

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 MARICHELLE S. TAHIMIC, State Bar No. 147392  
Deputy Attorney General  
4 110 West "A" Street, Suite 1100  
San Diego, CA 92101  
5  
6 P.O. Box 85266  
San Diego, CA 92186-5266  
Telephone: (619) 645-3154  
7 Facsimile: (619) 645-2061  
8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:  
13 REEM TERESA NASSER  
3121 Morning Way  
14 La Jolla, CA 92037  
15 Pharmacy Technician Registration No. TCH  
69031  
16  
17 Respondent.

Case No. 3312

**A C C U S A T I O N**

18  
19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her  
22 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
23 Affairs.  
24 2. On or about May 2, 2006, the Board of Pharmacy issued Pharmacy  
25 Technician Registration Number TCH 69031 to Reem Teresa Nasser (Respondent). The  
26 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
27 brought herein and will expire on July 31, 2009, unless renewed.

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2 JURISDICTION

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

6 4. Section 4300 of the Code states:

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

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

11 “(1) Suspending judgment.

12 “(2) Placing him or her upon probation.

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

14 “(4) Revoking his or her license.

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

17 “....”

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

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

27 5. Section 118 of the Code states in part:

28 “(b) The suspension, expiration, or forfeiture by operation of law of a license

1 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the  
2 board or by order of a court of law, or its surrender without the written consent of the board,  
3 shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive  
4 the board of its authority to institute or continue a disciplinary proceeding against the licensee  
5 upon any ground provided by law or to enter an order suspending or revoking the license or  
6 otherwise taking disciplinary action against the licensee on any such ground.

7 “(c) As used in this section, ‘board’ includes an individual who is authorized by any  
8 provision of this code to issue, suspend, or revoke a license, and ‘license’ includes ‘certificate,’  
9 ‘registration,’ and ‘permit.’”

10 **STATUTORY PROVISIONS AND REGULATIONS**

11 6. Section 4301 of the Code states:

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  
14 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
15 following:

16 "...

17 "(h) The administering to oneself, of any controlled substance, or the use of any  
18 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or  
19 injurious to oneself, to a person holding a license under this chapter, or to any other person or to  
20 the public, or to the extent that the use impairs the ability of the person to conduct with safety to  
21 the public the practice authorized by the license.

22 "...

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

25 "(k) The conviction of more than one misdemeanor or any felony involving the  
26 use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
27 combination of those substances.

28 "(l) The conviction of a crime substantially related to the qualifications, functions,

1 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
2 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
3 substances or of a violation of the statutes of this state regulating controlled substances or  
4 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
5 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
6 The board may inquire into the circumstances surrounding the commission of the crime, in order  
7 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
8 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
9 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty  
10 or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
11 meaning of this provision. The board may take action when the time for appeal has elapsed, or  
12 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
13 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
14 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a  
15 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,  
16 or indictment.

17 "...."

18 7. Code section 4059(a) provides:

19 "A person may not furnish any dangerous drug, except upon the prescription of a  
20 physician, dentist, podiatrist, optometrist, or veterinarian. A person any not furnish any  
21 dangerous device, except upon the prescription of a physician, dentist, podiatrist, or  
22 veterinarian."

23 8. Code section 4060 provides:

24 "No person shall possess any controlled substance, except that furnished to a  
25 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished  
26 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse  
27 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This  
28 section shall not apply to the possession of any controlled substance by a manufacturer,

1 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse  
2 practitioner, or physician assistant, when in stock in containers correctly labeled with the name  
3 and address of the supplier or producer.

4 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,  
5 or a physician assistant to order his or her own stock of dangerous drugs and devices."

6 9. California Code of Regulations, title 16, section 1770, states:

7 "For the purpose of denial, suspension, or revocation of a personal or facility  
8 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions  
9 Code, a crime or act shall be considered substantially related to the qualifications, functions or  
10 duties of a licensee or registrant if to a substantial degree it evidences present or potential  
11 unfitness of a licensee or registrant to perform the functions authorized by his license or  
12 registration in a manner consistent with the public health, safety, or welfare."

13 10. Section 482 of the Code states:

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

16 "(a) Considering the denial of a license by the board under Section 480; or

17 "(b) Considering suspension or revocation of a license under Section 490.

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

20 11. California Code of Regulations, title 16, section 1769(b) sets forth the  
21 following criteria in evaluating the rehabilitation of a licensee:

22 "When considering the suspension or revocation of a facility or a personal license  
23 on the ground that the licensee or the registrant has been convicted of a crime, the board, in  
24 evaluating the rehabilitation of such person and his present eligibility for a license will consider  
25 the following criteria:

26 "(1) Nature and severity of the act(s) or offense(s).

27 "(2) Total criminal record.

28 "(3) The time that has elapsed since commission of the act(s) or offense(s).

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2 “(4) Whether the licensee has complied with all terms of parole, probation,  
3 restitution or any other sanctions lawfully imposed against the licensee.

4 “(5) Evidence, if any, of rehabilitation submitted by the licensee.”

5 **DRUGS**

6 12. **Cocaine** is a Schedule II controlled substance as designated by Health and  
7 Safety Code section 11055(b)(6), and is a dangerous drug pursuant to Business & Professions  
8 Code section 4022.

9 13. **Marijuana** is a Schedule I controlled substance as designated by Health  
10 and Safety Code section 11054(d)(13), and is a dangerous drug pursuant to Business &  
11 Professions Code section 4022.

12 14. **Triazolam** is a Schedule IV controlled substance as designated by Health  
13 and Safety Code section 11057(d)(30), and is a dangerous drug pursuant to Business &  
14 Professions Code section 4022.

15 **COST RECOVERY**

16 15. Section 125.3 of the Code states, in pertinent part, that the Board may  
17 request the administrative law judge to direct a licentiate found to have committed a violation or  
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
19 and enforcement of the case.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(March 14, 2007 Conviction for DUI on December 13, 2006)**

22 16. Respondent is subject to disciplinary action under Code sections 490 and  
23 4301(l) for unprofessional conduct for the conviction of a crime substantially related to the  
24 qualifications, functions and duties of a registered pharmacy technician in that on March 14,  
25 2007 in *People v. Reem Teresa Nasser*, San Diego Superior Court-North County Division Case  
26 No. CN223297, Respondent was convicted on her guilty plea of driving under the influence of  
27 alcohol with a blood alcohol content of 0.08% or greater, Vehicle Code section 23152(b).

28 17. The circumstances that led to the conviction were that on December 13,

1 2006, a California Highway Patrol officer saw that Respondent's vehicle weaving back and forth  
2 in the number two lane of northbound South Coast Highway south of Encinitas Boulevard and  
3 traveling at 37 mph in a 30-mph zone. As Respondent's vehicle continued to travel north, the  
4 officer observed that Respondent flicked ashes from a lit cigarette out her window. Her vehicle  
5 drove over the solid white line onto the right shoulder by about one foot before swerving back  
6 into lane number two. After the officer made a traffic stop, he saw a blue glass pipe and a plastic  
7 baggie containing marijuana between the two front seats. When the officer asked Respondent  
8 about the marijuana, he detected the odor of alcohol on Respondent and noticed that  
9 Respondent's eyes were red and watery and that her speech was slurred. When she exited her  
10 vehicle, Respondent was unsteady. She did not successfully complete field sobriety tests.  
11 Respondent was brought to the Vista Detention Facility where a breath sample was obtained.  
12 The breath test results were 0.16% and 0.17%. When the officer removed the glass pipe and  
13 marijuana from Respondent's car, the officer also located a green glass pipe on the right front  
14 floorboard of the vehicle.

15 18. Respondent was charged with driving under the influence of alcohol and a  
16 drug (Vehicle Code section 23152(a)), driving with a blood alcohol content of 0.08% or greater  
17 (Vehicle Code section 23152(b)), and possession of marijuana while driving (Vehicle Code  
18 section 23222(b)). On March 14, 2007, Respondent pled guilty to count two, driving with a  
19 blood alcohol content of 0.08% or greater (Vehicle Code section 23152(b)). The other charges  
20 were dismissed.

21 19. Respondent was sentenced to 3 years of summary probation, required to  
22 pay \$1,800 in fines and ordered to complete a First Conviction Program.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct-Use of an Alcoholic Beverage on December 13, 2006)**

25 20. Respondent is subject to disciplinary action under Code section 4301(h)  
26 for unprofessional conduct in that on December 13, 2006, she was driving under the influence of  
27 alcohol with a blood alcohol content of 0.08% or greater, as more fully set forth in paragraphs  
28 16-19 above.

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2 **THIRD CAUSE FOR DISCIPLINE**

3 **(Unlawful Possession of Marijuana on December 13, 2006)**

4 21. Respondent is subject to disciplinary action under Code sections 4301(j)  
5 and 4060 in that on December 13, 2006, Respondent unlawfully possessed marijuana, a  
6 controlled substance, as more fully set forth in paragraphs 16-19 above.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Furnishing Marijuana Without a Prescription on December 13, 2006)**

9 22. Respondent is subject to disciplinary action under Code sections 4301(j)  
10 and 4059(a) for furnishing a controlled substance, marijuana, to herself without a prescription on  
11 December 13, 2006, as more fully set forth in paragraphs 16-19 above.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 **(April 6, 2007 Conviction for Possession of Cocaine and DUI on March 18, 2007)**

14 23. Respondent is subject to disciplinary action under Code sections 490 and  
15 4301(l) for unprofessional conduct for the conviction of a crime substantially related to the  
16 qualifications, functions and duties of a registered pharmacy technician in that on April 6, 2007  
17 in *People v. Reem Teresa Nasser*, San Diego Superior Court-North County Division Case No.  
18 CN226691, Respondent was convicted on her guilty plea to possession of a controlled substance  
19 and driving under the influence of alcohol with alcohol content of 0.08% or greater, Vehicle  
20 Code section 23152(b).

21 24. The circumstances that led to the conviction are that on March 18, 2007,  
22 at about 0018 hours, a California Highway Patrol Officer was traveling westbound on Carlsbad  
23 Village Drive in Carlsbad, California. The officer's attention was drawn to the Respondent's  
24 vehicle behind him because its high beam headlights were shining in the officer's rear view  
25 mirror but only one of the low beam headlights was on. The officer changed lanes and allowed  
26 the Respondent's vehicle to pass him. The officer initiated a traffic stop. As Respondent's  
27 vehicle pulled over to the right, its tires struck the raised curb. As the officer approached  
28 Respondent's car, he saw Respondent shove a purse under the driver's seat. The officer smelled



1 the odor of alcohol and marijuana from the car. Respondent explained that her high beams were  
2 on because one of her head lights was out. She was not able to locate her driver's license and  
3 began looking around her car and moving papers around while her left hand was still shoving her  
4 purse under her seat. The officer asked Respondent if her license was in the purse partially  
5 under her seat. Respondent stated, "No, it's not in that purse. I have two purses and it's in the  
6 other one." Respondent denied having consumed any alcohol or marijuana. When the officer  
7 advised Respondent that he could smell marijuana, Respondent begged the officer to simply  
8 write a "fix-it" ticket. After Respondent exited the car, the officer noted her unsteady gait, her  
9 red eyes, the odor of burnt marijuana and her slurred speech.

10           25. The officer administered field sobriety tests which Respondent failed. The  
11 officer administered breath tests with results of 0.124% and 0.115%. Respondent was  
12 subsequently arrested. Respondent refused to allow the officer to place handcuffs around her  
13 wrists. Respondent twisted to her left and stiffened her arms. Other officers came to assist when  
14 Respondent continued to struggle with the arresting officers.

15           26. While searching Respondent, the officer found a folded piece of paper in  
16 her left rear pocket with a substance that appeared to be cocaine. Respondent screamed from the  
17 back seat of the patrol car that it was not hers. The officer found a multicolored glass marijuana  
18 pipe in the purse Respondent was trying to shove under the driver's seat. Respondent denied the  
19 pipe was hers. The officer also found a non-prescription bottle with 12 pills, later identified as  
20 Triazolam. Respondent denied the pills were hers, stating there were other girls in the car that  
21 night. The officer also located an Interim California Driver's License authorizing Respondent to  
22 drive only to and from work or to and from a treatment program. It was issued five days before,  
23 on March 13, 2007. Respondent had previously admitted she was coming from her boyfriend's  
24 house in Oceanside and was going to her friend's house in Carlsbad.

25           27. After chemical testing, it was determined that the folded piece of paper  
26 found in Respondent's left pocket contained cocaine. The multi-colored marijuana pipe  
27 contained some marijuana in its bowl, approximately 94.5 grams including the pipe.

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2 28. Respondent was charged with:

3 a. possession of a controlled substance, cocaine, in violation of Health and  
4 Safety Code section 11350(a), a felony;

5 b. driving under the influence of alcohol/drugs with a prior DUI conviction  
6 within 10 years in violation of Vehicle Code section 23152(a);

7 c. driving while having a blood alcohol content of 0.08% or greater with a  
8 prior DUI conviction within 10 years in violation of Vehicle Code section 23152(b);

9 d. resisting an officer in violation of Penal Code section 148(a)(1);

10 e. possession of a designated controlled substance, triazolam, in violation of  
11 Health and Safety Code section 11375(b)(2);

12 f. driving with a suspended license for a prior DUI conviction in violation of  
13 Vehicle Code section 14601.2(a);

14 g. driving with a suspended license for test refusal in violation of Vehicle  
15 Code section 14601.5(a);

16 h.. possession of marijuana while driving a motor vehicle in violation of  
17 Vehicle Code section 23222(b).

18 29. On April 6, 2007, Respondent was convicted on her plea of guilty to the  
19 first and third charges, possession of a controlled substance, cocaine, in violation of Health and  
20 Safety Code section 11350(a), and driving while having a blood alcohol content of 0.08% or  
21 greater with a prior DUI conviction within 10 years in violation of Vehicle Code section  
22 23152(b), respectively. The other charges were dismissed.

23 30. Respondent was sentenced to 3 years of formal probation, required to  
24 serve 96 hours in jail, required to pay \$2,929 in fines and fees, and to complete a 20-day public  
25 service program.

26 **SIXTH CAUSE FOR DISCIPLINE**

27 (Unprofessional Conduct-Use of Alcohol on March 18, 2007)

28 31. Respondent is subject to disciplinary action under Code section 4301(h)

1 for unprofessional conduct in that on March 18, 2007, she was driving under the influence of  
2 alcohol with a blood alcohol content of 0.08% or greater, as more fully set forth in paragraphs  
3 23-30 above.

4 **SEVENTH CAUSE FOR DISCIPLINE**

5 **(Unlawful Possession of Controlled Substances on March 18, 2007)**

6 32. Respondent is subject to disciplinary action under Code sections 4301(j)  
7 and 4060 in that on March 18, 2007, Respondent unlawfully possessed marijuana, cocaine and  
8 triazolam, all controlled substances, as more fully set forth in paragraphs 23-30, above.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Furnishing Controlled Substances Without a Prescription on March 18, 2007)**

11 33. Respondent is subject to disciplinary action under Code sections 4301(j)  
12 and 4059(a) for furnishing controlled substances to herself, specifically marijuana, cocaine and  
13 triazolam, without a prescription on March 18, 2007, as more fully set forth in paragraphs 23-30.

14 **NINTH CAUSE FOR DISCIPLINE**

15 **(Violation of Laws on March 18, 2007)**

16 34. Respondent is subject to disciplinary action under Code section 4301(j)  
17 for violating Health and Safety Code section 11350(a), possession of controlled a substance,  
18 cocaine, and Vehicle Code section 23152(b), driving under the influence of alcohol with a blood  
19 alcohol content of 0.08%.or greater, as more fully set forth in paragraphs 23-30.

20 **TENTH CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct-Multiple Convictions Involving Consumption of**  
22 **Alcoholic Beverages)**

23 35. Respondent is subject to disciplinary action under Code section 4301(k)  
24 for unprofessional conduct in that on March 14, 2007 and on April 6, 2007, Respondent was  
25 convicted of driving under the influence of alcohol with a blood alcohol content of 0.08% or  
26 greater.

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2 PRAYER

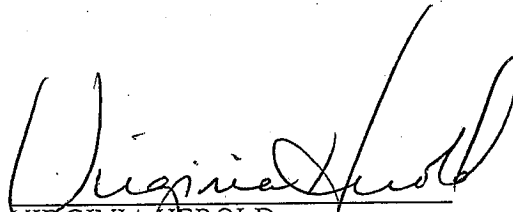
3 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
4 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

5 1. Revoking or suspending Pharmacy Technician Registration Number TCH  
6 69031, issued to Reem Teresa Nasser.

7 2. Ordering Reem Teresa Nasser to pay the Board of Pharmacy the  
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
9 Professions Code section 125.3;

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

11  
12 DATED: 6/12/09



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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