

1 EDMUND G. BROWN JR.
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 ERIN M. SUNSERI
Deputy Attorney General
4 State Bar No. 207031
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2071
7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

Case No. AS-2008-712

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14 **CHRISTINE M. GRIMM**
650 Raymond Street
15 El Cajon, CA 92029
Associate Clinical Social Worker
16 Registration No. ASW 18816

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

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18 Respondent.
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21 FINDINGS OF FACT

22 1. On or about September 17, 2009, Complainant Paul Riches, in his official capacity as
23 the Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs,
24 filed Accusation No. AS-2008-712 against Christine M. Grimm (Respondent) before the Board of
25 Behavioral Sciences.

26 2. On or about August 23, 2005, the Board of Behavioral Sciences (Board) issued
27 Associate Clinical Social Worker Registration No. ASW 18816 to Respondent. The Associate
28 Clinical Social Worker Registration expired on August 31, 2007, and has not been renewed.

1 3. On or about September 23, 2009, Rosita Donovan, an employee of the Department of
2 Justice, served by Certified and First Class Mail a copy of the Accusation No. AS-2008-712,
3 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code
4 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
5 was and is: 650 Raymond Street, El Cajon, CA 92029. A copy of the Accusation is attached as
6 Exhibit A, and is incorporated herein by reference.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c).

9 5. Business and Professions Code section 118 states, in pertinent part:

10 (b) The suspension, expiration, or forfeiture by operation of law of a license
11 issued by a board in the department, or its suspension, forfeiture, or cancellation by
12 order of the board or by order of a court of law, or its surrender without the written
13 consent of the board, shall not, during any period in which it may be renewed,
14 restored, reissued, or reinstated; deprive the board of its authority to institute or
15 continue a disciplinary proceeding against the licensee upon any ground provided by
16 law or to enter an order suspending or revoking the license or otherwise taking
17 disciplinary action against the license on any such ground.

18 6. Government Code section 11506 states, in pertinent part:

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

24 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
25 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No.
26 AS-2008-712.

27 8. California Government Code section 11520 states, in pertinent part:

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

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Exhibit A
Accusation No. AS-2008-712

1 EDMUND G. BROWN JR.
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5 San Diego, CA 92101
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BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**
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12 In the Matter of the Accusation Against:	Case No. AS-2008-712
13 CHRISTINE M. GRIMM	A C C U S A T I O N
14 650 Raymond Street	
14 El Cajon, CA 92029	
15 Associate Clinical Social Worker	
16 Registration No. ASW 18816	
17 Respondent.	

18 Complainant alleges:

19 **PARTIES**

- 20 1. Paul Riches (Complainant) brings this Accusation solely in his official capacity as the
21 Executive Officer of the Board of Behavioral Sciences, Department of Consumer Affairs.
- 22 2. On or about August 23, 2005, the Board of Behavioral Sciences issued Associate
23 Clinical Social Worker Registration Number ASW 18816 to Christine M. Grimm (Respondent).
24 The Associate Clinical Social Worker Registration expired on August 31, 2007, and has not been
25 renewed.

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JURISDICTION

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

4. Section 4996.11 of the Code states that "[t]he board may suspend or revoke the license of any person who is guilty on the grounds set forth in Section 4992.3. The proceedings for the suspension or revocation of licenses under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted in that chapter."

5. Section 118, subdivision (b), of the Code 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.

STATUTORY PROVISIONS

6. Section 4022 of the Code states

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

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

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

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

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

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8. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

9. Section 4992.3 of the Code states:

The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

....

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or 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 applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license, or the conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this subdivision, or any combination thereof. The board shall deny an application for a registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under his or her care.

....

(e) Violating, attempting to violate, or conspiring to violate this chapter or any regulation adopted by the board.

....

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

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1 **REGULATORY PROVISIONS**

2 10. California Code of Regulations, title 16, section 1812:

3 For purposes of denial, suspension, or revocation of a license or registration
4 pursuant to Division 1.5 (commencing with Section 475) of the Code, a crime or act
5 shall be considered to be substantially related to the qualifications, functions or duties
6 of a person holding a license under Chapter 17 of Division 3 and Chapter 4 of Part 3
7 of Division 7 of the Code if to a substantial degree it evidences present or potential
8 unfitness of a person holding a license to perform the functions authorized by his or
9 her license in a manner consistent with the public health, safety or welfare.

10 11. California Code of Regulations, title 16, section 1881 states:

11 The board may suspend or revoke the license of a licensee or may refuse to
12 issue a license to a person who:

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14 (e) Commits any dishonest, corrupt, or fraudulent act which is substantially
15 related to the qualifications, functions or duties of a licensee.

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17 (g) Misrepresents or permits the misrepresentation of his or her professional
18 qualifications, affiliations, or purposes.

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20 **COST RECOVERY**

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

25 **DRUG**

26 13. Vicodin, a brand name for acetaminophen and hydrocodone bitartrate, is a
27 Schedule III controlled substance as designated by Health and Safety Code Section 11056, and is
28 a dangerous drug pursuant to Business and Professions Code section 4022.

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1 20. A forensic document examiner with the San Diego County Sheriff's Department
2 Regional Crime Laboratory conducted an analysis of nine (9) prescriptions and compared the
3 handwritten information with known specimen of Respondent's handwriting. The examiner
4 concluded that the following prescriptions were forged by Respondent:

<u>Prescription No.</u>	<u>Date</u>	<u>Doctor</u>	<u>Description</u>
4083280	8/31/07	Dr. B.G.	Vicodin 5/500; 45 ct. (filled on 9/29/07)
4083731	undated	Dr. R.S.	Vicodin 5/500; 40 ct. (filled on 10/28/07)
4084025	undated	Dr. R.S.	Vicodin 5/500; 45 ct. (filled on 11/16/07)
4084053	undated	Dr. R.S.	Vicodin 5/500; 50 ct. (filled on 11/19/07)
4084118	undated	Dr. R.S.	Vicodin 5/500; 50 ct. (filled on 11/21/07)
4084140	11/22/07	Dr. J.R.	Vicodin 5/500; 45 ct. (filled on 11/23/07)
4084147	11/25/07	Dr. R.S.	Vicodin 5/500; 50 Ct. (filled on 11/25/07)
408418	11/26/07	Dr. J.R.	Vicodin 5/500; 35 ct. (filled on 11/27/07)
4084391	12/10/07	Dr. J.R.	Vicodin 5/500; 45 ct. (filled on 12/10/07)

15 21. In a January 15, 2009 interview with a DOI investigator, Respondent admitted that
16 she forged nine prescriptions for Vicodin using the physician's name, medication information,
17 DEA number, and signature. Respondent stated that following a 2004 traffic collision she had
18 been prescribed various painkillers, however by 2007 the pain was persisting and she needed
19 more medications than were being prescribed by her doctor. Respondent admitted she used her
20 position as a social worker to obtain a blank pad of prescription scripts. Respondent would fill
21 out the prescriptions using the identifying information of physicians she found in patients' charts,
22 and then take the prescriptions to a pharmacy and have them filled.

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FIRST CAUSE FOR DISCIPLINE

(Commission of Dishonest and Fraudulent Acts)

22. Respondent is subject to disciplinary action under section 4992.3, subdivision (j) of the Code, for unprofessional conduct, in conjunction with California Code of Regulations, title 16, section 1881, subdivisions (e) and (g) in that from September to December 2007, Respondent obtained 405 tablets of the controlled substance Vicodin by forging physician information on prescription scripts stolen from her employer as described in paragraphs 14-21, above. Such fraudulent acts are substantially related to the qualifications, functions, and duties of an Associate Clinical Social Worker.

SECOND CAUSE FOR DISCIPLINE

(Illegal Consumption of Controlled Substances)

23. Respondent is subject to disciplinary action under section 4992.3, subdivision (c) of the Code for unprofessional conduct in that from September to December 2007, Respondent admitted consuming the controlled substance Vicodin that Respondent illegally obtained with forged prescriptions as described in paragraph 21, above. Such conduct is substantially related to the qualifications, functions, or duties of an Associate Clinical Social Worker.

THIRD CAUSE FOR DISCIPLINE

(Violation of Statutes & Regulations Adopted by the Board)

24. Respondent is subject to disciplinary action under section 4992.3, subdivision (e) of the Code for unprofessional conduct in that from September to December 2007, Respondent violated Code sections 4059 and 4060, and California Code of Regulations, title 16, section 1881, subdivision (g), when she knowingly and willfully forged physician information on prescription script stolen from her employer to illegally obtain controlled substances, as described in paragraphs 14-21, above. Such conduct is substantially related to the qualifications, functions, or duties of an Associate Clinical Social Worker.

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PRAYER

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

1. Revoking or suspending Associate Clinical Social Worker Registration Number ASW 18816 issued to Christine M. Grimm;
2. Ordering Christine M. Grimm to pay the Board of Behavioral Sciences the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: September 17, 2009



PAUL RICHES
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

SD2009803948