

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

In the Matter of the Accusation Against:

DENISE F. NASCA, Respondent

Pharmacy Technician Registration No. TCH 25273

Agency Case No. 7566

OAH No. 2023120498

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge 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 April 24, 2024.

It is so ORDERED on March 25, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with a large initial "S" and "O".

Seung W. Oh, Pharm.D.
Board President

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DEPARTMENT OF CONSUMER AFFAIRS
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DENISE F. NASCA, Respondent

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PROPOSED DECISION

Wim van Rooyen, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference and telephone on February 12, 2024, from Sacramento, California.

Jeff Stone, Deputy Attorney General, represented Anne Sodergren (complainant), Executive Officer, Board of Pharmacy (Board), Department of Consumer Affairs, State of California.

Denise F. Nasca (respondent) represented herself.

Evidence was received, the record closed, and the matter submitted for decision on February 12, 2024.

FACTUAL FINDINGS

Jurisdiction

1. On March 10, 1998, the Board issued respondent Pharmacy Technician Registration No. TCH 25273 (registration). The registration will expire on July 31, 2025, unless renewed.

2. On September 7, 2023, complainant, in her official capacity, signed and later filed Accusation No. 7566 (Accusation) against respondent. The Accusation alleges three causes for discipline against respondent: (1) possessing, administering, and/or furnishing a controlled substance to oneself without a valid prescription; (2) administering a controlled substance in a dangerous or injurious manner and/or impaired ability to safely practice; and (3) moral turpitude, dishonesty, fraud, deceit, or corruption. The Accusation seeks to revoke respondent's registration and an award of reasonable investigation and enforcement costs.

3. Respondent timely filed a Notice of Defense. The matter was set for an evidentiary hearing before an ALJ of the OAH, an independent adjudicative agency of the State of California, pursuant to Government Code section 11500 et seq.

August 15, 2022 Drug Test

4. In 2022, respondent was employed by Rite Aid as a pharmacy technician. In the summer of 2022, she applied for a promotion to the position of Regional Pharmacy Technician. As part of the application process, she submitted to a drug test on August 15, 2022. That drug test rendered a positive result for amphetamine. Rite Aid suspended respondent's employment pending an investigation, which resulted in her termination from employment effective September 9, 2022.

Board's Investigation

5. On September 16, 2022, Rite Aid reported respondent's positive drug test to the Board. James Flores, Pharm.D., a Board inspector, was assigned to investigate the matter. Dr. Flores has been a California-licensed pharmacist since 1999. He previously worked as a staff pharmacist and pharmacist in charge at several retail pharmacies. He has been a Board inspector for the last seven years.

6. As part of his investigation, Dr. Flores obtained respondent's prescription records and other relevant documentation. He also interviewed Rite Aid staff and respondent. He prepared an investigation report and testified consistently with that report at hearing.

7. In the course of the investigation, respondent told Dr. Flores the following: respondent had acquired a prescription for Adderall sometime in 2020, shortly after the start of the COVID-19 pandemic. Adderall is the brand name for the generic amphetamine/dextroamphetamine salts. It is used to treat attention deficit disorder, hyperactivity, and narcolepsy. It is a dangerous drug pursuant to Business and Professions Code section 4022 and a controlled substance pursuant to Health and Safety Code section 11055, subdivision (d)(1).

To obtain the prescription, respondent used an online platform through which she had a telephonic consultation with a physician. After the physician prescribed her Adderall, the prescription was filled by an online, out-of-state pharmacy, which mailed the medication to her. Respondent could not recall the name of the online platform, prescribing physician, or online pharmacy. She no longer had the prescription documentation, payment receipt, or prescription bottle. However, she kept some of the tablets to use on an as-needed basis to help her focus during stressful periods.

She likely took one or more of those tablets sometime in August 2022, which resulted in her August 15, 2022 positive drug test for amphetamine.

After the positive drug test, respondent acquired a new prescription for Adderall through another online physician. However, Rite Aid did not accept that prescription because it did not account for the time period of the positive drug test.

8. Following his interview with respondent, Dr. Flores obtained a Controlled Substance Utilization Review and Evaluation System (CURES) report for respondent for the period of January 1, 2019, through November 30, 2022. Dr. Flores explained that CURES is a California database, but out-of-state pharmacies sending prescriptions for controlled substances to California patients are required to report such filled prescriptions into CURES. Respondent's CURES report did not show any prescription for Adderall in 2020. Respondent's only reported prescription for Adderall was on August 23, 2022, by Stacie Daniels, M.D., with the dispensing pharmacy listed as Longs Drug Stores California in Sacramento.

Respondent's Evidence

9. Respondent testified at hearing. She worked as a pharmacy technician for Rite Aid for 26 years without incident. She has no history of prior Board discipline.

10. Around the start of the COVID-19 pandemic, respondent started working as a makeup artist for a special effects company. After she experienced trouble focusing during stressful periods, she consulted her primary care physician (PCP) about potential medication treatment. Respondent does not recall the name of that PCP, but he told her that such medication would need to be prescribed by "mental health" and that a referral would take at least six months. Thus, she decided to look at options to obtain medication outside of her insurance coverage.

11. At hearing, respondent confirmed her prior account to Dr. Flores about obtaining Adderall through an online physician and pharmacy sometime in 2020. It was a single prescription for 30 pills. She used it on an as-needed basis only, typically during periods of high stress, to help her focus. She sometimes would not take any Adderall for months.

12. In March or April 2021, respondent traveled to visit her daughter. For that trip, she combined her Adderall tablets with some ibuprofen tablets in an ibuprofen bottle. She does not remember discarding the original Adderall prescription bottle.

13. Respondent recalls taking one or two tablets of Adderall sometime in August 2022, which likely caused her positive test for amphetamine on August 15, 2022. She testified that she was initially unconcerned because she knew she had taken the Adderall pursuant to a valid prescription. However, she then discovered that she had no documentation of the 2020 consultation or prescription and could not find the original prescription bottle. She also could not recall the name of the online platform she used, prescribing physician, or online pharmacy that filled the prescription.

14. Respondent obtained a new prescription for Adderall from a different online physician, Dr. Daniels, on August 23, 2022. Although respondent still had a few tablets left from the 2020 prescription, she thought a new prescription may validate the positive drug test.

15. Respondent was very upset by her termination from Rite Aid. She believes Rite Aid never gave her an opportunity to explain the positive drug test result. She felt she deserved more after 26 years of service.

16. Respondent has not worked as a pharmacy technician since her termination from Rite Aid. From January through April 2023, she worked as a merchandizer for Reyes Coca Cola. Since sustaining an injury in April 2023, respondent has been disabled and unemployed. She is a single mother of one child and supports their household through disability benefits payments. She does not plan on working as a pharmacy technician again, but would like to retain her registration if possible.

Costs

17. The Board may recover its reasonable investigation and enforcement costs of a case. (Bus. & Prof. Code, §125.3, subd. (a).) Complainant incurred \$3,146 in investigation costs, as documented in a Certification of Costs of Investigation by Agency Executive Officer in Case No. 7566, dated January 19, 2024; and \$8,730 in enforcement costs, as documented in a Certification of Prosecution Costs: Declaration of Jeff Stone, dated February 7, 2024. The certifications describe the general tasks performed, the time spent on each task, and the method of calculating the costs. Complainant's total requested investigation and enforcement costs of \$11,876 are supported by the records and reasonable.

LEGAL CONCLUSIONS

1. "Protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." (Bus. & Prof. Code, § 4001.1.)

Burden and Standard of Proof

2. Absent a statute to the contrary, the burden of proof in administrative disciplinary proceedings rests upon the party making the charges. (*Parker v. City of Fountain Valley* (1981) 127 Cal.App.3d 99, 113; Evid. Code, § 115.) Thus, complainant bears the burden of proof.

3. In determining the proper standard of proof to apply in license disciplinary proceedings, courts have drawn a distinction between professional licenses and nonprofessional or occupational licenses. In proceedings involving a professional license, the standard of proof is clear and convincing evidence, while in disciplinary proceedings involving a nonprofessional or occupational license, the standard of proof is preponderance of the evidence. (*Lone Star Sec. & Video, Inc. v. Bur. of Security and Investigative Services* (2012) 209 Cal.App.4th 445, 453.)

4. The Board may issue a pharmacy technician registration to a high school graduate who has taken 240 hours of relevant training. (Bus. & Prof. Code, § 4202, subd. (a)(2); Cal Code Regs., tit. 16, § 1793.6, subd. (c).) Therefore, a pharmacy technician registration is more akin to a nonprofessional or occupational license because pharmacy technicians are not required to satisfy extensive educational, training, and testing requirements like those required of pharmacists. Thus, the preponderance of the evidence standard of proof applies here. The term preponderance of the evidence means "more likely than not" (*Sandoval v. Bank of Am.* (2002) 94 Cal.App.4th 1378, 1387), or "evidence that has more convincing force than that opposed to it." (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.)

Causes for Discipline

APPLICABLE LAW

5. "The board shall take action against any holder of a license who is guilty of unprofessional conduct" (Bus. & Prof. Code, § 4301.) Unprofessional conduct includes 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.

[¶] . . . [¶]

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

[¶] . . . [¶]

(*Id.*, subds. (f), (h), (j), & (o).)

6. A person shall not possess any controlled substance without a valid prescription. (Bus. & Prof. Code, § 4060.) “No person shall prescribe, administer, or furnish a controlled substance for himself.” (Health & Saf. Code, § 11170.)

ANALYSIS

7. Complainant established by a preponderance of the evidence that respondent possessed and administered to herself Adderall, a controlled substance, without a valid prescription on or around August 15, 2022. Respondent’s testimony that she obtained a valid prescription for Adderall in 2020 lacked credibility for three reasons.

First, respondent’s CURES report shows no evidence of an Adderall prescription filled before August 23, 2022. Even if respondent had obtained the Adderall from an online, out-of-state pharmacy in 2020, that pharmacy would have been required to report the prescription into CURES. The absence of such prescription in CURES

strongly suggests that respondent never obtained a valid Adderall prescription in 2020.

Second, respondent was unable to provide any other evidence of a valid Adderall prescription before August 23, 2022. Her testimony that she lost the prescription bottle and cannot even remember the online platform that she purportedly used to consult the prescribing physician is implausible.

Third, respondent obtained a valid prescription for Adderall on August 23, 2022, shortly after receiving notice of her positive test result and even though she still had a few Adderall tablets left from the original purported prescription. Indeed, she acknowledges she obtained the new prescription in an attempt to validate her positive drug test.

8. Based on the foregoing, complainant established each of the pled causes for discipline by a preponderance of the evidence. Each cause for discipline is addressed below.

9. As to the first cause for discipline, complainant established that respondent possessed and administered to herself Adderall, a controlled substance, without a valid prescription. This violated both Business and Professions Code section 4060 and Health and Safety Code section 11170. Thus, cause exists to discipline respondent pursuant to Business and Professions Code section 4301, subdivisions (j) and (o), for violating laws governing pharmacy and regulating controlled substances.

10. As to the second cause for discipline, complainant established that respondent administered to herself Adderall, a controlled substance, in a dangerous or injurious manner. Administering a controlled substance without a valid prescription and not under the supervision of a qualified medical provider is inherently dangerous

and injurious. Thus, cause exists to discipline respondent pursuant to Business and Professions Code section 4301, subdivision (h).

11. As to the third cause for discipline, complainant established that respondent falsely represented to the Board that she had obtained a valid Adderall prescription in 2020. Such dishonesty is cause for discipline pursuant to Business and Professions Code section 4301, subdivision (f).

Appropriate Discipline

12. Respondent failed to accept any responsibility for her misconduct. (*Seide v. Com. of Bar Examiners of the State Bar of Cal.* (1989) 49 Cal.3d 933, 940 ["Fully acknowledging the wrongfulness of [one's] actions is an essential step towards rehabilitation"].) Instead, she persisted in her incredulous claim that she received a valid Adderall prescription in 2020 from some unknown online platform, unknown prescribing physician, and unknown online pharmacy, for which no documentation exists. She failed to present any meaningful rehabilitation evidence. Thus, respondent is not a good candidate for probation. Additionally, even if probation could be considered, it would involve working as a pharmacy technician with Board oversight. Here, respondent does not plan on returning to work as a pharmacy technician. Consequently, revocation is necessary to protect public health, safety, and welfare.

Costs

13. The Board may recover its reasonable investigation and enforcement costs of a case. (Bus. & Prof. Code, § 125.3, subd. (a).) As noted above, the total requested investigation and enforcement costs of \$11,876 are reasonable.

14. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth guidelines for determining whether the costs should be assessed in the particular circumstances of each case. These factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of her position, whether the licensee has raised a colorable challenge to the proposed discipline, the licensee's financial ability to pay, and whether the scope of the investigation was appropriate to the alleged misconduct.

15. Here, the scope of the investigation was appropriate. Respondent did not demonstrate a subjective good faith belief in the merits of her position, was not successful in getting charges dismissed or reduced, and did not raise a colorable challenge to the proposed discipline. However, she is a single mother who is unemployed and receiving disability benefits. Registration revocation would also further reduce her income potential. Thus, it is appropriate to reduce cost recovery to \$5,000.

ORDER

1. Pharmacy Technician Registration Number TCH 25273 issued to respondent Denise F. Nasca is REVOKED.

2. Respondent shall relinquish her registration, including any indicia of registration issued by the Board, to the Board within 10 days of the effective date of this decision.

3. Respondent may not reapply or petition the Board for reinstatement of her revoked registration for three years from the effective date of this decision.

4. As a condition precedent to reinstatement of her revoked registration, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$5,000. That amount shall be paid in full prior to the reinstatement of her registration unless otherwise ordered by the Board.

DATE: February 21, 2024

Wim vanRooyen

WIM VAN ROOYEN

Administrative Law Judge

Office of Administrative Hearings

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10 **BEFORE THE**
BOARD OF PHARMACY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
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15 In the Matter of the Accusation Against:

Case No. 7566

16 **DENISE F. NASCA**

17 6805 Rancho Pico Way
Sacramento, CA 95828

ACCUSATION

18 **Pharmacy Technician License No. TCH**
19 **25273**

20 Respondent.

21
22 **PARTIES**

- 23 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
24 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
- 25 2. On or about March 10, 1998, the Board issued Pharmacy Technician Registration
26 Number TCH 25273 to Denise F. Nasca (Respondent). The Pharmacy Technician Registration
27 was in full force and effect at all times relevant to the charges brought herein and will expire on
28 July 31, 2025, unless renewed.

JURISDICTION

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

4. Section 4300 of the Code states:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

....

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

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.

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(a) Each board under this code shall develop criteria to aid it, when considering the denial, suspension, or revocation of a license, to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession it regulates.

- (1) The nature and gravity of the offense.
- (2) The number of years elapsed since the date of the offense.
- (3) The nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

9. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

1 As used in this section, "license" includes "certificate," "permit," "authority,"
2 and "registration."

3 10. Section 4060 of the Code states, in pertinent part:

4 A person shall not possess any controlled substance, except that furnished to a
5 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
6 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued
7 by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to
8 Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor
9 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.

10

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

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

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16 (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.

17

18 (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
19 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.

20

21 (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.

22

23 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
24 or of the applicable federal and state laws and regulations governing pharmacy
including regulations established by the board or any other state of federal regulatory
25 agency

26

27 12. Health and Safety Code section 11170 states:

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

1 **COST RECOVERY**

2 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **DRUG DEFINITIONS**

9 14. Adderall is the brand name for the generic amphetamine/dextroamphetamine salts,
10 and is a dangerous drug pursuant to Code section 4022 and a controlled substance pursuant to
11 Health & Safety Code section 11055, subdivision (d)(1), and is used for attention deficit disorder,
12 hyperactivity and narcolepsy. Adderall is a Schedule II amphetamine-related substance

13 **FACTUAL ALLEGATIONS**

14 15. Respondent was employed as a pharmacy technician by Rite Aid for approximately
15 twenty-six years. In the summer of 2022, Respondent applied for a promotion to a position of
16 Regional Pharmacy Technician, a role designated by Rite Aid as a “Safety Sensitive Position”
17 due to the frequent access into the pharmacy. As a part of the promotional process for the
18 position of Regional Pharmacy Technician, applicants including Respondent were required to
19 take a “pre-employment” drug test; a negative pre-employment drug test is a requirement for the
20 promotion to this position.

21 16. Respondent submitted to the drug test on or about August 15, 2022, which resulted in
22 a positive test for amphetamine. Respondent’s employment with Rite Aid was suspended
23 pending a Rite Aid Human Resources investigation, which resulted in Respondent’s termination
24 of employment with Rite Aid effective September 9, 2022.

25 17. Respondent stated she was prescribed Adderall sometime in 2019 or 2020 by an
26 online physician and pharmacy, the names of which she did not recall and had no supporting
27 documentation or physical evidence (such as the prescription bottle). Respondent claimed that,
28 after that time, she acquired a prescription for Adderall from her personal physician.

18. The Controlled Substance Utilization Review and Evaluation System (CURES) is a database of Schedule II through V controlled substance prescriptions dispensed in California serving, among other things, regulatory oversight agencies such as the Board. The CURES report shows that Respondent did not have a valid prescription for Adderall during the relevant time-frame, and was in fact prescribed Adderall by her physician on August 23, 2022 – approximately one week after Respondent’s amphetamine-positive drug test.

FIRST CAUSE FOR DISCIPLINE

(Possessing, Administering and/or Furnishing a Controlled Substance to Oneself Without a Valid Prescription)

19. Respondent is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), and for violating laws and regulations governing pharmacy and regulating controlled substances as set forth in paragraph 15 through 18 above and incorporated herein, and as follows:

(a) Respondent violated Code section 4060 in that, on or around August 14, 2022, Respondent possessed a controlled substance, Adderall, without a valid prescription.

(b) Respondent violated Health & Safety Code section 11170 in that, on or around August 14, 2022, Respondent prescribed, administered and/or furnished to herself a controlled substance, Adderall, without a valid prescription.

SECOND CAUSE FOR DISCIPLINE

(Administering a Controlled Substance in a Dangerous/Injurious Manner and/or Impaired Ability to Safely Practice)

20. Respondent is subject to disciplinary action under Code sections 4301, subdivision (h), in that on or around August 14, 2022, Respondent administered to herself a controlled substance, Adderall, and/or used a dangerous drug to the extent or in a manner as to be dangerous or injurious to herself, or to any other person or to the public, or to the extent that the use impaired the ability of Respondent to safely practice, as set forth in paragraphs 15 through 19 and incorporated herein.

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THIRD CAUSE FOR DISCIPLINE

((Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

21. Respondent is subject to disciplinary action under Code sections 4301, subdivision (f), in that on or around August 14, 2022, Respondent falsely obtained, possessed, furnished, and/or administered to herself a controlled substance, Adderall, without a valid prescription and represented otherwise, as set forth in paragraphs 15 through 20, and incorporated herein.

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 25273, issued to Denise F. Nasca;
- 2. Ordering Denise F. Nasca 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: 9/7/2023

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.09.07 19:45:03 -07'00'

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