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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 **KRYSTAL LEE WRIGHT**  
14 **P.O. Box 435**  
15 **Diamond Springs, CA 95619**

16 **Pharmacy Technician Registration No. TCH 155285**

17 Respondent.

Case No. 7349

**DEFAULT DECISION AND  
ORDER**

[Gov. Code, §11520]

18  
19 **FINDINGS OF FACT**

20 1. On or about January 19, 2023, Complainant Anne Sodergren, in her official capacity  
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed  
22 Accusation No. 7349 against Krystal Lee Wright (Respondent) before the Board of Pharmacy.  
23 (Accusation attached as Exhibit A.)

24 2. On or about September 27, 2016, the Board of Pharmacy (Board) issued Pharmacy  
25 Technician Registration No. TCH 155285 to Respondent. The Pharmacy Technician Registration  
26 expired on March 31, 2022, and has not been renewed.  
27  
28

1           3.     On or about January 27, 2023, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 7349, 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:

7 P.O. Box 435  
8 Diamond Springs, CA 95619.

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

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

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

17           6.     The Board takes official notice of its records and the fact that Respondent failed to  
18 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
19 waived her right to a hearing on the merits of Accusation No. 7349.

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

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

25           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
28 finds that the charges and allegations in Accusation No. 7349, are separately and severally, found  
to be true and correct by clear and convincing evidence.

          9.     The Board finds that the actual costs for Investigation and Enforcement are \$5,273.75  
as of April 28, 2023.

**DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Krystal Lee Wright has subjected her Pharmacy Technician Registration No. TCH 155285 to discipline.

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

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

- a. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (f), for unprofessional conduct, in that while employed and on duty as a pharmacy technician, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as follows: During the period from November 2021 to March 15, 2022, Respondent stole or diverted from the pharmacy during business hours: Adderall, Adderall XR, Suboxone, and Norco, on approximately ten different occasions, and estimated the total amount to be 80 dosage units, for her own personal use and/or for her then-boyfriend's use, without the pharmacy's knowledge or consent, in violation of Health and Safety Code section 11173.
- b. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (i), for unprofessional conduct, in that Respondent knowingly furnished, gave away or administered to her then-boyfriend, a heroin addict, the controlled substances she had diverted from the pharmacy.
- c. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (j) and (o), for unprofessional conduct, in that Respondent possessed the controlled substances, Adderall, Adderall XR, Suboxone, and Norco, without a valid or lawful prescription for the medication, in violation of section 4060.

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**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 155285, issued to Respondent Krystal Lee Wright, 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 June 29, 2023.

It is so ORDERED on May 30, 2023.



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Seung W. Oh, Pharm.D.  
Board President  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

default decision\_LIC.docx  
DOJ Matter ID:SA2022303545

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(KRYSTAL LEE WRIGHT)

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 MABEL LEW  
Deputy Attorney General  
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5 P.O. Box 944255  
Sacramento, CA 94244-2550  
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Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7349

13 **KRYSTAL LEE WRIGHT**  
14 **P.O. Box 435**  
**Diamond Springs, CA 95619**

**ACCUSATION**

15 **Pharmacy Technician Registration No. TCH**  
16 **155285**

17 Respondent.

18  
19 **PARTIES**

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

22 2. On or about September 27, 2016, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 155285 to Krystal Lee Wright (Respondent). The Pharmacy  
24 Technician Registration expired on March 31, 2022, and has not been renewed.

25 **JURISDICTION**

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

1           4.     Code section 4300 states, in pertinent part:

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

3                   (b) The board shall discipline the holder of any license issued by the board,  
4                   whose default has been entered or whose case has been heard by the board and found  
                    guilty, by any of the following methods:

5                   (1) Suspending judgment.

6                   (2) Placing him or her upon probation.

7                   (3) Suspending his or her right to practice for a period not exceeding one year.

8                   (4) Revoking his or her license.

9                   (5) Taking any other action in relation to disciplining him or her as the board in  
10                  its discretion may deem proper.

11                  . . .

12           5.     Code section 4300.1 states, in pertinent part:

13                   The expiration, cancellation, forfeiture, or suspension of a board-issued license  
14                   by operation of law or by order or decision of the board or a court of law, the placement  
15                   of a license on a retired status, or the voluntary surrender of a license by a licensee  
16                   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.

17                   **STATUTORY AND REGULATORY PROVISIONS**

18           6.     Code section 4022 states, in pertinent part:

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

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

22                   (b) Any device that bears the statement: "Caution: federal law restricts  
23                   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.

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

26           7.     Section 4060 of the Code states:

27                   No person shall possess any controlled substance, except that furnished to a  
28                   person upon the prescription of a physician . . . pursuant to Section 3640.7 . . . .

1           8.     Section 4301 of the Code states:

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

5                 ...

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

9                 ...

10                (i) Except as otherwise authorized by law, knowingly selling, furnishing, giving  
11                away, or administering, or offering to sell, furnish, give away, or administer, any  
12                controlled substance to an addict.

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

15                ...

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

21           9.     Health and Safety Code section 11173(a) states:

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

### 26                                 **COST RECOVERY**

27           10.    Code section 125.3 states, in pertinent part, that the Board may request the  
28           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.

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## **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

11. *Adderall* (generic name: Dextroamphetamine/Amphetamine salts) is a prescription medication that is used to treat attention-deficit/hyperactive disorder (ADHD). Pursuant to Health & Safety Code section 11055(d)(1), it is a Schedule II controlled substance. It is a dangerous drug pursuant to Business and Professions Code section 4022.

12. *Norco* (generic name: hydrocodone/acetaminophen) is a prescription medication that is used to treat pain. Pursuant to Health and Safety Code section 11055(b)(1)(I), it is a Schedule II controlled substance. It is a dangerous drug pursuant to Business and Professions Code section 4022.

13. *Suboxone* (generic name: buprenorphine and naloxone) is a prescription medication used to treat opioid addiction in adults. It is a Schedule III controlled substance. It is a dangerous drug pursuant to Business and Professions Code section 4022.

## **BACKGROUND**

14. From November 2021 through March 23, 2022, Respondent was working as a pharmacy technician at the Rite Aid Store (Store), located at 3101 Green Valley Road, in Cameron Park, California.

15. On or about February 17, 2022, T.Y., the Pharmacist-in-Charge (PIC) at the Store's pharmacy noticed a loss of physical "on-hand" quantities of Adderall and Adderall XR capsules compared to the quantities listed in the pharmacy's computer. The PIC reported the losses to Rite Aid's corporate loss prevention department, and an investigation was launched.

16. During the period from February 17, 2022, through March 12, 2022, the PIC received notifications from patients regarding shortages in their prescription vials that had been previously dispensed by the pharmacy.

17. The Pharmacy Asset Protection Leader (RAPL) reviewed the closed captioned TV video, and noted that on March 11, 2022, at 12:14 p.m., Respondent was seen selecting a Monaco bag, removing a vial from the bag, then returning the bag to the "Will Call" section of the pharmacy.

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18. On March 16, 2022, during an investigative interview about the drug losses, Respondent admitted diverting Adderall, Adderall XR, Suboxone, and Norco, on approximately ten different occasions, and estimated the total amount to be 80 dosage units. Respondent also admitted to stealing multiple drinks, snacks, and cosmetics merchandise from the Store on multiple occasions. Respondent also submitted a written statement, admitting that on March 11, 2022, and again on March 15, 2022, she stole 8 tablets each of Norco 10/325 and Adderall XR from the “Will Call” area of the pharmacy. She also admitted that in the four months prior to March 2022, she had stolen 80 units of controlled substances, including 3 Suboxone tablets and 6-7 Suboxone films. She explained that the diverted drugs had been for her then-boyfriend who had relapsed on heroin, and had not been for her personal use. She stated that she had known that what she was doing was wrong, but she had wanted to help her then-boyfriend avoid an overdose. Respondent was subsequently terminated from her job at the pharmacy.

19. On April 4, 2022, the Board received an amended DEA 106 drug loss report from the pharmacy that listed the same types of drugs that Respondent had admitted to diverting.

20. On May 2, 2022, Respondent's CURES Patient Activity Report showed a history of opioids medications usage, including hydrocodone/APAP 5/325mg and tramadol 50mg from July to October 2020.

**FIRST CAUSE FOR DISCIPLINE**

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

21. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (f), for unprofessional conduct, in that while employed and on duty as a pharmacy technician, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as follows: During the period from November 2021 to March 15, 2022, Respondent stole or diverted from the pharmacy during business hours: Adderall, Adderall XR, Suboxone, and Norco, on approximately ten different occasions, and estimated the total amount to be 80 dosage units, for her own personal use and/or for her then-boyfriend's use, without the pharmacy's knowledge or consent, in violation of Health and Safety Code section 11173, as set forth above in paragraphs 15-20.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Knowingly Selling, Furnishing, Giving Away, or Administering**  
3 **Any Controlled Substance to an Addict)**

4 22. Respondent is subject to disciplinary action pursuant to Code section 4301,  
5 subdivision (i), for unprofessional conduct, in that Respondent knowingly furnished, gave away  
6 or administered to her then-boyfriend, a heroin addict, the controlled substances she had diverted  
7 from the pharmacy as set forth above in paragraph 18.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Possession of Controlled Substances)**

10 23. Respondent is subject to disciplinary action pursuant to Code section 4301,  
11 subdivision (j) and (o), for unprofessional conduct, in that Respondent possessed the controlled  
12 substances, Adderall, Adderall XR, Suboxone, and Norco, without a valid or lawful prescription  
13 for the medication, in violation of section 4060, as set forth in paragraphs 15-20.

14 **PRAYER**

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

17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 155285,  
18 issued to Krystal Lee Wright;

19 2. Ordering Krystal Lee Wright to pay the Board of Pharmacy the reasonable costs of  
20 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
21 125.3; and,

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

23  
24 DATED: 1/19/2023

Sodergren,  
Anne@DCA

Digitally signed by Sodergren,  
Anne@DCA  
Date: 2023.01.19 08:34:51 -08'00'

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

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