

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

**In the Matter of the Accusation Against:**

**SAMANTHA NATALYNN SUE GEER, Respondent**

**Pharmacy Technician Registration No. TCH 159859**

**Agency Case No. 7521**

**OAH No. 2023110011**

**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



Seung W. Oh, Pharm.D.  
Board President

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

**In the Matter of the Accusation Against:**

**SAMANTHA NATALYNN SUE GEER**

**Pharmacy Technician Registration No. TCH 159859**

**Respondent.**

**Agency Case No. 7521**

**OAH No. 2023110011**

Eileen Cohn, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on January 25, 2024.

Diana Petikyan, Deputy Attorney General, represented complainant Anne Sodergren, Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

Samantha Natalynn Sue Geer (respondent) represented herself.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on January 25, 2024.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. On September 14, 2023, complainant served respondent the Accusation in her official capacity. On September 30, 2023, respondent filed a Notice of Defense to request a hearing on the merits of the Accusation. On October 30, 2023, the Accusation was filed with OAH. All jurisdictional requirements have been satisfied.

2. On March 27, 2017, the Board issued Pharmacy Technician Registration Number TCH 159859 to respondent. The Registration was in full force and effect at all times relevant to the charges in the Accusation, and will expire on November 30, 2024, unless renewed.

### **Drug Classification**

3. Ultram is the brand name for Tramadol. Tramadol is an opioid classified by the Code of Federal Regulations, title 21, section 1308.14, subdivision (b)(3), as a Schedule IV controlled substance. Tramadol is also categorized as a dangerous drug under Business and Professions Code section 4022, subdivision (a).

### **Diversion of Tramadol**

4. Respondent worked as a pharmacy technician at El Tejon Drugs (the pharmacy) in Bakersfield, California when the diversion of Tramadol was discovered. The pharmacy reported a suspected employee theft or loss of controlled substances as of November 29, 2022, as required to the Drug Enforcement Administration, Diversion Control Division, of the U.S. Department of Justice. In total the pharmacy discovered 524 tablets of Tramadol HCL 50 MG missing between February 27, 2022, and

November 30, 2022. Twenty-five of the missing Tramadol tablets were attributed to respondent. (Accusation; Ex. 4.)

5. Respondent was recently reassigned to the position of typist. In that position she did not physically fill the prescription bottles, but she recorded the prescriptions and provided them to the pharmacy's customers. As a typist she processes insurance claims and records the prescription requests from doctors. In her former position, she was responsible for physically filling the prescription orders into the bottles after counting them by placing them into the counting machine. In her new position, respondent was no longer supposed to check stock or physically fill prescription bottles, except on rare occasions when asked. There was no evidence respondent was asked to assist as a "filler" that day.

6. The incident occurred on November 29, 2022. On that day, respondent had not been asked to verify the stock for a prescription for Tramadol 50mg or pull the stock and make sure there was sufficient medication for any pending prescription. The pharmacy had no prescriptions for Tramadol pending for the next day.

7. The pharmacy's investigation began after respondent was discovered standing at one workstation, around closing time on November 29, 2022, with a bottle of Tramadol.

8. The entire workstation is a long singular counter facing the front of the pharmacy, loosely divided into separate areas by the positioning of computer screens. Video evidence shows respondent leaving the workstation, second from the right (at approximately count 5) to the front aisle (closest to the camera) stocked with pharmaceuticals. She is carrying a reusable water bottle. Respondent is off camera and returns to the camera from the second aisle of pharmaceutical shelves (at

approximately count 52) with a bottle of pharmaceuticals (confirmed to be Tramadol) in her right hand, still carrying her water bottle in her left hand. She places the water bottle at the same workstation she had left at count 5 and moves to the workstation to the left with the bottle of Tramadol. She can be seen shaking the bottle upside down toward her hand. From the video it is unclear whether she broke the seal at the counter, or it was already broken, or whether the Tramadol was dropped into her hand. Respondent handles the bottle close to the counter behind an obstruction and briefly looks up toward the front workstation, empty of people. As she shakes the bottle her manager comes from around the front of the workstation towards her (at approximately count 1:04). She is still holding the Tramadol bottle (at approximately count 1:06). The manager approaches close to her (at approximately count 1:08) and looks toward the counter where respondent is standing. When respondent is approached by the manager, she leaves the container of Tramadol at her workstation, checks a computer screen to her right and walks away. (Ex. 11.)

9. The pharmacy had video surveillance cameras placed near the pharmaceutical shelves. Complainant's submitted video evidence was limited to the counter area.

10. Sarah Carter, the operations supervisor for the pharmacy, was the individual who approached respondent when she was holding the Tramadol. Her job responsibilities included ensuring the efficient operations of the pharmacy and staffing the pharmacy. Ms. Carter submitted a statement detailing her observations which was submitted under penalty of perjury to the Board as part of the Board's investigation, which was consistent with her testimony during the hearing. Ms. Carter provided straightforward and unbiased testimony and took care to be accurate. Her observations were given great weight. (Ex. 7.)

11. Ms. Carter came around the corner towards respondent at the end of the workday to check what prescription orders remained to be filled, and to assess the progress made on filling prescriptions. The pharmacy was short staffed because it was shortly after Thanksgiving so there were a number of baskets waiting to be filled. She was also concerned about staff overtime, so she wanted to make sure the staff finished their workday on time.

12. Ms. Carter first spoke to Heather Gaither, another pharmacy technician, and congratulated her on filling prescriptions the prior day, the day after Thanksgiving, despite being short staffed. Ms. Gaither pointed to respondent and in a quiet voice informed Ms. Gaither respondent was no longer at her typing station and appeared to be filling prescriptions instead, at 6 p.m., after close of business. (Ex. 7.)

13. When Ms. Carter approached respondent, she observed her holding a medium-size white bottle in her hand. When Ms. Carter asked her to stop filling and leave it for the next day, respondent set the bottle down on the counter. After respondent left the counter area, Ms. Carter observed two bottles on the counter to be put away. The one that she observed respondent set down was a bottle of Tramadol 50mg. There was no evidence respondent had any pills in her hand.

14. Each bottle opened to fill a prescription is supposed to have an "X" on the label indicating the bottle had been opened for a prescription. After Ms. Carter observed the bottle was not marked with an "X" she opened the bottle and observed the foil cap was "very slightly opened, not consistent with our practice of removing the foil cap in its entirety to open the bottle. I kept the bottle of Tramadol 50mg in my hand and asked Heather Gaither to remain behind after other staff had clocked out and left for the day. I also asked Megan Bolender, our staff pharmacist to remain behind." (Ex. 7.)

15. Ms. Carter, with assistance from the other individuals, confirmed the partially opened foil cap, and counted the tablets. Ms. Carter reviewed the video footage from the security cameras.

16. To count the Tramadol 50mg bottle respondent left on the counter, the Kirby Lester counting machine was used. This machine was directly in front of respondent at her workstation. The Kirby Lester is a machine designed to count tablets and regularly used by pharmacies. Using the Kirby Lester and another counting machine device called an Eyecon, it was established the bottle had only 475 tablets out of a total of 500 tablets. In addition to the missing Tramadol from the bottle respondent was observed handling, they found a second bottle of Tramadol 50mg on the prescription bay shelf which indicated it contained 88 tablets; however, the correct count for the bottle was 89, and as such one tablet was missing. Respondent was not charged with the missing tablet. (Ex. 7.)

17. It is the custom and practice of the pharmacy to count the pills by machine directly from the prescription bottle. The prescription bottle, once opened, has an "X" on it and the seal is taken completely off, not partially. It is not the custom and practice to count pills by hand, or pour the pills from a small, rather than a complete, opening from the prescription bottle into the machine. The pills in the bottle are generally shaken directly through a large funnel on top of the machine and are counted as they fall through the machine to the tray below after which they are returned to the bottle. (Ex. 3.) Whether it is the Kirby Lester or the Eyecon, a count is given on the machine's screen.

18. According to Ms. Carter, it was not respondent's job as a typist to fill prescriptions. Even assuming respondent was helping, as she claimed, there was no reason for respondent to access Tramadol that day. There were no pending

prescriptions for Tramadol. If the bottle of Tramadol was found open and without an "X" the pharmacy technician was required to report it to the pharmacist and follow the pharmacist's instructions.

19. Ms. Carter notified the pharmacist-in-charge, Mr. Ty Stout, of her findings when he arrived at her request from the other pharmacy location, and together they viewed the camera footage, which in addition to that submitted as Exhibit 11, showed respondent bending down to pick up the Tramadol from the pharmacy shelf before she brought it to the counter. (Ex. 7.) The additional footage was consistent with the footage submitted. There was no dispute Tramadol 50mg was the bottle respondent was holding and shaking at the counter.

20. On November 30, 2022, Mr. Stout interviewed respondent on the phone with Ms. Carter physically present with respondent. Respondent reviewed the video footage which recorded her from the time she removed the bottle from the shelf and until she left the bottle on the counter after Ms. Carter told her to leave for the day. Respondent questioned whether there was any missing Tramadol and whether there was footage showing nothing was in her hand. She acknowledged the video footage could be misconstrued as having her taking the drug but swore "on her mother's cancer" she did not take anything. (Ex. 8.)

21. Respondent maintained during the interview she pulled the bottle from the shelf to check stock, the bottle was open when she removed the lid, and she did not take any medication. (Ex. 8.)

22. Respondent was placed on administrative leave pending the outcome of the investigation, and later terminated from her position. The pharmacy followed



protocols for reporting the diversion of controlled substances and fully cooperated with the Board.

23. Dr. Stout noted to the Board the bases of his own conclusion respondent diverted Tramadol: shaking tablets into one's hand is not standard practice and we try to "break that habit of any filling technicians we employ"; pills are shaken directly from a stock bottle, into the counting device; and respondent should have extended her arm to count the pills in the Kirby, but never pulled out the counting tray, or returned any counted pills from the counting tray to the stock bottle. Dr. Stout provided the Board the reconciliations for controlled substances. (Ex. 10.)

24. The Board's investigation was conducted by Steven Kyle, PharmD, an experienced investigator who has worked for the Board for nine years and within that time conducted approximately 400 investigations. Dr. Kyle obtained a doctorate in pharmacy in 1996 and has worked for 18 years in retail pharmacy, including ten years as a pharmacist-in-charge (PIC). He testified at hearing without any bias against respondent and reported his conclusions based upon a thorough review of the circumstances and documentation, and his understanding of the governing law and protocols for filling prescriptions and counting medications. His findings were consistent with the underlying evidence presented and were given great weight.

25. Dr. Kyle considered respondent's statements but ultimately did not find them credible. Respondent insisted, as she did during her testimony, she did not take any pills, and that although it was unusual in her position as a typist to "pull" a drug and fill the bottles, it was done. (Ex. 3.) In Dr. Kyle's report, he stated she explained the day prior, November 28, 2022, she was checking the stock for a prescription she was typing and noticed the seal was broken and the bottle was unmarked, but she did not check the count that day. (Respondent testified at hearing she did not first observe it

the day prior but the same day as the video, November 29, 2024.) The next day, November 29, 2022, at closing, as noted by Ms. Carter, she removed the bottle of Tramadol to count if the bottle was full. She did not notify anyone of the unmarked bottle with the broken seal. She generally stopped filling prescriptions in her new job as a typist, but she often would count pills. When she got to the counter, she shook the tablets in her hand before counting them. She further explained at the hearing she often put tablets in her hand first before putting them in the machine so that they would be counted accurately.

26. Respondent testified at the hearing. Respondent insisted she had been honest and was just doing what she thought was right based upon her experience as a filler, not a typist. Respondent maintained she was never told not to perform filling duties and had been helping out in her old position about two-to-three times weekly when other employees were on lunch breaks. Her "instinct" to act as a filler "kicked in that night" and she was just in the wrong place at the wrong time. She had seen the bottle of Tramadol on the shelf and the lid looked askew. She brought it to the counter. It was unclear from her testimony whether she actually had stabbed and ripped the foil before starting to count it by first pouring it in her hand. She did not know why she did not report it to Ms. Carter, but with the foil partially off she was able to pour the pills back into the bottle and screw the lid back on when Ms. Carter approached. (Respondent's testimony.)

27. Respondent maintained she had always been honest with her employer. About two weeks before the incident, she disclosed to Ms. Carter her problems with her roommate who stole from her and also threatened to ruin her job by telling her employers she was stealing. The roommate did not report any theft to the pharmacy. Respondent informed the investigator she had a prescription for 112 tablets per

month for Tramadol she filled at Kaiser and would never take the drug from the pharmacy.

28. Respondent's explanation for counting the Tramadol did not make sense and was not credible when considered with the exhibits and the testimony of complainant's witnesses. There was no evidence respondent was typing or preparing any pending prescription. Respondent's reason to touch the Tramadol by first pouring it into her hands so that it did not pour too quickly was not consistent with the protocols. Although it was true the machine would stop counting if the pills were poured too quickly, looking at the evidence as a whole, respondent had no reason to take it upon herself to count the Tramadol, and there was no evidence she was attempting to use the counting machine. As a typist, without a pending prescription, there was no rationale for her removing a bottle of Tramadol from the shelf to count it. Respondent was clearly operating outside the scope of her responsibilities and pharmacy protocols when she removed an unmarked and partially opened bottle of Tramadol from the shelf and shook the contents of the unmarked bottle with the goal of placing a small amount in her hands. Even if respondent was authorized to count the Tramadol, her rationale for pouring it into her hands instead of directly into the machine did not make sense, i.e., the small opening in the bottle would have prevented the pills from pouring rapidly into the counting machine and stopping the count.

29. Respondent offered to take a drug test which she maintained would confirm she did not take any Tramadol not already prescribed for her. However, there is no evidence such a drug test could confirm the quantity of the Tramadol in her blood, if any is consistent with her prescription.

///

## **Respondent's Mitigation/Rehabilitation Evidence**

30. Respondent has no prior or subsequent history of wrongful acts. Respondent fully cooperated with the Board's investigation. Respondent had obtained other employment as a licensee since she was terminated and maintained she fully disclosed the circumstances of her termination. Respondent was terminated from her last job for attendance issues.

31. Respondent did not provide any employment or character references.

## **Cost Recovery**

32. The Board incurred reasonable costs in the investigation (\$3,150.50) supported by the certification provided by the complainant and the declaration and cost itemization of Anony Ngondara, Supervising Inspector, Board of Pharmacy. (Ex. 13.)

33. The Board incurred reasonable costs of prosecution through January 12, 2024, supported by the declaration of Diana Petikyan (\$9,118.75) (Ex. 13.)

34. The total costs of investigation and prosecution in the amount of \$12,269.25 are reasonable.

35. Respondent is not currently employed and there is no evidence she can afford the costs of investigation and prosecution. Based upon the discipline imposed, respondent will not be able to work as a licensee. As such, to impose any costs of investigation or prosecution would be punitive.

///

///

## LEGAL CONCLUSIONS

### Legal Principles

1. The standard of proof in this proceeding is a preponderance of the evidence. (Evid. Code, § 115.) Preponderance of the evidence means evidence that has more convincing force than that opposed to it. (*Glage v. Hawes Firearms Company* (1990) 226 Cal.App.3d 314, 324.) Complainant bears the burden of proving cause for disciplinary action against respondent's pharmacy technician registration by a preponderance of the evidence. (Evid. Code, § 500.)

2. Pursuant to Business and Professions Code section 4300, subdivision (a), every license issued by the Board may be suspended or revoked.

3. Business and Professions Code section 4301 provides, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct . . . . 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.

[¶ . . . ¶]

(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, . . . any provision or term of this chapter or of the applicable federal or state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

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

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

### **Cause for Disciplinary Action**

6. Respondent is subject to disciplinary action for the First Cause of Discipline (Attempted Diversion of a Controlled Substance) under Business and Professions Code section 4301, subdivision (o), in conjunction with Health and Safety Code section 11173, subdivision (a) for her attempt to divert 25 tablets of Tramadol from a bottle containing 500 tablets by reason of the factual findings 1-28 and the legal conclusions.

7. Respondent is subject to disciplinary action for the Second Cause of Discipline (Unlawful Possession of a Controlled Substance) under Business and

Professions Code section 4301, subdivision (j), in conjunction with Health and Safety Code section 11170 for illegally possessing controlled substances. There was no physical evidence respondent had any pills in her hand from the videotape. However, based upon the entirety of the evidence in factual findings 1-28, and the legal conclusions, complainant met her burden of proof by a preponderance of the evidence, respondent had diverted and possessed 25 tablets of Tramadol from the pharmacy. There was simply no reason for respondent to access the Tramadol just before closing time, remove it from the shelf, bring it to the counter, and shake the bottle from a small opening into her hand.

8. Respondent is subject to disciplinary action for the Third Cause of Discipline (Unprofessional Conduct) under Business and Professions Code section 4301 for engaging in professional conduct for the same reasons supporting the First and Second Causes for Discipline. The preponderance of the evidence established that respondent attempted to divert and did divert 25 tablets of Tramadol while working at the pharmacy.

9. "The purpose of an administrative proceeding concerning the revocation or suspension of a license is not to punish the individual; the purpose is to protect the public from dishonest, immoral, disreputable or incompetent practitioners." (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.)

10. The Board has developed Disciplinary Guidelines (Rev. 2/2017) (Guidelines), which are incorporated by reference in the Board's regulations at California Code of Regulations, title 16, section 1760.

11. The Guidelines classify categories of violations and recommended penalties as Category I, II, III, or IV. The categories are arranged in ascending order

from the least serious (Category I) to the most serious (Category IV), although any single violation in any category, or any combination of violations in one or more categories, may merit revocation. For pharmacy technicians, “the board believes an order of revocation is typically the appropriate penalty when any grounds for discipline are established, and that if revocation is not imposed that a minimum Category III level of discipline should be imposed.” (Guidelines, p. 5.)

12. (A) Category II discipline is recommended for violations “with serious potential for harm, as well as for violations involving disregard for public safety or the laws or regulations pertaining to pharmacy and/or to dispensing or distributing of dangerous drugs and/or dangerous devices or controlled substances, violations that reflect on ethics, competence, or diligence . . . .” (Guidelines, p. 6.) The maximum penalty is revocation, and the minimum penalty is a stayed revocation with three years’ probation. (*Id.*)

(B) Category III discipline is recommended for violations “where potential for harm is greater, more imminent, or more serious than it is for Category II violations, as well as for violations that involve knowingly or willfully violating laws or regulations pertaining to pharmacy and/or to the dispensing or distributing of dangerous drugs and/or dangerous devices or controlled substances . . . .” (Guidelines, p. 7.) The maximum penalty is revocation, and the minimum penalty is a stayed revocation with three to five years’ probation. (*Id.*)

13. The Guidelines set forth factors to be considered in determining the penalty to be imposed in a given case. The factors include: actual or potential harm to the public or any consumer; prior disciplinary record; prior warning(s); number and/or variety of current violations; nature and severity of the acts or offenses under consideration; aggravating evidence; mitigating evidence; rehabilitation evidence; time



passed since the act(s) or offense(s); whether the conduct was intentional or negligent, demonstrated incompetence; and financial benefit to the respondent from the misconduct. (Guidelines, p. 3.)

14. The Guidelines provide that a respondent is permitted to present mitigating circumstances at a hearing and has the burden of demonstrating any rehabilitative or corrective measures he or she has taken. (Guidelines, p. 4.) The respondent must produce "admissible evidence in the form required by law." (*Id.*)

15. Respondent's diversion and possession of 25 Tramadol tablets from the Pharmacy is appropriately classified as a Category II violation, rather than a Category III violation. Respondent's misconduct is serious, but there was no evidence that it rose to the level of posing a risk of greater or more imminent harm to justify classification as a Category III violation. Category II is also more appropriate because it includes violations that reflect on the licensee's ethics. Here, respondent diverted and possessed medications from her employer through deceitful conduct. Respondent repeatedly denied her misconduct, but admitted the video could be interpreted otherwise.

16. Respondent bears the particular burden of establishing rehabilitation sufficient to compel continued licensure. (*In the Matter of Brown* (1993) 2 Cal. State Bar Ct. Rptr. 309.) She failed to meet that burden. This is respondent's first discipline and she fully cooperated with the Board. Respondent's explanations were not persuasive or sufficient to mitigate or excuse her conduct. Respondent's conduct raises concerns about her honesty and trustworthiness to perform the duties authorized by his pharmacy technician registration. Notably, respondent failed to provide any affirmative evidence of her character and trustworthiness as an employee through testimony or character witnesses. (Factual Findings 30-31.)

17. Based on the foregoing, by reason of the factual findings and legal conclusions, the revocation of respondent's pharmacy technician registration is warranted to ensure public protection.

## **Cost Recovery**

18. Pursuant to Business and Professions Code section 125.3, subdivision (a), a licensee found to have committed a violation of the applicable licensing law may be directed to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

19. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45, the California Supreme Court enumerated several factors that a licensing agency must consider when assessing costs. An agency must not assess the full costs where it would unfairly penalize a respondent who has committed some misconduct, but who has used the hearing process to obtain the dismissal of some charges or a reduction in the severity of the penalty; the agency must consider a respondent's subjective good faith belief in the merits of his or her position and whether the respondent has raised a colorable challenge; the agency must consider a respondent's ability to pay; and the agency may not assess disproportionately large investigation and prosecution costs when it has conducted a disproportionately large investigation to prove that a respondent engaged in relatively innocuous misconduct.

20. Cause exists to direct respondent to pay the reasonable cost of investigation and enforcement of this matter pursuant to Business and Professions Code section 125.3. The reasonable cost of the investigation and enforcement of this matter is \$9,118.75. (Factual Findings 32-35.) However, based on respondent's current financial circumstances, and her inability to work as a pharmacy technician after the

revocation of her technician registration, respondent does not have the ability to pay and any requirement she pay as a condition precedent would be punitive. As such, respondent shall not be required to pay the cost recovery and will not be required to pay any cost recovery as a condition precedent to obtaining reinstatement of her revoked registration or issuance of a new registration or license from the Board.  
(Factual Findings 32-35.)

## **ORDER**

Pharmacy Technician Registration Number TCH 159859 issued to respondent Samantha Natalynn Sue Geer, is revoked. Respondent shall relinquish her Technician Registration to the Board within 10 days of the effective date of this decision. Respondent may not reapply or petition the Board for reinstatement of her revoked Technician Registration for three years from the effective date of this decision.

DATE: **02/23/2024**

*Eileen Cohn*

EILEEN COHN

Administrative Law Judge

Office of Administrative Hearings

1 ROB BONTA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 DIANA PETIKYAN  
Deputy Attorney General  
4 State Bar No. 306153  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6193  
6 Facsimile: (916) 731-2126  
E-mail: Diana.Petikyan@doj.ca.gov  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7521

13 **SAMANTHA NATALYNN SUE GEER**  
**8909 Duram Wheat Dr.**  
**Bakersfield, CA 93313**

**ACCUSATION**

14 **Pharmacy Technician Registration No. TCH**  
**159859**

15 Respondent.

16  
17 **PARTIES**

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

20 2. On or about March 27, 2017, the Board of Pharmacy issued Pharmacy Technician  
21 Registration Number TCH 159859 to Samantha Natalynn Sue Geer (Respondent). The Pharmacy  
22 Technician Registration was in full force and effect at all times relevant to the charges brought  
23 herein and will expire on November 30, 2024, unless renewed.

24 **JURISDICTION**

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





1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

3 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

4 13. **Ultram**, a brand name for tramadol. **Tramadol** is an opioid classified by Code of  
5 Federal Regulations, title 21, section 1308.14, subdivision (b)(3) as a Schedule IV controlled  
6 substance. Tramadol is also categorized as a dangerous drug under Business and Professions  
7 Code section 4022, subdivision (a).

8 **FACTUAL ALLEGATIONS**

9 14. On December 20, 2022, the Board received a Report of Theft or Loss of Controlled  
10 Substances Report concerning Respondent from El Tejon Drugs in Bakersfield, CA.

11 15. On or about November 29, 2022, Respondent was captured on El Tejon Drugs  
12 pharmacy surveillance video with a drug bottle in her hand. Respondent was observed removing  
13 the lid of the bottle and shaking the contents of the bottle into her left hand, all while taking note  
14 of her surroundings. At no point did Respondent utilize the pharmacy's pill counting machine or  
15 tray. Respondent subsequently set the bottle down and walked away after she was approached by  
16 her manager (S.C.)

17 16. Thereafter, S.C. inspected the bottle [a 500 count of Tramadol 50mg] and saw that it  
18 did not contain an "x" on the bottle's label – which indicates that an employee had opened the  
19 bottle to fill a prescription. S.C. then opened the bottle and observed the foil cap to be only  
20 slightly opened – which is inconsistent with the pharmacy's practice of completely removing foil  
21 caps. S.C. then conducted a pill count of the bottle's contents on both a Kirby Lester pill  
22 counting machine and an Eyecon vision counting machine, which revealed 475 tablets instead of  
23 the expected full 500 count. S.C. concluded that there was a 25 tablet loss of Tramadol. S.C. also  
24 verified that the pharmacy had no prescriptions for Tramadol 50mg typed recently or remaining  
25 unfilled.

26 17. As a result of the foregoing, El Tejon Pharmacy initiated an internal investigation  
27 which included an audit of Tramadol drug stock, which revealed a shortage of 524 tablets of  
28 Tramadol 50mg from the time period of February 27, 2022 through November 30, 2022 – 25 of

1 which were directly attributed to Respondent. After the investigation concluded, Respondent was  
2 terminated for theft of controlled substances.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Attempted Diversion of a Controlled Substance)**

5 18. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),  
6 in conjunction with Health and Safety Code section 11173, subdivision (a) in that Respondent  
7 attempted to divert a controlled substance. Complainant refers to, and by this reference  
8 incorporates, the allegations set forth above in paragraphs 13 through 16, inclusive, as though set  
9 forth fully herein.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unlawful Possession of a Controlled Substance)**

12 19. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),  
13 in conjunction Code section 4060 and Health and Safety Code section 11170 for illegally  
14 possessing controlled substances. Complainant refers to, and by this reference incorporates, the  
15 allegations set forth above in paragraphs 13 through 16, inclusive, as though set forth fully herein.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 20. Respondent is subject to disciplinary action under Code section 4301, for engaging in  
19 unprofessional conduct. Complainant refers to, and by this reference incorporates, the allegations  
20 set forth above in paragraphs 13 through 16, inclusive, as though set forth fully herein.

21 **PRAYER**

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

24 1. Revoking or suspending Pharmacy Technician Registration Number TCH 159859,  
25 issued to Samantha Natalynn Sue Geer;

26 2. Ordering Samantha Natalynn Sue Geer to pay the Board of Pharmacy the reasonable  
27 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
28 Code section 125.3; and,



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

DATED: 9/13/2023

Sodergren,  
Anne@DCA

Digitally signed by Sodergren,  
Anne@DCA  
Date: 2023.09.13 12:59:36  
-07'00'

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

LA2023601568  
66115233.docx