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

11 In the Matter of the Accusation Against:

Case No. 4754

12 **JANICE T. MESUNAS**
13 **AKA JANICE TOLENTINO MESUNAS,**
AKA JANICE BONGOLAN MACASIO
14 **8586 Theodore Avenue**
Sacramento, CA 95828

A C C U S A T I O N

15 **Pharmacy Technician Registration No.**
16 **TCH 111771**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about December 27, 2011, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 111771 to Janice T. Mesunas, also known as (aka) Janice Tolentino
24 Mesunas, aka Janice Bongolan Macasio (Respondent). The Pharmacy Technician license was in
25 full force and effect at all times relevant to the charges brought here. The license expired on May
26 31, 2013, and has not been renewed.

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JURISDICTION

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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 4300 of the Code states in pertinent part:

6 "(a) Every license issued may be suspended or revoked.

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

10 "(1) Suspending judgment.

11 "(2) Placing him or her upon probation.

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

13 "(4) Revoking his or her license.

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

16 5. Section 4300.1 of the Code states:

17 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
18 of law or by order or decision of the board or a court of law, the placement of a license on a
19 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
20 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
21 against, the licensee or to render a decision suspending or revoking the license."

22 6. Section 4301 of the Code states in pertinent part:

23 "The board shall take action against any holder of a license who is guilty of unprofessional
24 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

25 Unprofessional conduct shall include, but is not limited to, any of the following:

26 "..."

27 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
28 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to

1 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
2 to the extent that the use impairs the ability of the person to conduct with safety to the public the
3 practice authorized by the license.

4 "...

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

22 "...

23 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
24 violation of or conspiring to violate any provision or term of this chapter or of the applicable
25 federal and state laws and regulations governing pharmacy, including regulations established by the
26 board or by any other state or federal regulatory agency..."

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Notify Board of Change in Name)**

3 12. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 section 4301, subdivision (o), for violation Code section 4100, subdivision (a) and failing to notify
5 the Board of Pharmacy of a change in legal name. The circumstances are that when Respondent
6 was arrested as described in paragraph 10, above, she was identified by her California Driver's
7 License under the name Janice Bongolan Macasio. Respondent is licensed under the name Janice
8 T. Mesunas.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Violation of Laws of Pharmacy)**

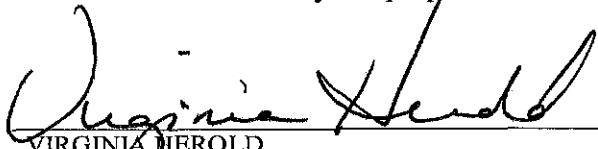
11 13. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
12 section 4301, subdivision (o), in that Respondent has violated the laws governing pharmacy as
13 described in paragraphs 9-12, above.

14 **PRAYER**

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 111771,
- 18 issued to Janice T. Mesunas aka Janice Janice Tolentino Mesunas, aka Janice Bongolan Macasio;
- 19 2. Ordering Janice T. Mesunas aka Janice Janice Tolentino Mesunas, aka Janice
- 20 Bongolan Macasio to pay the Board of Pharmacy the reasonable costs of the investigation and
- 21 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 3/12/14



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

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