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

12 In the Matter of the Accusation Against:

13 **YVONNE JEANETTE SINGH**
14 **5027 Santa Monica Ave., Apt. E**
15 **San Diego, CA 92107**

16 **Pharmacy Technician Registration**
17 **No. TCH 53479**

18 Respondent.

Case No. 5983

19 **DEFAULT DECISION AND ORDER**

20 [Gov. Code, §11520]

21 **FINDINGS OF FACT**

22 1. On or about July 21, 2017, Complainant Virginia Herold, in her official capacity as
23 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed
24 Accusation No. 5983 against Yvonne Jeanette Singh (Respondent). (A copy of the Accusation
25 attached as Exhibit A.)

26 2. On or about March 22, 2004, the Board issued Pharmacy Technician Registration
27 No. TCH 53479 to Respondent. The Pharmacy Technician Registration expired on February 29,
28 2016, and has not been renewed. Business and Professions Code section 4300.1 provides, in
pertinent part, that the expiration, cancellation, forfeiture, or suspension of a Board-issued license,
or the voluntary surrender of a license, shall not deprive the Board of jurisdiction to commence or
proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to
render a decision suspending or revoking the license

1 3. On or about July 25, 2017, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 5983, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100
5 and California Code of Regulations, title 16, section 1704, is required to be reported and
6 maintained with the Board. Respondent's address of record was and is:

7 5027 Santa Monica Ave., Apt. E
8 San Diego, CA 92107

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about August 8, 2017, the aforementioned documents served by Certified Mail
13 were returned by the U.S. Postal Service marked "Return to Sender – Not Deliverable as
14 Addressed – Unable to Forward." The aforementioned documents served by First Class Mail
15 were returned on August 10, 2017 with the same marking. The address on the documents was the
16 same as the address on file with the Board. Respondent failed to maintain an updated address
17 with the Board and the Board has made attempts to serve the Respondent at the address on file.
18 Respondent has not made herself available for service and therefore, has not availed herself of her
19 right to file a notice of defense and appear at hearing.

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

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

26 7. The Board takes official notice of its records and the fact that Respondent failed to
27 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
28 waived her right to a hearing on the merits of Accusation No. 5983.

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1 8. California Government Code section 11520(a) states, in pertinent part:

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

5 9. Pursuant to its authority under Government Code section 11520, the Board finds
6 Respondent is in default. The Board will take action without further hearing and, based on the
7 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
8 taking official notice of all the investigatory reports, exhibits and statements contained therein on
9 file at the Board's offices regarding the allegations contained in Accusation No. 5983, finds that
10 the charges and allegations in Accusation No. 5983, are separately and severally, found to be true
11 and correct by clear and convincing evidence.

12 10. Taking official notice of its own internal records, pursuant to Business and
13 Professions Code section 125.3, it is hereby determined that the reasonable costs for Enforcement
14 is \$4,630.00 as of June 20, 2017.

15 **DETERMINATION OF ISSUES**

16 1. Based on the foregoing findings of fact, Respondent Yvonne Jeanette Singh has
17 subjected her Pharmacy Technician Registration No. TCH 53479 to discipline.

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

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

22 a. Respondent subjected her registration to discipline under Code section 4301(f), and
23 Health and Safety Code section 11173(a), for unprofessional conduct in that Respondent stole
24 hydrocodone/ acetaminophen, alprazolam, and Klonopin from her employer using fraud, deceit,
25 and dishonesty.

26 b. Respondent has subjected her registration to discipline under Code section 4301(j) for
27 unprofessional conduct in that Respondent knowingly violated Health and Safety Code section

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1 11173(a), Title 21 U.S.C. section 843(a)(3), and the California Uniform Controlled Substances
2 Act (Health and Safety Code 11000, et seq.).

3 c. Respondent has subjected her registration to discipline action under Code section
4 4301(o) of the Code for unprofessional conduct in that she violated Business and Professions
5 Code sections 4059 and 4060, and Board of Pharmacy Regulations (California Code of
6 Regulations, Title 16, Section 1700, et seq.), when she obtained controlled substances using fraud
7 and deceit.

8 d. Respondent has subjected her registration to discipline action under Code section
9 4059(a) for unprofessional conduct in that she furnished dangerous drugs to herself and another
10 without a prescription.

11 e. Respondent has subjected her registration to disciplinary action under Code section
12 4060, and Health and Safety Code sections 11350(a), and 11377(a), for unprofessional conduct,
13 in that she possessed controlled substances without a prescription.

14 f. Respondent has subjected her registration to disciplinary action under section 4301,
15 subds. (f), (j) and (o) of the Code for unprofessional conduct in that she demonstrated moral
16 turpitude when she violated Business and Professions Code sections 4059 and 4060, and Health
17 and Safety Code sections 11350(a) and 11377(a). Respondent stated that her thefts took place
18 over the course of one and a half years, and admitted that she had hidden the stolen drugs in a
19 plastic bag and walked out of the pharmacy with them.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 53479, heretofore issued to Respondent Yvonne Jeanette Singh, 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 March 15, 2018.

It is so ORDERED on February 13, 2018.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

DOJ Matter ID: SD2016702544

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 XAVIER BECERRA
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 5983

12 **YVONNE JEANETTE SINGH**
13 **5027 Santa Monica Ave., Apt. E**
14 **San Diego, CA 92107**

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
16 **53479**

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 March 22, 2004, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 53479 to Yvonne Jeanette Singh (Respondent). The Pharmacy
24 Technician Registration expired on February 29, 2016, and has not been renewed.

25 **JURISDICTION**

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

4. Section 4300 of the Code states:

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

• • • •

5. Section 4300.1 of the Code states:

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

STATUTORY PROVISIONS

6. Section 4022 of the Code states

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

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

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

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

7. Section 4026 of the Code states: 'Furnish' means to supply by any means, by sale or otherwise.

8. Section 4059 of the Code states, in pertinent part, that a person may not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

9. Section 4060 of the Code states, in pertinent part, that a person may not possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

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

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

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

5
6 (j) The violation of any of the statutes of this state, of any other state, or of
7 the United States regulating controlled substances and dangerous drugs.

8
9 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
10 abetting the violation of or conspiring to violate any provision or term of this
11 chapter or of the applicable federal and state laws and regulations governing
12 pharmacy, including regulations established by the board or by any other state or
13 federal regulatory agency.

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16 11. Health and Safety Code section 11173, subdivision (a) states:

17
18 No person shall obtain or attempt to obtain controlled substances, or procure
19 or attempt to procure the administration of or prescription for controlled substances,
20 (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of
21 a material fact.

22
23 12. Health and Safety Code section 11350 states, in pertinent part:

24
25 (a) Except as otherwise provided in this division, every person who
26 possesses (1) any controlled substance specified in subdivision (b), (c), (e), or
27 paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14),
28 (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or
(c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any
controlled substance classified in Schedule III, IV, or V which is a narcotic drug,
unless upon the written prescription of a physician, dentist, podiatrist, or
veterinarian licensed to practice in this state

29
30 13. Health and Safety Code section 11377 states, in pertinent part:

31
32 (a) Except as authorized by law and as otherwise provided in subdivision (b)
33 or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of
34 Division 2 of the Business and Professions Code, every person who possesses any
35 controlled substance which is (1) classified in Schedule III, IV, or V, and which is
36 not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except
37 paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph
38 (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of
subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of
Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or
veterinarian, licensed to practice in this state, shall be punished by imprisonment
in a county jail

REGULATORY PROVISIONS

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

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

COSTS

15. Section 125.3 of the Code states, 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DRUGS

16. Hydrocodone/acetaminophen (common brand name Norco) is a Schedule III controlled substance under (California) Health and Safety Code section 11056, subdivision (e)(4) and Title 21, Code of Federal Regulations section 1308.13(e)(1)(iv). On October 6, 2014, hydrocodone/acetaminophen was rescheduled as a Schedule II under Title 21, Code of Federal Regulations section 1308.12 subdivision (b)(1)(vi). It is a dangerous drug pursuant to Business and Professions Code section 4022.

17. Alprazolam (common brand name Xanax) is a Schedule IV controlled substance as designated by Title 21, Code of Federal Regulations section 1308.14, subdivision (c)(2), and it is designated as Schedule IV controlled substance under (California) Health and Safety Code section 11057, subdivision (d)(1). It is a dangerous drug pursuant to Business and Professions Code section 4022.

18. Promethazine with codeine (common brand name Phenergan with codeine) is a Schedule V controlled substance as designated by Title 21, Code of Federal Regulations section 1308.15, subdivision (c)(1), and it is designated as Schedule V controlled substance under

1 (California) Health and Safety Code section 11058, subdivision (c)(1). It is a dangerous drug
2 pursuant to Business and Professions Code section 4022.

3 19. Clonazepam (common brand name Klonopin) is a Schedule IV controlled substance
4 as designated by Title 21, Code of Federal Regulations section 1308.14, subdivision (c)(11), and
5 it is designated as Schedule IV controlled substance under (California) Health and Safety Code
6 section 11057, subdivision (d)(7). It is a dangerous drug pursuant to Business and Professions
7 Code section 4022.

8 20. Buprenorphine/naloxone (common brand name Suboxone) is a Schedule III
9 controlled substance as designated by Title 21, Code of Federal Regulations section 1308.13,
10 subdivision (e)(2)(i), and it is designated as Schedule V controlled substance under (California)
11 Health and Safety Code section 11058, subdivision (d). It is a dangerous drug pursuant to
12 Business and Professions Code section 4022.

13 **FACTS**

14 21. On or about December 17, 2014, the Board received notification from CVS Pharmacy
15 #9112 in Lemon Grove, California of the theft of controlled substances by Respondent and one
16 additional pharmacy technician. The notification indicated that Respondent had admitted to the
17 theft. A DEA Form 106 indicated that 17,513 tablets of hydrocodone /acetaminophen 10/325 mg
18 (HPAP 10), 8,043 ml of promethazine with codeine, 5,704 tablets of alprazolam 2 mg, 505 tablets
19 of clonazepam 1 mg, 887 tablets of hydrocodone /acetaminophen 7.5/325 mg (HPAP 7.5), 433
20 tablets of alprazolam 0.25 mg, 300 tablets of alprazolam 1 mg, 60 tablets of Suboxone 8/2 mg,
21 and 15,000 tablets of hydrocodone /acetaminophen 5/325 mg (HPAP 5) were lost from its
22 inventory.¹ In a written statement, Respondent admitted that she stole 15,000 tablets of HPAP 5,
23 15,000 tablets of HPAP 10, 300 tablets of alprazolam .25mg, 300 tablets of alprazolam 1mg, 400

24 ¹ CVS Pharmacy #9112 based the quantities listed on the DEA Form 106 on the quantities
25 admittedly stolen by Respondent and the other technician, rather than their own internal audit.
26 The drug quantities listed on the DEA Form 106 differ from the quantities determined in the
27 internal audit. CVS Pharmacy #9112's internal audit reported an overage of 547 tablets of
28 hydrocodone /acetaminophen 5/325 mg (HPAP 5), an overage of 26 tablets of alprazolam 1 mg,
an overage of 64 tablets of Suboxone 8/2 mg, and a shortage of 8,354 ml of promethazine with
codeine. An audit performed by an investigator for the Board of Pharmacy at this time revealed a
shortage of 587 tablets of hydrocodone /acetaminophen 7.5/325 mg (HPAP 7.5), and not the 887
tablets as reported.

1 tablets of alprazolam 2mg, and 100 tablets of Klonopin. Respondent admitted that she had hidden
2 the drugs in a plastic bag and walked out of the pharmacy with them. Respondent stated that her
3 thefts occurred over the course of one and one half (1 ½) years. Respondent admitted that she
4 stole the drugs and gave them to her boyfriend. Respondent agreed to reimburse CVS Pharmacy
5 in the amount of \$26,099.45 for the stolen drugs. Respondent's employment with CVS Pharmacy
6 #9112 was terminated.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Commission of Acts Involving Dishonesty, Fraud, Deceit and Corruption)**

9 22. Respondent has subjected her registration to discipline under Code section 4301,
10 subdivision (f), and Health and Safety Code section 11173(a), for unprofessional conduct in that
11 Respondent stole HPAP 5, HPAP 10, alprazolam, and Klonopin from her employer using fraud,
12 deceit, and dishonesty, as is more fully set forth in paragraph 21, which is incorporated herein by
13 reference.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Violation of California Statutes Regulating Controlled Substances)**

16 23. Respondent has subjected her registration to discipline under section 4301,
17 subdivision (j) of the Code for unprofessional conduct in that Respondent knowingly violated
18 Health and Safety Code section 11173, subdivision (a), Title 21 U.S.C. section 843, subdivision
19 (a)(3), and the California Uniform Controlled Substances Act (Health and Safety Code 11000, et
20 seq.), as is more fully set forth in paragraph 21, which is incorporated herein by reference.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Violating Federal & State Laws & Regulations Governing Pharmacy)**

23 24. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the
24 Code for unprofessional conduct in that she violated Business and Professions Code sections
25 4059 and 4060, and Board of Pharmacy Regulations (California Code of Regulations, Title 16,
26 Section 1700, et seq.), when she obtained controlled substances using fraud and deceit, as is more
27 fully set forth in paragraph 21, which is incorporated herein by reference.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Furnishing Dangerous Drugs without a Prescription)**

3 25. Respondent is subject to disciplinary action under section 4059, subdivision (a) of the
4 Code for unprofessional conduct in that she furnished dangerous drugs to herself and another
5 without a prescription, as is more fully set forth in paragraph 21, which is incorporated herein by
6 reference.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(Possession of Controlled Substances without a Prescription)**

9 26. Respondent is subject to disciplinary action under Code section 4060, and Health and
10 Safety Code sections 11350(a), and 11377(a), for unprofessional conduct, in that she possessed
11 controlled substances without a prescription, as is more fully set forth in paragraph 21, which is
12 incorporated herein by reference.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 **(Moral Turpitude and Violation of State Laws and Regulations)**

15 27. Respondent is subject to disciplinary action under section 4301, subdivisions (f), (j)
16 and (o) of the Code for unprofessional conduct in that she violated Business and Professions Code
17 sections 4059 and 4060, Health and Safety Code sections 11350, subdivision (a) and 11377(a) for
18 possession of controlled substances without a prescription, as is more fully set forth in paragraph
19 21, which is incorporated herein by reference.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician Registration Number TCH 53479,
24 issued to Yvonne Jeanette Singh;

25 2. Ordering Yvonne Jeanette Singh to pay the Board of Pharmacy the reasonable costs
26 of the investigation and enforcement of this case, pursuant to Business and Professions Code
27 section 125.3; and,

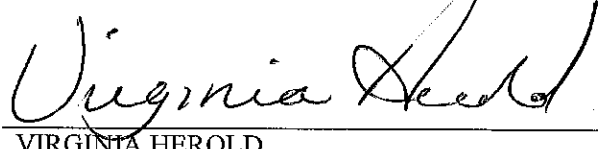
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3. Taking such other and further action as deemed necessary and proper.

DATED:

7/19/17



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

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