EDMUND G. BROWN JR.
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
BRIAN S. TURNER
Deputy Attorney General
State Bar No. 108991
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 445-0603
Facsimile: (916) 327-8643
Attorneys for Complainant

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **ANGELA MARIE DAGGETT, A.K.A.** **ANGELA MARIE RIGGS** 5208 N. Angus Fresno, California 93710 Registered Nurse License No. 705525 Respondent.	Case No. 2010-90 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

Registered Nurse License

2. On or about June 25, 2007, the Board of Registered Nursing issued Registered Nurse License Number 705525 to Angela Marie Daggett, also known as Angela Marie Riggs ("Respondent"). The registered nurse license will expire on March 31, 2011, unless renewed. On July 10, 2009, the Board filed a Petition and Memorandum of Points and Authorities in Support of Petition for Interim Suspension Order for Registered Nurse License 748978, Angela Marie

Daggett. Following a hearing on the Petition for Interim Suspension Order, Administrative Law Judge Dian M. Vorters, ordered Respondent's Registered Nurse License Number 748978 suspended, effective August 6, 2009, through the pendency of the disciplinary proceedings. This license number is incorrect and an amendment to the order to insert the correct number will be submitted.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states, in pertinent part:

> The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
>
> (a) Unprofessional conduct....

7. Code section 2762 states, in pertinent part:

> In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:
>
> (a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as

defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.

8. Code section 4060 states, in pertinent part:

No person shall possess any controlled substances, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor....

9. Health and Safety Code section 11173, subdivision (a) provides that 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.

COST RECOVERY

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

11. **DRUGS**

"Alprazolam" is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(1) and a dangerous drug under Code section 4022 in that under federal or state law it requires a prescription.

"Norco" is a combination drug containing hydrocodone bitartrate 10 mg and acetaminophen 325 mg, and is a Schedule III controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4), and is a dangerous drug under Code section 4022 in that under federal or state law it requires a prescription.

///

BACKGROUND

12. Between March 15, 2007, and October 7, 2008, Respondent was employed at Hematology-Oncology Medical Group of Fresno, Inc., ("Group"), first as a clerical staff member and then as a registered nurse. Physicians in the Group included Dr. David Koster.

13. From time to time in the course of the Group's medical practice, employees are issued prescriptions from the physicians if appropriate. The employee is required to maintain a medical chart and record the prescription.

14. On or about October 6 2008, the Group's administrator, Shelly Sonksen ("administrator"), was contacted by a pharmacy technician at Von's Pharmacy in Fresno, California, regarding suspected fraudulent call-in prescriptions for Norco and Alprazolam on behalf of Respondent. The technician identified Dr. Koster as the prescribing physician. Based upon the foregoing, the administrator initiated an internal investigation that revealed evidence that Respondent had used her nursing position to call in prescriptions or to manipulate other Group nurses or staff to call the prescriptions in for her, and/or had conspired with April Noel Dillon, a registered nurse also employed by the Group, to call in prescriptions for each other. As a result of the investigation, Respondent resigned her position with the Group, effective October 7, 2008.

FIRST CAUSE FOR DISCIPLINE

(Obtain and Possess Controlled Substances in Violation of Law; Self-Administration)

15. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct as defined in Code section 2762, subdivision (a), in that between March 15, 2007, and October 7, 2008, while employed as a registered nurse at the Group, Respondent committed the following acts:

a. Respondent obtained large quantities of the controlled substances Norco and Alprazolam for her own use by fraud, deceit, misrepresentation, or subterfuge by calling in her own prescriptions and/or refills and using her registered nurse position to manipulate other Group nurses or staff to call in prescriptions to Von's Pharmacy in Fresno, California, for her in violation of Health and Safety Code section 11173, subdivision (a), as evidenced by Table 1, attached hereto as Exhibit A, and incorporated herein by reference.

b. Respondent possessed large quantities of the controlled substances Norco and Alprazolam without lawful authority, in violation of Code section 4060, as evidenced by Exhibit A, and incorporated herein by reference.

c. Respondent self-administered large quantities of the controlled substances Norco and Alprazolam without lawful authority.

SECOND CAUSE FOR DISCIPLINE
(Use Controlled Substances to an Extent or in a Manner Dangerous or Injurious to Herself or Others)

16. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in that between March 15, 2007, and October 7, 2008, Respondent used the controlled substances Norco and Alprazolam to an extent or in a manner dangerous or injurious to herself or others by ingesting excessive amounts of these controlled substances

THIRD CAUSE FOR DISCIPLINE
(Falsify Prescription)

17. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (e), in that between March 15, 2007, and October 7, 2008, Respondent falsified prescriptions for herself by altering the quantity of pills and/or by ordering refills beyond what was authorized by a physician.

///

///

///

///

///

///

///

///

PRAYER

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

1. Revoking or suspending Registered Nurse License Number 705525, issued to Angela Marie Daggett, also known as Angela Marie Riggs;

2. Ordering Angela Marie Daggett, also known as Angela Marie Riggs to pay the Board of Registered Nursing 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: 8/19/09

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2009311261
10479835.doc