

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 5126

13 **JEREEN MISSOURI**
1728 Horizon Heights Circle
14 El Cajon, CA 92019

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH 130444**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 22 2. On February 11, 2013, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 130444 to Jereen Missouri (Respondent). Respondent has also been
24 known as Jereen Abdulwahab and Jereen Hishiar Abdulwahab. The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on December 31, 2014, unless renewed.

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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 (Code) unless otherwise indicated.

5 4. Section 4300, subdivision (a), of the Code provides that every license issued by the
6 Board may be suspended or revoked.

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued
9 license by operation of law or by order or decision of the board or a court of law,
10 the placement of a license on a retired status, or the voluntary surrender of a
11 license by a licensee shall not deprive the board of jurisdiction to commence or
12 proceed with any investigation of, or action or disciplinary proceeding against, the
13 licensee or to render a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Section 482 of the Code states:

14 Each board under the provisions of this code shall develop criteria to
15 evaluate the rehabilitation of a person when:

16 (a) Considering the denial of a license by the board under Section 480; or

17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation
19 furnished by the applicant or licensee.

20 7. Section 492 of the Code states:

21 Notwithstanding any other provision of law, successful completion of any
22 diversion program under the Penal Code, or successful completion of an alcohol
23 and drug problem assessment program under Article 5 (commencing with Section
24 23249.50) of Chapter 12 of Division 11 of the Vehicle Code, shall not prohibit
25 any agency established under Division 2 (commencing with Section 500) of this
26 code, or any initiative act referred to in that division, from taking disciplinary
27 action against a licensee or from denying a license for professional misconduct,
28 notwithstanding that evidence of that misconduct may be recorded in a record
pertaining to an arrest. This section shall not be construed to apply to any drug
diversion program operated by any agency established under Division 2
(commencing with Section 500) of this code, or any initiative act referred to in
that division.

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1 8. Section 4022 of the Code states

2 "Dangerous drug" or "dangerous device" means any drug or device unsafe
3 for self-use in humans or animals, and includes the following:

4 (a) Any drug that bears the legend: "Caution: federal law prohibits
5 dispensing without prescription," "Rx only," or words of similar import.

6 (b) Any device that bears the statement: "Caution: federal law restricts
7 this device to sale by or on the order of a _____," "Rx only," or words of
8 similar import, the blank to be filled in with the designation of the practitioner
9 licensed to use or order use of the device.

10 (c) Any other drug or device that by federal or state law can be
11 lawfully dispensed only on prescription or furnished pursuant to Section 4006.

12 9. Section 4060 of the Code states

13 No person shall possess any controlled substance, except that furnished to
14 a 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, a physician assistant
18 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
19 pharmacist pursuant to either Section 4052.1 or 4052.2. This section shall not
20 apply to the possession of any controlled substance by a manufacturer,
21 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
22 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or
23 physician assistant, when in stock in containers correctly labeled with the name
24 and address of the supplier or producer.

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

28 10. 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:

.....

(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.

.....

(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

1 pharmacy, including regulations established by the board or by any other state or
2 federal regulatory agency.

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4 11. Health & Safety Code (HSC) section 11350 states:

5 a) Except as otherwise provided in this division, every person who
6 possesses (1) any controlled substance specified in subdivision (b) or (c), or
7 paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14),
8 (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or
9 (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any
10 controlled substance classified in Schedule III, IV, or V which is a narcotic drug,
11 unless upon the written prescription of a physician, dentist, podiatrist, or
12 veterinarian licensed to practice in this state, shall be punished by imprisonment
13 pursuant to subdivision (h) of Section 1170 of the Penal Code.

14

15 **REGULATORY PROVISIONS**

16 12. California Code of Regulations, title 16, section 1769, states:

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18 (b) When considering the suspension or revocation of a facility or a
19 personal license on the ground that the licensee or the registrant has been
20 convicted of a crime, the board, in evaluating the rehabilitation of such person and
21 his present eligibility for a license will consider the following criteria:

22 (1) Nature and severity of the act(s) or offense(s).

23 (2) Total criminal record.

24 (3) The time that has elapsed since commission of the act(s) or
25 offense(s).

26 (4) Whether the licensee has complied with all terms of parole,
27 probation, restitution or any other sanctions lawfully imposed against the licensee.

28 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

1 **COST RECOVERY**

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

8 **DRUGS**

9 15. Hydrocodone is a dangerous drug pursuant to section 4022 and a Schedule II
10 controlled substance as designated by Health and Safety Code section 11055, subdivision
11 (b)(1)(I).

12 16. Oxycodone is a dangerous drug pursuant to section 4022 and a Schedule II
13 controlled substance as designated by Health and Safety Code section 11055, subdivision
14 (b)(1)(M).

15 17. Tramadol Hydrochloride is a dangerous drug pursuant to section 4022. Abuse of
16 tramadol may lead to limited physical dependence or psychological dependence.

17 18. Vicodin 300 contains 300 mg of Acetaminophen and 30 mg of Codeine
18 Phosphate. Codeine is a dangerous drug pursuant to section 4022 and a Schedule II controlled
19 substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(G).

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct – Violation of Drug Laws)**

22 19. Respondent is subject to disciplinary action under Code section 4301, subdivision
23 (j) in that she violated HSC section 11350 subdivision (a), a statute of the State of California
24 regulating controlled substances. The circumstances are as follows:

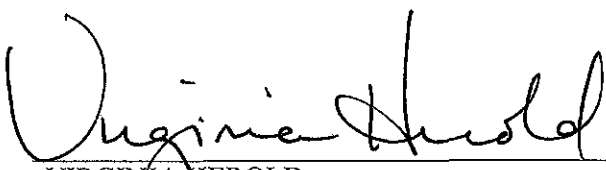
25 a. On October 21, 2013, deputies from the Orange County Sheriff's
26 Department on patrol in Lake Forest, California saw Respondent standing outside her vehicle
27 that was parked in a stall at a gas station at Lake Forest Drive and Rockfield Boulevard. The
28 vehicle contained several television and stereo equipment boxes. When Respondent saw the

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2. Ordering Jereen Missouri 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; and

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

DATED: 6/14/14



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

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