

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

In the Matter of the Accusation Against:

Case No. 5528

**TENAYA ALISHA WELTS
38475 Rancho Los Cerritos
Indio, CA 92203**

**Pharmacy Technician License No. TCH
130095**

Respondent.

DECISION AND ORDER

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

This Decision shall become effective on October 30, 2015.

It is so ORDERED on September 30, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

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Attorney General of California
2 JAMES M. LEDAKIS
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Attorneys for Complainant

8
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 5528

12 **TENAYA ALISHA WELTS**
13 **38475 Rancho Los Cerritos**
14 **Indio, CA 92203**

STIPULATED SURRENDER OF
LICENSE AND ORDER

15 **Pharmacy Technician Registration No. TCH**
16 **130095**

17 Respondent.

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 Nicole R. Trama, Deputy Attorney
24 General.

25 2. Tenaya Alisha Welts (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.
27
28

1 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
2 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
3 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
4 executed by an authorized representative of each of the parties.

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

7 **ORDER**

8 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 130095,
9 issued to Respondent Tenaya Alisha Welts, is surrendered and accepted by the Board of
10 Pharmacy.

11 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
12 of the surrendered license by the Board shall constitute the imposition of discipline against
13 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
14 Respondent's license history with the Board of Pharmacy.

15 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
16 as of the effective date of the Board's Decision and Order.

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

19 4. If she ever applies for licensure or petitions for reinstatement in the State of
20 California, the Board shall treat it as a new application for licensure. Respondent must comply
21 with all the laws, regulations and procedures for licensure in effect at the time the application or
22 petition is filed, and all of the charges and allegations contained in Accusation No. 5528 shall be
23 deemed to be true, correct and admitted by Respondent when the Board determines whether to
24 grant or deny the application or petition.

25 5. Respondent shall pay the agency its costs of investigation and enforcement in the
26 amount of \$3,878.75 prior to issuance of a new or reinstated license.

27 6. If Respondent should ever apply or reapply for a new license or certification, or
28 petition for reinstatement of a license, by any other health care licensing agency in the State of

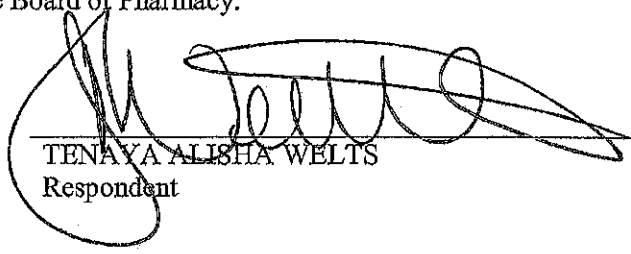
1 California, all of the charges and allegations contained in Accusation, No. 5528 shall be deemed
2 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
3 other proceeding seeking to deny or restrict licensure.

4 7. Respondent may not apply, reapply, or petition for reinstatement of any license or
5 registration from the Board for three (3) years from the effective date of the Decision and Order.

6 ACCEPTANCE

7 I have carefully read the Stipulated Surrender of License and Order. I understand the
8 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
9 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
10 be bound by the Decision and Order of the Board of Pharmacy.

11 DATED: 9.3.15

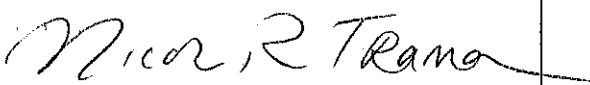
12 
TENAYA ALISHA WELTS
Respondent

13 ENDORSEMENT

14 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
15 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

16 Dated: 9.3.2015

17 Respectfully submitted,
18 KAMALA D. HARRIS
19 Attorney General of California
20 JAMES M. LEDAKIS
21 Supervising Deputy Attorney General

22 
23 NICOLE R. TRAMA
24 Deputy Attorney General
25 Attorneys for Complainant

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Exhibit A

Accusation No. 5528

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
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14 **Indio, CA 92203**

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
130095

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about February 4, 2013, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 130095 to Tenaya Alisha Welts (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on May 31, 2016, unless renewed.
26
27
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1 **JURISDICTION**

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

5 4. Section 4300, subdivision (a) of the Code states "Every license issued may be
6 suspended or revoked."

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 4301 of the Code states:

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

17

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

20

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

25

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

28

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

6
7
8 7. Section 4059 of the Code states:

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

14
15
16 8. Section 4060 of the Code states:

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

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

9. Health and Safety Code section 11170 states that no person shall prescribe, administer, or furnish a controlled substance for himself.

COST RECOVERY

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

1 **DRUGS**

2 11. Alprazolam is a Schedule IV controlled substance pursuant to Health and Safety Code
3 section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code
4 section 4022.

5 12. Promethazine with Codeine is a Schedule V controlled substance pursuant to Health
6 and Safety Code section 111058(c)(1) and is a dangerous drug pursuant to Business and
7 Professions Code section 4022.

8 13. Z-Pak is an antibiotic and is a dangerous drug pursuant to Business and Professions
9 Code section 4022.

10 **FACTUAL ALLEGATIONS**

11 14. Respondent was employed as a pharmacy technician at CVS Pharmacy Store
12 Numbers 9779, 9153 and 9646.

13 15. On May 4, 2015, CVS Pharmacy received a complaint alleging that Respondent
14 generated fraudulent promethazine with codeine prescriptions. CVS Pharmacy investigated the
15 incident and learned that Respondent filled multiple prescriptions for promethazine with codeine
16 allegedly written by Dr. K.P. During an interview with Respondent by CVS Pharmacy,
17 Respondent admitted that she obtained prescriptions for narcotics without seeing or speaking to
18 the alleged prescriber, Dr. K.P., who was her former employer. She stated that she received
19 authorization for the prescriptions from "Connie" at Dr. K.P.'s office. When asked what she did
20 with the drugs that she obtained, Respondent admitted to consuming them, including the
21 controlled substances, Xanax and promethazine with codeine. She also admitted to sharing drugs,
22 specifically Xanax, with other pharmacy staff, even though she knew that those staff members did
23 not have prescriptions for those drugs. In addition, she admitted to obtaining a prescription for
24 narcotics for another individual, Pharmacist J.A.

25 16. Pharmacist J.A. was also interviewed concerning Respondent's actions and he
26 admitted that Respondent obtained a prescription for promethazine with codeine for him, without
27 seeing or speaking to the physician, Dr. K.P.

1 17. Thereafter, the Board of Pharmacy conducted an investigation and determined that
 2 Respondent obtained multiple fraudulent prescriptions for promethazine with codeine allegedly
 3 written by Dr. K.P., as well as, two prescriptions for alprazolam and one prescription for an
 4 antibiotic as follows:

Date Prescribed	Date Dispensed	Drug	Doctor	Rx #	Store	Authorized by	Processed by	Filled by
7/2/14	7/10/14	Alprazolam 2mg #90 Plus 1 refill	K.P.	354442	CVS #9153	Connie/ Telephone Rx	JA	JA
1/1/15	1/1/15	Alprazolam 2mg #90	K.P.	899112	CVS #9779	Refill Transferred from CVS#9153		
1/20/15	1/20/15	Prometh/Codeine 240ml Plus 1 refill	K.P.	903089	CVS #9779	Connie/ Voice Mail		CR
1/20/15	1/20/15	"Z-Pak" azithromycin Plus 1 refill	K.P.	903090	CVS #9779	Connie/ Voice Mail		CR
	1/25/15	Prometh/Codeine 240ml	K.P.	903089 (refill)	CVS #9779			
1/29/15	1/29/15	Prometh/Codeine 240ml Plus 1 refill	K.P.	905031	CVS #9779	Nancy/ Telephone Rx		WK
	2/7/15	Prometh/Codeine 240ml	K.P.	905031 (refill)	CVS #9779			
2/13/15	2/13/15	Prometh/Codeine 240ml Plus 1 refill	K.P.	908153	CVS #9779	Connie/ Voice Mail		CR
	2/19/15	Prometh/Codeine 240ml	K.P.	908153 (refill)	CVS #9779			
2/23/15	2/23/15	Prometh/Codeine 240ml Plus 1 refill	K.P.	910014	CVS #9779	Connie/ Telephone Rx		AL
2/23/15	2/27/15	Prometh/Codeine 240ml Plus 1 refill	K.P.	911013	CVS #9779			CR
2/23/15	3/4/15	Prometh/Codeine 240ml Plus 1 refill	K.P.	911995	CVS #9779			SD
	3/8/15	Prometh/Codeine 240ml	K.P.	1027548	CVS #9646	Refill Transferred From CVS#9779		
2/23/15	3/11/15	Prometh/Codeine 240ml Plus 1 refill	K.P.	913388	CVS #9779			BD

27 ¹ All "New" promethazine/codeine prescriptions dated 2/23/15 and after were actually the
 28 same fake Rx rescanned numerous times

1	3/17/15	Prometh/Codeine 240ml	K.P.	913388 (refill)	CVS #9779			

18. Respondent did not have a good faith exam by the prescriber, Dr. K.P., for any of the above prescriptions. Respondent never saw or spoke to Dr. K.P. about the prescriptions. Neither Dr. K.P., nor any of his staff, prescribed, authorized, or phoned-in the prescriptions for Respondent. All of the prescriptions were fraudulent.

FIRST CAUSE FOR DISCIPLINE

(Dishonest Act)

19. Respondent has subjected her license to disciplinary action under section 4301, subdivision (f) of the Code in that Respondent committed acts involving dishonesty, fraud, deceit, or corruption, in that Respondent fraudulently obtained prescriptions, as detailed in paragraphs 14 through 18 which are incorporated herein by reference.

SECOND CAUSE FOR DISCIPLINE

(Use of Controlled Substances in Dangerous Manner)

20. Respondent has subjected her license to disciplinary action under section 4301, subdivision (h) of the Code in that Respondent administered to herself controlled substances to the extent or in a manner as to be dangerous or injurious to herself or the public, as detailed in paragraphs 14 through 18, above, and which are incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Violating Statutes Regulating Controlled Substances)

21. Respondent has subjected her license to disciplinary action under section 4301, subdivision (j) of the Code for violation of Health and Safety Code sections 11170 in that Respondent illegally obtained and administered to herself, controlled substances, as detailed in paragraphs 14 through 18, above, and which are incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(Violating Laws Governing Pharmacy)

22. Respondent has subjected her license to disciplinary action under section 4301, subdivision (o) of the Code for violation of Code sections 4059 and 4060 in that Respondent

1 illegally furnished controlled substances to others and illegally possessed controlled substances
2 without a legitimate prescription, as detailed in paragraphs 14 through 18, above, and which are
3 incorporated herein by reference.

4 **PRAYER**

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

7 1. Revoking or suspending Pharmacy Technician Registration Number TCH 130095,
8 issued to Tenaya Alisha Welts;

9 2. Ordering Tenaya Alisha Welts to pay the Board of Pharmacy the reasonable costs of
10 the investigation and enforcement of this case, pursuant to Business and Professions Code section
11 125.3;

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

13

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15

16

DATED: August 12, 2015

Virginia Herold FOR

17

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

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