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

In the Matter of the Accusation Against:
STEVEN MICHAEL CRAWFORD
11242 Danbury Street
Arcadia, CA 91006

**Pharmacy Technician Registration No. TCH
75843**

Respondent.

Case No. 5582
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 5, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the California State Board of Pharmacy, filed Accusation No. 5582 against Steven Michael Crawford (“Respondent”) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about April 25, 2007, the Board of Pharmacy (“Board”) issued Pharmacy Technician Registration No. TCH 75843 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5582 and will expire on August 31, 2016, unless renewed.

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1 3. On or about February 18, 2016, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 5582, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is: 11242 Danbury Street, Arcadia, CA 91006.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. Government Code section 11506(c) states, in pertinent part:

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

16 6. Respondent failed to file a Notice of Defense within 15 days after service upon him
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
18 5582.

19 7. California Government Code section 11520(a) states, in pertinent part:

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

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 5582, finds that
the charges and allegations in Accusation No. 5582, are separately and severally, found to be true
and correct by clear and convincing evidence.

///

1 9. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$5,135.00 as of April 5, 2016.

4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent Steven Michael Crawford has
6 subjected his Pharmacy Technician Registration No. TCH 75843 to discipline.

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

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

11 a. Respondent is subject to disciplinary action under sections 490, and 4301, subdivision
12 (l), in conjunction with California Code of Regulations, title 16, section 1770, in that on or about
13 September 3, 2015, Respondent was convicted of one felony count of violating Penal Code
14 sections 504 and 487(a) [embezzlement exceeding \$950 in value], a crime substantially related to
15 the qualifications, functions, and duties of a pharmacy technician.

16 b. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
17 that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
18 corruption with the intent to substantially benefit himself, or substantially injure another in that on
19 or about and between May 2014 through June 2015, Respondent admitted to theft of controlled
20 substances from his employer.

21 c. Respondent is subject to disciplinary action under section 4301, subdivision (h), on
22 the grounds of unprofessional conduct in that Respondent admittedly used controlled substances,
23 to the extent or in a manner as to be dangerous or injurious to oneself in that on or about and
24 between May 2014 through June 2015, Respondent admitted consuming of Tylenol #3, Tylenol
25 #4, Fioricet, Fioricet with Codeine, Promethazine with Codeine, and generic Vicodin, for which
26 Respondent did not have a valid prescription.

27 ///

28 ///

1 d. Respondent is subject to disciplinary action under section 4301, subdivision (j), on
2 the grounds of unprofessional conduct, for violating Code section 4060 and Health and Safety
3 Code section 11375, subdivision (b)(1), in that on or about and between May 2014 through June
4 2015, Respondent stole and possessed Tylenol #3, Tylenol #4, Fioricet, Fioricet with Codeine,
5 Promethazine with Codeine, and generic Vicodin without a valid prescription.

6 e. Respondent is subject to disciplinary action under section 4301, subdivision (o), in
7 that Respondent committed acts of unprofessional conduct and violated provisions of the
8 licensing chapter.

9 **ORDER**

10 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 75843, heretofore
11 issued to Respondent Steven Michael Crawford, is revoked.

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

16 This Decision shall become effective at 5:00 p.m. on May 26, 2016.

17 It is so ORDERED on April 26, 2016.

18 BOARD OF PHARMACY
19 DEPARTMENT OF CONSUMER AFFAIRS
20 STATE OF CALIFORNIA

21 

22
23 By _____

24 Amy Gutierrez, Pharm.D.
25 Board President

26 52039551.DOC
27 DOJ Matter ID:LA2015502142

28 Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(STEVEN MICHAEL CRAWFORD)

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2 ARMANDO ZAMBRANO
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Attorneys for Complainant
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 5582

12 **STEVEN MICHAEL CRAWFORD**
11242 Danbury Street
13 Arcadia, CA 91006

ACCUSATION

14 **Pharmacy Technician Registration No. TCH**
15 **75843**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold ("Complainant") brings this Accusation solely in her official
21 capacity as the Executive Officer of the California State Board of Pharmacy.

22 2. On or about April 25, 2007, the Board of Pharmacy ("Board") issued Pharmacy
23 Technician Registration Number TCH 75843 to Steven Michael Crawford ("Respondent"). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on August 31, 2016, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 490 of the Code states:

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

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

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

20 5. Section 4300 of the Code provides in pertinent part, that every license issued by the
21 Board is subject to discipline, including suspension or revocation.

22 6. Section 4300.1 states:

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

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STATUTORY PROVISIONS

7. Section 4060 of the Code states:

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

8. 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:

...

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

...

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

///

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

3 ...

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

21 ...

22 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
23 violation of or conspiring to violate any provision or term of this chapter or of the applicable
24 federal and state laws and regulations governing pharmacy, including regulations established by
25 the board or by any other state or federal regulatory agency. ..."

26 9. Health and Safety Code section 11170, states:

27 "No person shall prescribe, administer, or furnish a controlled substance for himself."

28 ///.

1 10. Health and Safety Code section 11171, states:

2 "No person shall prescribe, administer, or furnish a controlled substance except under the
3 conditions and in the manner provided by this division."

4 **REGULATORY PROVISIONS**

5 11. 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
11 manner consistent with the public health, safety, or welfare."

12 **COST RECOVERY**

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

17 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

18 13. Section 4021 of the Code states, in pertinent part:

19 "Controlled substances: means any substance listed in Chapter 2 (commencing with Section
20 11053) of Division 10 of the Health and Safety Code."

21 14. Section 4022 of the Code states

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

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

26 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale
27 by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled
28 in with the designation of the practitioner licensed to use or order use of the device.

1 pills from the bottle into his hand and conceal the pills in his pant pocket. The video showed
2 Respondent conduct this activity on June 10, 2015 and June 11, 2015. The video also showed
3 Respondent conceal an unknown drug on June 10, 2015.

4 24. On or about June 16, 2015, the Pharmacy's Regional Pharmacy Diversion Manager
5 and District Manager conducted an interview with Respondent.

6 25. During the interview, Respondent admitted to diverting Tylenol #3, Tylenol #4,
7 Fioricet with Codeine, Fioricet, Promethazine with Codeine, and generic Vicodin on several
8 occasions while employed at the Pharmacy in Temple City and the Pharmacy in Pasadena.
9 Respondent further admitted that he would open the bottle on the back aisle of the Pharmacy and
10 pour a handful of pills into his hand and then place them in his pant pocket. He further admitted
11 that he was self medicating due to having headaches.

12 26. At the conclusion of the interview with the Pharmacy Regional Diversion Manager,
13 the Los Angeles County Sheriff's Department in Temple City was called to respond to the scene.

14 27. Respondent admitted to the police officer that he stole pills on fifty different
15 occasions from the Pharmacy and that he consumed the controlled substances.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Conviction of Substantially Related Crime)**

18 28. Respondent is subject to disciplinary action under sections 490, and 4301,
19 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
20 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially
21 related to the qualifications, functions, and duties of a pharmacy technician, as follows:

22 a. On or about September 3, 2015, after pleading nolo contendere, Respondent was
23 convicted of one felony count of violating Penal Code sections 504 and 487(a) [embezzlement
24 exceeding \$950 in value], in the criminal proceeding entitled *The People of the State of*
25 *California v. Steven Michael Crawford* (Super. Ct. Los Angeles County, 2015, No. GA096505).

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1 b. The circumstances surrounding the conviction are that on or about June 16, 2015, and
2 from approximately May 2014 through June 2015, Respondent stole controlled substances from
3 his employer.

4 c. Complainant refers to, and by reference incorporates, the allegations set forth above
5 in paragraphs 20 through 27, inclusive, as though set forth fully.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

8 29. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
9 that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
10 corruption with the intent to substantially benefit himself, or substantially injure another in that
11 on or about and between May 2014 through June 2015, Respondent admitted to theft of
12 controlled substances from his employer.

13 a. Complainant refers to, and by reference incorporates, the allegations set forth above
14 in paragraphs 20 through 28, inclusive, as though set forth fully.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Dangerous Use of Controlled Substances)**

17 30. Respondent is subject to disciplinary action under section 4301, subdivision (h), on
18 the grounds of unprofessional conduct in that Respondent admittedly used controlled substances,
19 to the extent or in a manner as to be dangerous or injurious to oneself in that on or about and
20 between May 2014 through June 2015, Respondent admitted consuming of Tylenol #3, Tylenol
21 #4, Fioricet, Fioricet with Codeine, Promethazine with Codeine, and generic Vicodin, for which
22 Respondent did not have a valid prescription.

23 a. Complainant refers to, and by reference incorporates, the allegations set forth above
24 in paragraphs 20 through 28, inclusive, as though set forth fully.

25 **FOURTH CAUSE FOR DISCIPLINE**

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

27 31. Respondent is subject to disciplinary action under section 4301, subdivision (j), on
28 the grounds of unprofessional conduct, for violating Code section 4060 and Health and Safety

1 Code section 11375, subdivision (b)(1), in that on or about and between May 2014 through June
2 2015, Respondent stole and possessed Tylenol #3, Tylenol #4, Fioricet, Fioricet with Codeine,
3 Promethazine with Codeine, and generic Vicodin without a valid prescription.

4 a. Complainant refers to, and by reference incorporates, the allegations set forth above
5 in paragraphs 20 through 28, inclusive, as though set forth fully.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

8 Respondent is subject to disciplinary action under section 4301, subdivision (o), in that
9 Respondent committed acts of unprofessional conduct and violated provisions of the licensing
10 chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above
11 in paragraphs 20 through 28, inclusive, as though set forth fully.

12 **PRAYER**

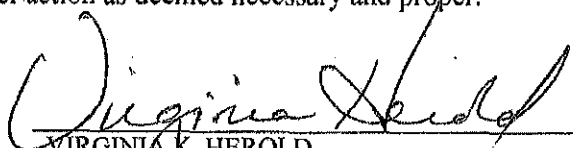
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Pharmacy issue a decision:

15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 75843,
16 issued to Steven Michael Crawford;

17 2. Ordering Steven Michael Crawford to pay the Board the reasonable costs of the
18 investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3;

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

21
22 DATED: 2/15/16


23 VIRGINIA K. HEROLD
24 Executive Officer
25 California State Board of Pharmacy
26 State of California
27 Complainant

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