision of law, successful completion of any diversion
3 program under the Penal Code, or successful completion of an alcohol and drug problem
4 assessment program under Article 5 (commencing with Section 23249.50) of Chapter 12 of
5 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
6 (commencing with Section 500) of this code, or any initiative act referred to in that division, from
7 taking disciplinary action against a licensee or from denying a license for professional misconduct,
8 notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an
9 arrest."

10 "This section shall not be construed to apply to any drug diversion program operated by any
11 agency established under Division 2 (commencing with Section 500) of this code, or any initiative
12 act referred to in that division."

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

14 "No person shall possess any controlled substance, except that furnished to a person upon
15 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
16 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
17 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
18 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
19 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
20 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply
21 to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
22 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
23 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
24 labeled with the name and address of the supplier or producer.

25 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician
26 assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
27 devices."

28 ///

1 10. Section 4301 of the Code states, in pertinent part:

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

5

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

8

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

26

27 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
28 violation of or conspiring to violate any provision or term of this chapter [Pharmacy Law] or of

1 the applicable federal and state laws and regulations governing pharmacy, including regulations
2 established by the board or by any other state or federal regulatory agency."

3 11. United States Code title 21, section 844 states, in pertinent part:

4 "(a) Unlawful acts; penalties. It shall be unlawful for any person knowingly or intentionally
5 to possess a controlled substance unless such substance was obtained directly, or pursuant to a
6 valid prescription or order, from a practitioner, while acting in the course of his professional
7 practice, or except as otherwise authorized by this title or title III. . . ."

8 **REGULATORY PROVISION**

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

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

16 **COST RECOVERY**

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

23 **CONTROLLED SUBSTANCES**

24 14. Adderall, a trade name for a combination drug containing amphetamine and
25 dextroamphetamine, is a Schedule II controlled substance pursuant to both California and United
26 States law. (See Health & Safety Code § 11055, subdivision (d)(1); 21 U.S.C. §812.) Adderall is
27 also a dangerous drug pursuant to Code section 4022.

28

1 (Unlawful Possession of Controlled Substances)

2 17. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
3 in conjunction with Code section 4060, on the grounds of unprofessional conduct in that on or
4 about January 28, 2005 and August 17, 2013, Respondent unlawfully possessed controlled
5 substances. The facts and circumstances are as follows:

6 a. On or about August 17, 2013, a Torrance Police Department officer observed
7 Respondent smoking by the side of a grocery store. When the officer drove past Respondent's
8 location, he smelled the odor of burnt marijuana and observed Respondent making quick
9 movements as if she was discarding or concealing an item. Upon making contact with
10 Respondent, the officer again smelled a strong odor of burnt marijuana and Respondent admitted
11 to smoking marijuana. With Respondent's consent, the officer searched Respondent's purse and
12 found an unmarked pill bottle containing five pink pills, which he confirmed were Adderall 30 mg.
13 Respondent admitted to possessing the Adderall without a valid prescription. On or about June 2,
14 2014, Respondent plead guilty to one misdemeanor count of violating Health & Safety Code
15 section 11377, subdivision (a) [possession of a controlled substance] in the criminal proceeding
16 entitled *The People of the State of California v. Miranda Sue Scott* (L.A. County Super. Ct.,
17 2014, No. 3SY07039) and was placed in a Deferred Entry of Judgment program.

18 b. On or about January 28, 2005, a Torrance Police Department officer discovered
19 marijuana and a marijuana smoking pipe in Respondent's vehicle. Complainant incorporates by
20 reference the allegations in paragraph 16, including all subparagraphs, as though fully set forth
21 herein.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Violating Federal Drug Laws)**

24 18. Respondent is subject to disciplinary action under Code sections 4301, subdivision (j),
25 in conjunction with United States Code, title 21, section 844, on the grounds of unprofessional
26 conduct in that Respondent violated federal laws governing the possession of controlled
27 substances. Respondent unlawfully possessed marijuana and amphetamine without a valid
28

1 prescription. Complainant incorporates by reference the allegations in paragraphs 16 and 17,
2 including all subparagraphs, as though set forth fully.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board issue a decision:

6 1. Revoking or suspending Pharmacy Technician Registration Number TCH 41378,
7 issued to Miranda Sue Scott;

8 2. Ordering Miranda Sue Scott to pay the Board the reasonable costs of the investigation
9 and enforcement of this case, pursuant to section 125.3 of the Code; and

10 3. Taking such other and further action as deemed necessary and proper.

11
12 DATED: 3/31/15

Virginia Herold

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

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