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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4884

11 **JACQUELINE CHEUN TOY WONG**  
12 **452 35<sup>th</sup> Avenue**  
13 **San Francisco, CA 94121**

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

14 **Pharmacy Technician Registration No.**  
15 **TCH 49473**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about June 6, 2003, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 49473 to Jacquelyn Cheun Toy Wong (Respondent). The Registration  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 February 28, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
28 Consumer Affairs, under the authority of the following laws. All section references are to the

1 Business and Professions Code unless otherwise indicated.

2 4. Section 4011 of the Code provides that the Board shall administer and enforce both  
3 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
4 Act [Health & Safety Code, § 11000 et seq.].

5 5. Section 4300 of the Code provides that every license issued by the Board may be  
6 suspended or revoked.

7 **STATUTORY AND REGULATORY PROVISIONS**

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

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

12 ...

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

18 ...

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

21 ...

22 7. California Code of Regulations, title 16, section 1770, states:

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

**CONTROLLED SUBSTANCES**

8. Section 4021 of the Code states:

"Controlled substance" means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

9. Section 4022 of the Code states:

"Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use, except veterinary drugs that are labeled as such, 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.

10. 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.

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

1 devices."

2 **COST RECOVERY**

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

7 **FIRST CAUSE FOR DISCIPLINE**

8 (Dangerous Use of Drugs and/or Alcohol)

9 12. Respondent is subject to disciplinary action under Code section 4301, subsection (h),  
10 in that she administered to herself, or used, controlled substances and/or alcoholic beverages to  
11 the extent or in a manner as to be dangerous or injurious to herself, to a person holding a license  
12 or registration under this chapter, or to any other person or to the public, and/or to the extent that  
13 the use impaired the her ability to conduct with safety to the public the practice authorized by her  
14 registration, as follows:

15 13. On or about January 29, 2013, in San Francisco, California, Respondent drove a  
16 vehicle while substantially impaired by, and while under the influence of, Carisoprodol, also  
17 known as Soma, a controlled substance and dangerous drug. Witnesses observed Respondent  
18 driving erratically, nearly hitting other vehicles. Police officers detained Respondent and, based  
19 on observation of Respondent, determined that she was under the influence of a drug.  
20 Respondent admitted to the officers that she had recently ingested Soma. Respondent had sixteen  
21 Soma tablets in her purse. Respondent did not have a prescription for Soma.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Unlawful Possession and Use of Drugs)

24 14. Respondent is subject to disciplinary action under section 4301, subsection (j), in that  
25 she violated state statutes regulating possession and use of controlled substances and dangerous  
26 drugs by possessing and using Soma, in violation of Code sections 4051 and 4060 and in  
27 violation of Health and Safety Code sections 11350, 11377 and 11550, as described above in  
28 paragraph 13.

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**PRAYER**

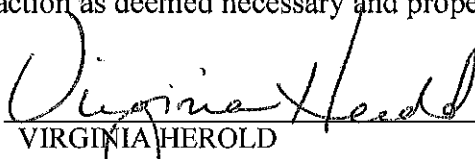
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending pharmacy technician registration number TCH 49473, issued to Jacquelyn Cheun Toy Wong;

2. Ordering Jacquelyn Cheun Toy Wong to pay the Board of Pharmacy 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: 5/28/15



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