

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

In the Matter of the Accusation Against:

CARRIE CHRISTI SCOTT

Pharmacy Technician Registration No. TCH 143958

Respondent

Agency Case No. 6733

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 at 5:00 p.m. on September 2, 2020.

It is so ORDERED on August 3, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", written in a cursive style.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 MOLLY E. SELWAY
Deputy Attorney General
4 State Bar No. 234519
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9082
7 Facsimile: (619) 645-2031
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 6733

13 **CARRIE CHRISTI SCOTT**
14 **4100 W. Thornton Ave., #B5**
Hemet, CA 92545

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Technician Registration No. TCH**
16 **143958**

17 Respondent.

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

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Xavier Becerra, Attorney General of the State of California, by Molly E. Selway, Deputy
25 Attorney General.

26 2. Carrie Christi Scott (Respondent) is representing herself in this proceeding and has
27 chosen not to exercise her right to be represented by counsel.

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1 3. On or about December 15, 2014, the Board issued Pharmacy Technician Registration
2 No. TCH 143958 to Carrie Christi Scott (Respondent). The Pharmacy Technician Registration
3 was in full force and effect at all times relevant to the charges brought in Accusation No. 6733
4 and will expire on November 30, 2020, unless renewed.

5 **JURISDICTION**

6 4. Accusation No. 6733 was filed before the Board, and is currently pending against
7 Respondent. The Accusation and all other statutorily required documents were properly served
8 on Respondent on December 10, 2019. Respondent timely filed her Notice of Defense contesting
9 the Accusation. A copy of Accusation No. 6733 is attached as Exhibit A and incorporated by
10 reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 6733. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 6733, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
27 Registration No. TCH 143958 for the Board's formal acceptance.
28

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 143958,
issued to Respondent Carrie Christi Scott, is surrendered and accepted by the Board.

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

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

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

9 4. If Respondent ever applies for licensure or petitions for reinstatement in the State of
10 California, the Board shall treat it as a new application for licensure. Respondent must comply
11 with all the laws, regulations and procedures for licensure in effect at the time the application or
12 petition is filed, and all of the charges and allegations contained in Accusation No. 6733 shall be
13 deemed to be true, correct and admitted by Respondent when the Board determines whether to
14 grant or deny the application or petition.

15 5. Respondent may not apply for any license for three (3) years from the effective date
16 of this Decision.

17 6. Respondent shall pay the agency its costs of investigation and enforcement in the
18 amount of \$9,856.00 prior to issuance of a new or reinstated license.

19 7. If Respondent should ever apply or reapply for a new license or certification, or
20 petition for reinstatement of a license, by any other health care licensing agency in the State of
21 California, all of the charges and allegations contained in Accusation, No. 6733 shall be deemed
22 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
23 other proceeding seeking to deny or restrict licensure.

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1 **ACCEPTANCE**

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

6
7 DATED: 6/24/2020


8 CARRIE CHRISTI SCOTT
9 Respondent


10 **ENDORSEMENT**

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

13 DATED: July 7, 2020

Respectfully submitted,

14 XAVIER BECERRA
15 Attorney General of California
16 GREGORY J. SALUTE
17 Supervising Deputy Attorney General


18 MOLLY E. SELWAY
19 Deputy Attorney General
20 Attorneys for Complainant

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Exhibit A

Accusation No. 6733

1 XAVIER BECERRA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 MOLLY E. SELWAY
Deputy Attorney General
4 State Bar No. 234519
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9082
7 Facsimile: (619) 645-2031
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10 **BOARD OF PHARMACY**
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12 **STATE OF CALIFORNIA**

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14 **CARRIE CHRISTI SCOTT**
15 **4100 W. Thornton Ave., #B5**
Hemet, CA 92545

FIRST AMENDED ACCUSATION

16 **Pharmacy Technician Registration No.**
17 **TCH 143958**

Respondent.

19
20 **PARTIES**

21 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
22 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer
23 Affairs.

24 2. On or about December 15, 2014, the Board issued Pharmacy Technician Registration
25 Number TCH 143958 to Carrie Christi Scott (Respondent). The Pharmacy Technician
26 Registration was in full force and effect at all times relevant to the charges brought herein and
27 will expire on November 30, 2020, unless renewed.

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4. Code section 4300, subdivision (a), states: “Every licensed issued may be suspended or revoked.”

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.

6. Code Section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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

(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.

8. Code Section 4301 states:

• • • •

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

4

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

23 9. Code section 4059 states, in pertinent part, that a person may not furnish any
24 dangerous drug or any dangerous device, except upon the prescription of a physician, dentist,
25 podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

26 10. Code section 4060 states:

27 A person shall not possess any controlled substance, except that furnished to a
28 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, a physician assistant pursuant to Section
3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist

pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the
possession of any controlled substance by a manufacturer, wholesaler, third-party
logistics provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or
physician assistant, if in stock in containers correctly labeled with the name and address
of the supplier or producer.

This section does not authorize 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.

11. Code section 4301 states:

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 includes, 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.

...

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

....

12. Health and Safety Code section 11170 states: "No person shall prescribe, administer, or furnish a controlled substance for himself."

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

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

14. United States Code, title 21, section 843, states:

(a) It shall be unlawful for any person knowingly or intentionally –

...

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.

....

COST RECOVERY

15. Code section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **DRUG DESCRIPTIONS**

4 16. Alprazolam (Xanax) is a Schedule IV controlled substance pursuant to Health and
5 Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and
6 Professions Code section 4022.

7 17. Lorazepam (Ativan) is a Schedule IV controlled substance pursuant to Health and
8 Safety Code section 11057, subdivision (d), and a dangerous drug pursuant to Business and
9 Professions Code section 4022.

10 18. Hydrocodone-Acetaminophen (Norco or Vicodin) is a Schedule II controlled
11 substance pursuant to Health and Safety Code section 11055, subdivision (b), and a dangerous
12 drug pursuant to Business and Professions Code section 4022.

13 19. Oxycodone (Oxycontin) is a Schedule II controlled substance pursuant to Health and
14 Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and
15 Professions Code section 4022.

16 20. Oxycodone-Acetaminophen (Percocet) is a Schedule II controlled substance pursuant
17 to Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to
18 Business and Professions Code section 4022.

19 **FACTUAL ALLEGATIONS**

20 21. At all times referenced herein, Respondent was employed as a pharmacy technician
21 with Walgreens Pharmacy #6127 (Walgreens) located in Menifee, California, until her
22 employment was terminated on or about January 7, 2019.

23 22. Beginning in or about June 2018, Walgreens' pharmacist-in-charge (PIC) began
24 receiving information from pharmacy staff about missing controlled substance prescriptions that
25 were filled and ready, but were unable to be located when customers arrived for pick-up. An
26 investigation was initiated in conjunction with Walgreens' Asset Protection Unit based on
27 suspected diversion. A quarterly reconciliation audit revealed shortages and overages of several
28

1 Schedule II controlled substances between September 9 – December 9, 2018; however, the cause
2 of the shortages was unable to be determined during that time frame.

3 23. On December 26, 2018, a customer's prescription for Oxycontin (oxycodone 30mg
4 Immediate Release, #470 tablets) was reported missing. The prescription was sold and filled on
5 this date. The PIC reviewed video surveillance footage and noticed that Respondent was
6 exhibiting suspicious behavior. Specifically, Respondent was seen searching through bins
7 containing customers' medications, and pulling a bag from the bin. The video showed her
8 appearing to process a return. However, Respondent was not assisting any customers at that time.

9 24. On January 3, 2019, a customer's prescription for Norco (hydrocodone-
10 acetaminophen 10-325mg, #90 tablets) was reported missing. The PIC reviewed video
11 surveillance footage from January 2, 2019, and observed Respondent leave a customer during a
12 sales transaction, walk towards the filling counter, remove/discard the paperwork attached to a
13 bag, and cross out patient information on the prescription vial. Respondent then walked out of the
14 camera's view with the prescription vial and two stock bottles, returned to the camera's view with
15 only the two stock bottles, and completed the sales transaction. Respondent's actions on this date
16 are not typical during a sales transaction.

17 25. On January 7, 2019, Respondent was interviewed by Walgreens' Asset Protection
18 Unit. During the interview, Respondent admitted to diverting medications from the pharmacy
19 over an extended time period for her own personal use. Respondent provided a written statement
20 wherein she admitted to stealing approximately 300 Ibuprofen tablets, 300 Xanax tablets, 800
21 Norco and/or Vicodin tablets, and 700 Oxycontin tablets. The theft was reported to the Riverside
22 County Sheriff's Department on this date. Respondent made similar admissions to the
23 investigating deputy and was arrested for prescription fraud (Health & Saf. Code § 11173(a)),
24 possession of a narcotic without a prescription (Health & Saf. Code § 11350(a)), and
25 embezzlement (Pen. Code § 503).

26 26. An audit was subsequently conducted by a Board investigator for the medications that
27 Respondent admitted to stealing. The audit revealed the following variances between June 10,
28 2018, and January 16, 2019:

Drug	Beginning Inventory 6/10/18	Acquisition 6/10/18 to 1/16/19	Disposition 6/10/18 to 1/16/19	Expected Inventory	Actual Inventory 1/16/19	Variance ¹ / Overage or Shortage	Walgreens' Audit Result
Lorazepam 1mg Tablet	625* *Estimate	14500	13943	1182	645	-537	-537
Hydrocodone/ Acetaminophen 5-325mg Tablet	2315	65500	63969	3846	2907	-939	-946
Hydrocodone/ Acetaminophen 7-325mg Tablet	1053	21500	21235	1318	398	-920	-920
Hydrocodone/ Acetaminophen 10-325mg Tablet	7873	160000	156366	11507	8964	-2543	-2543
Oxycodone 30mg IR Tablet	1444	20200	20079	1565	1751	+186	-470
Oxycodone/ Acetaminophen 5/325mg Tablet	0	13000	11293	1707	1451	-256	-241
Oxycodone/ Acetaminophen 7.5/325mg Tablet	540	2100	2360	280	280	0	0
Oxycodone/ Acetaminophen 10/325mg Tablet	694	39900	36995	3599	3019	-580	-580

FIRST CAUSE FOR DISCIPLINE

(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud and Deceit)

27. Respondent has subjected her registration to disciplinary action under Code section 4301, subdivision (f), for unprofessional conduct, in that she committed acts involving moral turpitude, dishonesty, fraud and deceit when she stole controlled substances from her employer, as more fully set forth in paragraphs 21-26, above, which are incorporated herein by reference.

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¹ Variance was the difference between the actual inventory minus the expected inventory. Expected inventory was the difference between the sum of Beginning Inventory and Acquisition minus Disposition.

1 **SECOND CAUSE FOR DISCIPLINE**

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

3 28. Respondent has subjected her registration to disciplinary action under Code section
4 4301, subdivision (h), for unprofessional conduct, in that she unlawfully self-administered the
5 controlled substances alprazolam (Xanax), hydrocodone-acetaminophen (Norco and/or Vicodin),
6 and oxycodone (Oxycontin) in a dangerous manner, as more fully set forth in paragraphs 21-26,
7 above, which are incorporated herein by reference.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Violation of State and Federal Laws Governing Controlled Substances**
10 **and Dangerous Drugs)**

11 29. Respondent has subjected her registration to disciplinary action under Code section
12 4301, subdivision (j), for unprofessional conduct, in that she knowingly violated Business and
13 Professions Code sections 4059 and 4060; Health and Safety Code sections 11170 and 11173;
14 and United States Code, Title 21, section 843, as more fully set forth in paragraphs 21-26, above,
15 which are incorporated herein by reference.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(October 3, 2019 Criminal Convictions for Grand Theft & Possession of Control**
18 **Substances)**

19 30. Respondent has subjected her registration to discipline under sections 490 and 4301,
20 subdivision (l) of the Code in that she was convicted of crimes that are substantially related to the
21 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

22 a. On or about October 3, 2019, in a criminal proceeding entitled *People of the*
23 *State of California v. Carrie Scott*, in San Diego County Superior Court, case number
24 SWF1900510, Respondent was convicted on her plea of guilty to violating two counts of Penal
25 Code section 487, subdivision (a), grand theft over \$950, both felonies; and one count of violating
26 Health and Safety Code section M11350(A), possession of controlled substance, a misdemeanor.

27 ///

b. As a result of the convictions, Respondent was granted formal probation for 36 months, ordered to be committed to 180 days in custody with 179 of those days to be served in the work release program, ordered to not use or possess control substances, and ordered to submit to chemical testing. Respondent was also ordered to pay fees and fines, and comply with probation terms.

FIFTH CAUSE FOR DISCIPLINE

(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud or Deceit)

31. Respondent has subjected her registration to discipline under section 4301, subdivisions (a) and (f) of the Code for unprofessional conduct in that her conduct, as described in paragraph 30 above, involved moral turpitude, dishonesty, fraud and/or deceit.

PRAYER


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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 143958, issued to Respondent Carrie Christi Scott;

2. Ordering Respondent Carrie Christi Scott to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: December 2, 2019


ANNE SODERGREN
Interim Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant