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

11
12 In the Matter of the Accusation Against:
13 **CAMMIE LEE QUINN**
14 **1535 Suerior Avenue #11**
Newport Beach, CA 92663
15 **Pharmacy Technician Registration No. TCH**
16 **98152**
17 Respondent.

Case No. 3991

A C C U S A T I O N

18
19 Complainant alleges:

20 **PARTIES**

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

23 2.ee On or about January 12, 2010, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 98152 to Cammie Lee Quinn (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on January 31, 2012, unless renewed.

1 **JURISDICTION**

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

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

9 5. Section 4300, subdivision (a) of the Code states in pertinent part, "every license
10 issued may be suspended or revoked."

11 **STATUTORY PROVISIONS**

12 6. Section 4060 of the Code states:

13 No person shall possess any controlled substance, except that furnished to a
14 person upon the prescription of a physician, dentist, podiatrist, optometrist,
15 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
16 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
17 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant
18 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a
19 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)
20 of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This
21 section shall not apply to the possession of any controlled substance by a
22 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
23 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
24 practitioner, or physician assistant, when in stock in containers correctly labeled
25 with the name and address of the supplier or producer.

26 Nothing in this section authorizes a certified nurse-midwife, a nurse
27 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own
28 stock of dangerous drugs and devices.

7. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of
unprofessional conduct or whose license has been procured by fraud or
misrepresentation or issued by mistake. Unprofessional conduct shall include, but
is not limited to, any of the following:

.....

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

3

4 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
5 abetting the violation of or conspiring to violate any provision or term of this
6 chapter or of the applicable federal and state laws and regulations governing
7 pharmacy, including regulations established by the board or by any other state or
8 federal regulatory agency.

9

10 8. Health and Safety Code section 11377(a) states:

11 Except as authorized by law and as otherwise provided in subdivision (b) or
12 Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of
13 Division 2 of the Business and Professions Code, every person who possesses any
14 controlled substance which is (1) classified in Schedule III, IV, or V, and which is
15 not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except
16 paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph
17 (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of
18 subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of
19 Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or
20 veterinarian, licensed to practice in this state, shall be punished by imprisonment
21 in a county jail for a period of not more than one year or in the state prison.

22 COST RECOVERY

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

27 DRUG

28 10. Suboxone, a brand name for buprenorphine and naloxone, is a Schedule V controlled
substance as designated by Health and Safety Code section 11058(d), and is a dangerous drug
pursuant to Business & Professions Code section 4022. Suboxone is used to treat opiate
addiction.

FACTUAL ALLEGATIONS

11. On or about October 24, 2010 at approximately 11:33 p.m., an officer from the
Newport Beach Police Department observed a vehicle in the number two lane start to make a
right hand turn from the right-turn only lane, but then instead of turning, the driver continued to

1 drive straight. The officer also observed the vehicle cross quickly over the painted marks on the
2 road, and the driver's side tires cross into the opposite traffic lane several times. The officer then
3 initiated a traffic stop of the vehicle and identified Respondent as the driver. When the officer
4 approached the vehicle, he smelled a burned marijuana odor coming from the vehicle. The
5 officer asked Respondent and her two passengers if they had anything illegal in the vehicle. All
6 three individuals responded stated, "no." The officer observed that Respondent had constricted
7 pupils consistent with being under the influence of opiates, and that her passengers had watery
8 and bloodshot eyes consistent with smoking marijuana. Respondent consented to a vehicle
9 search, exited the vehicle and placed her purse on the driver's seat.

10 12. The officer searched the vehicle and Respondent's purse. The officer discovered
11 flakes of marijuana on the rear-passenger floor and remnants of a burnt marijuana cigarette under
12 the driver's seat. In Respondent's purse, the officer discovered a plastic pill container (that also
13 worked as a pill crusher/cutter) that contained half of an 80 mg Oxycontin pill, two ink pen
14 sleeves with a yellow/brown residue inside and on the outer edges and one with an outer edge of
15 black residue, and a medication bottle labeled Suboxone (without any identifying information on
16 the partially-torn label) with 15 whole and 4 half Suboxone pills inside.

17 13. The officer asked Respondent what medications she was prescribed. Respondent
18 stated that she was prescribed Oxycontin and Suboxone. The officer asked Respondent if she
19 smoked her Oxycontin and she stated, "sometimes I do." Respondent also admitted that she had
20 been prescribed Oxycontin for 4 years and that she took Suboxone to counter the effects of the
21 Oxycontin withdrawal. She stated that she commutes to Tustin for her Oxycontin refills because
22 most pharmacies do not dispense the crushable form, however, the Tustin pharmacy she goes to
23 dispenses the crushable pill.

24 14. The officer asked Respondent if she was currently prescribed Suboxone, to which
25 Respondent replied, "I was." Respondent then informed the officer that her boyfriend obtained a
26 prescription for Suboxone and provided her with the pills in order to assist her with withdrawals
27 of Oxycontin use. Respondent admitted that the pills currently possessed in the bottle were the
28

1 one's provided by her boyfriend. The officer then placed Respondent under arrest for violation
2 of Health and Safety Code section 11377(a), possession of a controlled substance.

3 15. The officer then asked Respondent again where she obtained the Suboxone.
4 Respondent stated, "from the doctor." The officer asked Respondent what doctor had she
5 obtained them from and Respondent stated, "I'm not sure the name, my boyfriend got it for me."
6 Respondent admitted that she did not possess a valid prescription for Suboxone. Respondent then
7 stated that her boyfriend provided her with the pills, that she was previously prescribed Suboxone
8 by a doctor approximately 3 months prior but she was unable to provide any information about
9 the doctor.

10 16. Respondent did not fill a prescription for Suboxone from January 1, 2007 through
11 December 31, 2010.

12 **FIRST CAUSE FOR DISCIPLINE**

13 (Unprofessional Conduct – Violating Laws Regulating Controlled Substances)

14 17. Respondent is subject to disciplinary action for unprofessional conduct under section
15 4301(j) of the Code in that Respondent possessed a controlled substance, Suboxone, without a
16 valid prescription in violation of the California Uniform Controlled Substances Act (Health and
17 Safety Code Sections 11000, et. Seq.), as evidenced by her admissions set forth in paragraphs 11-
18 16 above, incorporated herein by reference.

19 **SECOND CAUSE FOR DISCIPLINE**

20 (Unprofessional Conduct – Violation of Chapter)

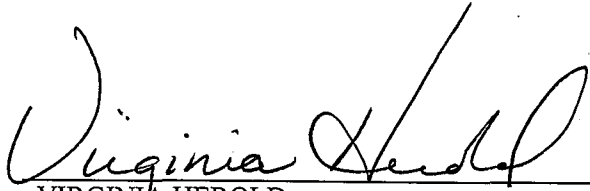
21 18. Respondent is subject to disciplinary action for unprofessional conduct under section
22 4301(o) of the Code, in that Respondent violated the Pharmacy Act by illegally possessing a
23 controlled substance in violation of Code section 4060, and by violating Health and Safety Code
24 section 11377(a), as evidenced by her admissions set forth in paragraphs 11-16 above,
25 incorporated herein by reference.

26 **PRAAYER**

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

- 1 1. Revoking or suspending Pharmacy Technician Registration Number TCH 98152,
2 issued to Cammie Lee Quinn;
3 2. Ordering Cammie Lee Quinn to pay the Board of Pharmacy the reasonable costs of
4 the investigation and enforcement of this case, pursuant to Business and Professions Code section
5 125.3;
6 3. Taking such other and further action as deemed necessary and proper.

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8
9 DATED: 4/5/11



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

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