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8	BEFORE THE BOARD OF PHARMACY	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
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11	In the Matter of the Accusation Against:	Case No. 5142
12	ABHISHEK PRABHAKAREN NAIR 3709 Hidden Springs Court El Sobrante, CA 94803	ACCUSATION
13	Pharmacy Technician Registration No. TCH	
14	58159	
15	Respondent.	
16		
17	Complainant alleges:	
18 19	PARTIES 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity	
20	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.	
21	2. On or about August 25, 2004, the Board of Pharmacy issued Pharmacy Technician	
22	Registration Number TCH 58159 to Abhishek Prabhakaren Nair (Respondent). The Pharmacy	
23	Technician Registration was in full force and effect at all times relevant to the charges brought	
24	herein and will expire on July 31, 2014, unless renewed	
25	JURISDICTION	
26	3. This Accusation is brought before the Board of Pharmacy (Board), Department of	
27	Consumer Affairs, under the authority of the following laws. All section references are to the	
28	Business and Professions Code unless otherwise indicated.	
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1	4. Section 4300 of the Code states:	
2	"(a) Every license issued may be suspended or revoked.	
3	"(b) The board shall discipline the holder of any license issued by the board, whose default	
4	has been entered or whose case has been heard by the board and found guilty, by any of the	
5	following methods:	
6	"(1) Suspending judgment.	
7	"(2) Placing him or her upon probation.	
8	"(3) Suspending his or her right to practice for a period not exceeding one year.	
9	"(4) Revoking his or her license.	
10	"(5) Taking any other action in relation to disciplining him or her as the board in its	
11	discretion may deem proper.	
12	•	
13	"(e) The proceedings under this article shall be conducted in accordance with Chapter 5	
14	(commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board	
15	shall have all the powers granted therein. The action shall be final, except that the propriety of the	
16	action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil	
17	Procedure."	
18	5. Section 4300.1 of the Code states:	
19	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by	
20	operation of law or by order or decision of the board or a court of law, the placement of a license	
21	on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board	
22	of jurisdiction to commence or proceed with any investigation of, or action or disciplinary	
23	proceeding against, the licensee or to render a decision suspending or revoking the license."	
24	6. Section 4301 of the Code states:	
25	"The board shall take action against any holder of a license who is guilty of unprofessional	
26	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.	
27	Unprofessional conduct shall include, but is not limited to, any of the following:	
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"(j) The violation of any of the statutes of this state, or any other state, or of the United 1 States regulating controlled substances and dangerous drugs. 2 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a 3 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and 4 devices." 5 COSTS 6 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the 7 administrative law judge to direct a licentiate found to have committed a violation or violations of 8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and 9 enforcement of the case. 10 DRUGS/DRUG LAWS 11 Marijuana is a Schedule I controlled substance pursuant to Health and Safety Code 8. 12 section 11054(d)(13). It is a dangerous drug pursuant to Code section 4022. 13 9 Section 4060 of the Code states: 14 "No person shall possess any controlled substance, except that furnished to a person upon 15 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor 16 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified 17 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a 18 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, 19 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of 20 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not 21 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, 22 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified 23 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly 24 labeled with the name and address of the supplier or producer. 25 10. Health and Safety Code section 11170 provides: "No person shall prescribe, 26administer, or furnish a controlled substance for himself." 27 28

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1	FIRST CAUSE FOR DISCIPLINE		
2	(Possession of Controlled Substance)		
3	11. Respondent is subject to disciplinary action under section 4301(j) of the code in that		
4	Respondent violated the drug laws of California. On or about July 29, 2013, Respondent		
5	possessed the controlled substance Marijuana in violation of Business and Professions code 4060.		
6	Respondent admitted to using marijuana on occasion in mid 2013.		
7	SECOND CAUSE FOR DISCIPLINE		
8	(Use of Controlled Substance)		
9	12. Respondent is subject to disciplinary action under section 4301(j) of the code in that		
10	Respondent violated the drug laws of California. On or about July 29, 2013, Respondent self		
11	administered the the controlled substance Marijuana in violation of Health and Safety Code		
12	section 11170. Respondent admitted to using marijuana on occasion in mid 2013.		
13	PRAYER		
14	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
15	and that following the hearing, the Board of Pharmacy issue a decision:		
16	1. Revoking or suspending Pharmacy Technician Registration Number TCH 58159,		
17	issued to Abhishek Prabhakaren Nair;		
18	2. Ordering Abhishek Prabhakaren Nair to pay the Board of Pharmacy the reasonable		
19	costs of the investigation and enforcement of this case, pursuant to Business and Professions Code		
20	section 125.3;		
21	3. Taking such other and further action as deemed necessary and proper.		
22	DATED: 7/1/14 (Juginie Head		
23	VIRGINIA PEROLD Executive Officer		
24	Board of Pharmacy Department of Consumer Affairs		
25	State of California Complainant		
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