

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KENT D. HARRIS
Deputy Attorney General
4 State Bar No. 144804
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-7859
Facsimile: (916) 327-8643
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. 3608

13 **JANA RICHELLE OWEN**
P.O. Box 492709
Redding, California 96049

A C C U S A T I O N

14 **Pharmacy Technician Registration Number**
TCH 14407

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about November 8, 1994, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 14407 to Jana Richelle Owen (Respondent). The license was in full
23 force and effect at all times mentioned herein and will expire on October 31, 2010, unless
24 renewed.

25 **JURISDICTION**

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

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

4. Section 4300 of the Code states in pertinent part:

"(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.

...

"(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 4301 of the Code states in pertinent part:

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

"(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

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

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

...

"(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.

6. Section 4059 of the Code states in pertinent part:

"(a) 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."

7. Section 4060 of the Code states in pertinent part:

"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..."

8. Section 125.3 of the Code states, 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.

9. Health & Safety Code section 11170 states:

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

CONTROLLED SUBSTANCES/DANGEROUS DRUGS

10. **Hydrocodone/Acetaminophen**, also known by the brand names "Vicodin", "Lortab", Norco", and "Lorcet" is an analgesic for the control of pain, and is a Schedule III Controlled Substance pursuant to Health & Safety Code section 11056(e).

11. **Alprazolam**, also known by the brand name "Xanax" is an anti-anxiety medication and a Schedule IV Controlled Substance pursuant to Health & Safety Code section 11057(d)(1).

12. **Citalopram**, also known by the brand name "Celexa" is an anti-depressant and a dangerous drug pursuant to Business and Professions Code section 4022.

1 13. **Promethazine 25mg**, also known by the brand name “Phenergan 25mg” is an anti-
2 nausea medication and a dangerous drug pursuant to Business and Professions Code section 4022.

3 14. **Conjugated Estrogens**, also known by the brand name “Premarin 0.3mg” is a
4 hormone and a dangerous drug pursuant to Business and Professions Code section 4022.

5 15. **Sumatriptan**, also known by the brand name “Imitrex 100mg” is a medication for the
6 treatment of migraines and a dangerous drug pursuant to Business and Professions Code section
7 4022.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Corrupt Acts--Fraudulently Processing Prescriptions for Controlled Substances)**

10 16. Respondent is subject to disciplinary action under section 4301(f) for unprofessional
11 conduct in that while employed as a pharmacy technician at Longs Drugs #9979 in Redding,
12 California, she processed numerous fraudulent refills/prescriptions for controlled substances and
13 dangerous drugs for her own use. The circumstances are as follows:

14 17. Between the dates of March 9, 2005 and February 20, 2009, respondent processed
15 fraudulent prescription refills for herself on numerous occasions and in total amounts as follows:

- 16 a. Hydrocodone/Acetaminophen: Four prescriptions for a total of 120 dosage
17 units.
- 18 b. Alprazolam: Three prescriptions for a total of 180 dosage units.
- 19 c. Citalopram: Six prescriptions for a total of 180 dosage units.
- 20 d. Promethazine 25mg: One prescription for a total of 30 dosage units.
- 21 e. Sumatriptan 100mg: Ten prescriptions for a total of 90 dosage units.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unlawful Misrepresentation--False Statement on a Prescription Order)**

24 18. Respondent is subject to disciplinary action under section 4301(g) for unprofessional
25 conduct in that she produced and processed the fraudulent refill/prescription documentation as set
26 forth in paragraphs 16 and 17 above.

27 ///

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Furnishing Controlled Substances and Dangerous Drugs Without a Prescription)**

3 19. Respondent is subject to disciplinary action under sections 4059(a), 4301(j) and 4301
4 (o), in conjunction with Health and Safety Code section 11170, in that she furnished controlled
5 substances and dangerous drugs to herself without a valid prescription, as set forth in paragraphs
6 16 and 17 above.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Unlawful Possession of Controlled Substances)**

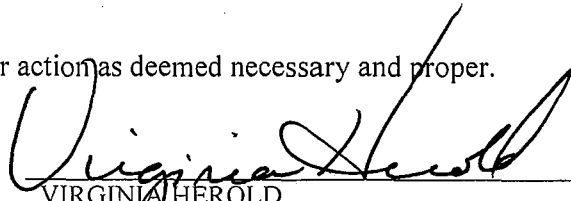
9 20. Respondent is subject to disciplinary action under section 4060 in conjunction with
10 Health and Safety Code section 11350 in that she unlawfully possessed controlled substances
11 without a valid prescription as set forth in paragraphs 16 and 17 above.

12 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 14407,
16 issued to Jana Richelle Owen.
- 17 2. Ordering Jana Richelle Owen to pay the Board of Pharmacy the reasonable costs of
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 4/15/10

22 
23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant

26 SA2010100741
27 10549502.doc