

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-5794  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4992

13 **JERYLL ANN REYES SAUL**  
4061 W. 138th Street #25  
14 Hawthorne, CA 95346

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

15 Pharmacy Technician Registration No. TCH 95346

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 (Board).

22 2. On or about October 27, 2009, the Board issued Pharmacy Technician Registration  
23 No. TCH 95346 to Jeryll Ann Reyes Saul (Respondent). The Pharmacy Technician Registration  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 May 31, 2015, unless renewed.

26 **JURISDICTION**

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

**STATUTORY PROVISIONS**

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2       4.     Section 4059, subdivision (a), states:

3           “A person may not furnish any dangerous drug, except upon the prescription of a physician,  
4 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A  
5 person may not furnish any dangerous device, except upon the prescription of a physician, dentist,  
6 podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.”

7       5.     Section 4060 states:

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

19           “Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
20 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and  
21 devices.”

22       6.     Section 4300, subdivision (a), states that “[e]very license issued may be suspended or  
23 revoked.”

24       7.     Section 4300.1 states:

25           “The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
26 operation of law or by order or decision of the board or a court of law, the placement of a license  
27 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board

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1 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
2 proceeding against, the licensee or to render a decision suspending or revoking the license.”

3 8. Section 4301 states, in pertinent part:

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

7 . . . .

8 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
9 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
10 whether the act is a felony or misdemeanor or not.

11 . . . .

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

14 . . . .

15 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
16 duties of a licensee under this chapter. . . .

17 . . . .

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

22 **REGULATORY PROVISION**

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

24 "For the purpose of denial, suspension, or revocation of a personal or facility license  
25 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
26 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
27 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
28

1 licensee or registrant to perform the functions authorized by his license or registration in a manner  
2 consistent with the public health, safety, or welfare."

3 **COST RECOVERY**

4 10. Section 125.3 provides that the Board may request the administrative law judge to  
5 direct a licentiate found to have committed a violation or violations of the licensing act to pay a  
6 sum not to exceed the reasonable costs of the investigation and enforcement of the case, with  
7 failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a  
8 case settles, recovery of investigation and enforcement costs may be included in a stipulated  
9 settlement.

10 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

11 11. Amoxicillin is categorized as a dangerous drug pursuant to section 4022.

12 12. Hydrocodone, with trade names of Lortab, Norco and Vicodin, is a Schedule III  
13 controlled substance pursuant to Health and Safety Code section 11056(e)(4), and is categorized  
14 as dangerous drug pursuant to section 4022.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Conviction of a Substantially Related Crime)**

17 13. Respondent is subject to disciplinary action under sections 4300 and 4301,  
18 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
19 grounds of unprofessional conduct, in that Respondent committed a substantially related crime, as  
20 follows:

21 a. On or about October 27, 2014, after pleading nolo contendere, Respondent was  
22 convicted of one interlineated misdemeanor count violating Penal Code section 484(a) [theft] in  
23 the criminal proceeding entitled *The People of the State of California v. Jeryll Ann Saul* (Super.  
24 Ct. L.A. County, 2014, No. 4SY04355). The Court sentenced Respondent to one day in jail,  
25 placed her on three years probation, and ordered her to stay out of all Walgreens.

26 b. The circumstances underlying the conviction are that on or about September 5, 2013,  
27 while working as an employee of Walgreens as a pharmacy technician, Respondent admittedly  
28

1 stole 20 \$25 Walgreens gift cards (\$500), approximately five 500 pill bottles of Hydrocodone  
2 (2,500 pills), and approximately 20 pills of Amoxicillin.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unlawful Possession of Controlled Substances/Dangerous Drugs)**

5 14. Respondent is subject to disciplinary action under section 4300, 4301, subdivision (j)  
6 and / or (o), on the grounds of unprofessional conduct, for violating sections 4059 and 4060, in  
7 that on or about and before September 5, 2013, Respondent admitted to taking Hydrocodone and  
8 Amoxicillin, without valid prescriptions. Complainant refers to and by this reference incorporates  
9 the allegations set forth above in paragraph 13, subparagraphs (a) and (b), inclusive, as though set  
10 forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

13 15. Respondent is subject to disciplinary action under sections 4300 ad 4301,  
14 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
15 involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by  
16 this reference incorporates the allegations set forth above in paragraphs 13 through 14, inclusive,  
17 as though set forth fully.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacy Technician Registration No. TCH 95346, issued to  
22 Jeryll Ann Reyes Saul;

23 2. Ordering Jeryll Ann Reyes Saul to pay the Board the reasonable costs of the  
24 investigation and enforcement of this case, pursuant to section 125.3; and

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

DATED: 4/24/15

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

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