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

In the Matter of the Accusation Against:  
**REGINALD R. CHANDRA**  
**756 Third Avenue**  
**San Bruno, CA 94066**  
**Pharmacy Technician License No. TCH 60256**  
  
Respondent.

Case No. 5703  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 29, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5703 against Reginald R. Chandra (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about January 11, 2005, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 60256 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5703 and will expire on December 31, 2016, unless renewed.

3. On or about September 19, 2016, Respondent was served by Certified and First Class Mail copies of Accusation No. 5703; a Statement to Respondent; a Notice of Defense; a Request for Discovery; and Discovery Statutes (Government Code sections 11507.5, 11507.6, and

1 11507.7), at Respondent's address of record which, pursuant to Business and Professions Code  
2 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
3 record was and is 756 Third Avenue, San Bruno, CA 94066.

4 4. Service of the Accusation was effective as a matter of law under the provisions of  
5 Government Code section 11505, subdivision (c) and Business and Professions Code section 124.

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

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

12 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
13 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5703.

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

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

19 8. Pursuant to its authority under Government Code section 11520, the Board finds  
20 Respondent is in default. The Board will take action without further hearing and, based on the  
21 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
22 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
23 file at the Board's offices regarding the allegations contained in Accusation No. 5703, finds that  
24 the charges and allegations in Accusation No. 5703, are separately and severally, found to be true  
25 and correct by clear and convincing evidence.

26 9. Taking official notice of its own internal records, pursuant to Business and  
27 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
28 and Enforcement are \$5,371.75 as of October 31, 2016.

#### DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Reginald R. Chandra has  
subjected his Pharmacy Technician License No. TCH 60256 to discipline.

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

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

5           a.     In violation of Business and Professions Code section 4301(f), Respondent was guilty  
6 of acts involving moral turpitude, dishonesty, fraud, deceit, or corruption when, in November  
7 2014, he diverted/stole from his pharmacy employer, and self-administered, drugs including the  
8 controlled substance **Vicodin (Hydrocodone with APAP)**.

9           b.     In violation of Business and Professions Code section(s) 4301(j) and/or (o) and/or  
10 4059, and/or Health and Safety Code section 11170, as detailed above Respondent self-furnished,  
11 conspired to self-furnish, and/or assisted or abetted self-furnishing of, a controlled substance  
12 (**Vicodin/Hydrocodone with APAP**), without a prescription.

13           c.     In violation of Business and Professions Code section(s) 4301(j) and/or (o) and/or  
14 4060, and/or Health and Safety Code section 11350, as detailed above Respondent possessed,  
15 conspired to possess, and/or assisted in or abetted possession of, a controlled substance  
16 (**Vicodin/Hydrocodone with APAP**), without a prescription.

17           d.     In violation of Business and Professions Code section(s) 4301(j) and/or (o), and/or  
18 Health and Safety Code section 11173(a), as detailed above Respondent obtained, conspired to  
19 obtain, and/or assisted in or abetted obtaining of a controlled substance (**Vicodin/Hydrocodone**  
20 **with APAP**), by fraud, deceit, subterfuge, or concealment of a material fact.

21           e.     In violation of Business and Professions Code section 4301, by way of the conduct  
22 described above, Respondent engaged in unprofessional conduct.

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ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 60256, heretofore issued to Respondent Reginald R. Chandra, is revoked.

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

This Decision shall become effective at 5:00 p.m. on December 29, 2016.

It is so ORDERED on November 29, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

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DOJ Matter ID:SF2016400107

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(REGINALD R. CHANDRA)

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
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5 San Francisco, CA 94102-7004  
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6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 5703

11 **REGINALD R. CHANDRA**  
12 **756 Third Avenue**  
13 **San Bruno, CA 94066**

**A C C U S A T I O N**

14 **Pharmacy Technician License No. TCH 60256**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about January 11, 2005, the Board of Pharmacy issued Pharmacy Technician  
21 License No. TCH 60256 to Reginald R. Chandra (Respondent). The License was in full force and  
22 effect at all times relevant herein and will expire on December 31, 2016, unless renewed.

23 JURISDICTION

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

27 4. Section 4300(a) of the Code provides that every license issued by the Board may be  
28 suspended or revoked.

1       5.     Section 4011 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
3 Act [Health & Safety Code, § 11000 et seq.].

4       6.     Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
5 suspension of a Board-issued license, the placement of a license on a retired status, or the  
6 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
7 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
8 licensee or to render a decision suspending or revoking the license.

9                             STATUTORY AND REGULATORY PROVISIONS

10       7.     Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
11 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but  
12 not be limited to, any of the following:

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

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

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

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

27       8.     Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous  
28 drug or dangerous device except upon the prescription of an authorized prescriber.

1 9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any  
2 controlled substance, except that furnished upon a valid prescription/drug order.

3 10. Health and Safety Code section 11170 provides that no person shall prescribe,  
4 administer, or furnish a controlled substance for himself or herself.

5 11. Health and Safety Code section 11173, subdivision (a), provides that no person shall  
6 obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
7 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
8 or subterfuge; or (2) by the concealment of a material fact.

9 12. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
10 any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
11 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

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

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

19 COST RECOVERY

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

23 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

24 15. Section 4021 of the Code states:

25 "'Controlled substance' means any substance listed in Chapter 2 (commencing with Section  
26 11053) of Division 10 of the Health and Safety Code."

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28 ///



1 16. Section 4022 of the Code states, in pertinent part:

2 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,  
3 except veterinary drugs that are labeled as such, and includes the following:

4 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
5 prescription,’ ‘Rx only,’ or words of similar import.

6 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
7 prescription or furnished pursuant to Section 4006.”

8 17. **Norco, Vicodin, Vicodin ES, Lortab, and Lorcet** are among the brand names for  
9 compounds of varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III  
10 controlled substance as designated by Health and Safety Code section 11056(e)(4) and dangerous  
11 drug as designated by Business and Professions Code section 4022. The varying compounds are  
12 also known generically as **Hydrocodone with APAP**. These are all narcotic drugs. Products like  
13 these that combine **hydrocodone** with non-controlled substances are also called **hydrocodone**  
14 **combination products**. Effective October 6, 2014, **hydrocodone combination productions**  
15 were switched at the federal level from Schedule III (21 C.F.R. § 1308.13(e)(1)(iii) and (iv)) to  
16 Schedule II (21 C.F.R. § 1308.12(b)(1)). This includes **Hydrocodone with APAP** drugs.

17 FACTUAL SUMMARY

18 18. For a period of time including November 13, 2014, Respondent was employed as a  
19 pharmacy technician at a Walgreens Pharmacy (PHY 35432) in San Carlos, California.

20 19. On or about November 13, 2014, Respondent opened a bag containing vials of drugs  
21 prepared for a patient and placed in the Will Call area of the pharmacy, removed a vial of **Vicodin**  
22 **(Hydrocodone with APAP)**, and took it for his own use. Respondent admitted that he then  
23 immediately ingested/self-used two (2) tablets.

24 FIRST CAUSE FOR DISCIPLINE

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

26 20. Respondent is subject to discipline under section 4301(f) of the Code, in that  
27 Respondent, as described in paragraphs 18 and 19 above, committed acts involving moral  
28 turpitude, dishonesty, fraud, deceit, or corruption.

1 SECOND CAUSE FOR DISCIPLINE

2 (Furnishing of Controlled Substance(s))

3 21. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
4 4059 of the Code, and/or Health and Safety Code section 11170, in that Respondent, as described  
5 in paragraphs 18 and 19 above, furnished to himself or another without a valid prescription,  
6 and/or conspired to furnish, and/or assisted or abetted furnishing of, a controlled substance.

7 THIRD CAUSE FOR DISCIPLINE

8 (Possession of Controlled Substance(s))

9 22. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
10 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as described  
11 in paragraphs 18 and 19 above, possessed, conspired to possess, and/or assisted in or abetted  
12 possession of, a controlled substance, without a valid prescription.

13 FOURTH CAUSE FOR DISCIPLINE

14 (Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

15 23. Respondent is subject to discipline under section 4301(j) and/or (o) of the Code,  
16 and/or Health and Safety Code section 11173(a), in that Respondent, as described in paragraphs  
17 18 and 19 above, obtained, conspired to obtain, and/or assisted in or abetted the obtaining of a  
18 controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

19 FIFTH CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct)


21 24. Respondent is subject to discipline under section 4301 of the Code in that  
22 Respondent, as described in paragraphs 18 to 23 above, engaged in unprofessional conduct.

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25 PRAYER

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board of Pharmacy issue a decision:  
28

- 1           1.    Revoking or suspending Pharmacy Technician License Number TCH 60256, issued to
- 2   Reginald R. Chandra (Respondent);
- 3           2.    Ordering Respondent to pay the Board the reasonable costs of the investigation and
- 4   enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 5           3.    Taking such other and further action as is deemed necessary and proper.

6  
7   DATED: 8/29/16



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

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