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

12 In the Matter of the Accusation Against:

Case No. 5433

13 **JOSEPH ABDELLAH OUASSIL**  
2742 Minford Street  
Lancaster, CA 93536

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

14 **Pharmacy Technician Registration No. TCH**  
15 **105898**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about August 11, 2010, the Board of Pharmacy ("Board") issued Pharmacy  
22 Technician Registration Number TCH 105898 to Joseph Abdellah Ouassil ("Respondent"). The  
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on July 31, 2016, unless renewed.

25 **JURISDICTION**

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

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1 4. Section 4300 of the Code states, in pertinent part:

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 5. Section 4300.1 of the Code states:

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

18 **STATUTES**

19 6. Section 4060 of the Code states, in pertinent part:

20 "No person shall possess any controlled substance, except that furnished to a person upon  
21 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
22 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
23 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
24 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
25 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
26 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
27 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
28 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified

1 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
2 labeled with the name and address of the supplier or producer."

3 7. Section 4301 of the Code 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 "(g) Knowingly making or signing any certificate or other document that falsely represents  
12 the existence or nonexistence of a state of facts.

13 . . . .

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

16 . . . .

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

21 8. Health and Safety Code section 11171 states, "No person shall prescribe, administer,  
22 or furnish a controlled substance except under the conditions and in the manner provided by this  
23 division."

24 9. Health and Safety Code section 11173 states, in pertinent part:

25 (a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt  
26 to procure the administration of or prescription for controlled substances, (1) by fraud, deceit,  
27 misrepresentation, or subterfuge; or (2) by the concealment of a material fact."  
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1           16. On or about September 12, 2014, a Board Inspector met with PIC Kivisto at Burns  
 2 Pharmacy. PIC Kivisto told the Board Inspector that he discovered Respondent was diverting  
 3 controlled substances when he was investigating fraudulent prescriptions issued in the name of  
 4 Dr. N. De Jesus. In February 2014, PIC Kivisto discovered a generic Norco prescription was  
 5 missing from the pharmacy's "will call" area. PIC Kivisto ran a CURES report on all of his  
 6 employees and discovered that several had received prescriptions for controlled substances from  
 7 Dr. De Jesus after she retired in September 2013. Additionally, the CURES report revealed that  
 8 Dr. De Jesus had prescribed promethazine with codeine and Norco for Respondent's stepfather,  
 9 Y.K., and Norco for Respondent's brother, C.O. PIC Kivisto contacted Y.K. to inquire about the  
 10 prescriptions and Y.K. had no knowledge of the prescriptions and denied ever seeing Dr. De Jesus  
 11 or receiving the prescriptions.

12           17. On or about October 30, 2014, the Board Inspector interviewed Respondent.  
 13 Respondent admitted that the prescriptions for promethazine with codeine and Norco for Y.K.  
 14 were fraudulent and the prescriptions for Norco for C.O. were fraudulent. He stated that he  
 15 arranged for an employee at Dr. De Jesus's office to authorize the prescriptions for him. Once the  
 16 prescriptions were filled, Respondent would pick them up and pay for the narcotics. On the days  
 17 he did not work, Respondent would consume the drugs. The fraudulent prescriptions are as  
 18 follows:

Patient Name	RX #	Drug Type	Drug Quantity	Date Filled
K.Y	2098929	hydrocodone/apap 10mg-325mg	180 tablets	9/17/2013
K.Y	2098929	hydrocodone/apap 10mg-325mg	180 tablets	9/30/2013
K.Y	2098929	hydrocodone/apap 10mg-325mg	180 tablets	10/15/2013
K.Y	2098929	hydrocodone/apap 10mg-325mg	180 tablets	11/8/2013
K.Y	2098928	promethazine with codeine 10mg/6.25mg	480 ml	9/17/2013
K.Y	2098928	promethazine with codeine 10mg/6.25mg	480 ml	9/30/2013
K.Y	2098928	promethazine with codeine 10mg/6.25mg	480 ml	10/15/2013
K.Y	2098928	promethazine with codeine	480 ml	11/08/2013

		10mg/6.25mg		
1	K.Y	2098928	promethazine with codeine 10mg/6.25mg	480 ml 11/25/2013
2	K.Y	2098928	promethazine with codeine 10mg/6.25mg	480 ml 12/18/2013
3	C.O.	2100508	hydrocodone/apap 10mg- 325mg	180 tablets 9/25/2013
4	C.O.	2100508	hydrocodone/apap 10mg- 325mg	180 tablets 10/21/2013
5	C.O.	2100508	hydrocodone/apap 10mg- 325mg	180 tablets 11/15/2013
6	C.O.	2100508	hydrocodone/apap 10mg- 325mg	180 tablets 2/26/2014
7	C.O.	2100508	hydrocodone/apap 10mg- 325mg	180 tablets 2/26/2014
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**FIRST CAUSE FOR DISCIPLINE**

**(Unlawful Possession of Controlled Substances)**

18. Respondent is subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with Code section 4060, on the grounds of unprofessional conduct in that Respondent unlawfully possessed controlled substances, to wit: hydrocodone/apap and promethazine with codeine. Between September 2013 and February 2014, Respondent obtained fraudulent prescriptions for Norco and promethazine with codeine in the name of his stepfather, K.Y., and his brother, C.O., with the help of an employee of Dr. N. De Jesus in the following way: (1) the employee authorized the prescriptions; (2) Respondent had the prescriptions filled at Burns Pharmacy; (3) Respondent signed for, paid for, and picked up the prescriptions; and (4) Respondent personally used the medications obtained by the prescriptions. Complainant incorporates by reference Paragraphs 15 through 17 as though fully set forth herein.

**SECOND CAUSE FOR DISCIPLINE**

**(Dishonest and Fraudulent Acts)**

19. Respondent is subject to disciplinary action under Code section 4301, subdivision (f) and subdivision (h), in conjunction with Health and Safety Code sections 11171, 11173, and 11180, on the grounds of unprofessional conduct in that Respondent committed dishonest and fraudulent acts, including obtaining controlled substances by fraud, misrepresentation, and deceit. Complainant incorporates by reference Paragraphs 15 through 18 as though fully set forth herein.

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**THIRD CAUSE FOR DISCIPLINE**

**(Knowingly Signing a False Document)**

20. Respondent is subject to disciplinary action under Code section 4301, subdivision (g) on the grounds of unprofessional conduct in that Respondent knowingly signed a document that falsely represented the existence of a state of facts. Complainant incorporates by reference Paragraphs 15 through 18 as though fully set forth herein. Additionally, when Respondent signed for the prescriptions, he forged the signatures of his stepfather, K.Y., and his brother, C.O.

**FOURTH CAUSE FOR DISCIPLINE**

**(Providing a False Name in Connection with a Prescription)**

21. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), in conjunction with Health and Safety Code sections 11174 and 11180, on the grounds of unprofessional conduct in that Respondent had fraudulent prescriptions issued in the names of his stepfather, K.Y., and his brother, C.O. Complainant incorporates by reference Paragraphs 15 through 18 as though fully set forth herein.

**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 105898, issued to Joseph Abdellah Ouassil;
2. Ordering Joseph Abdellah Ouassil 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: 8/17/15 

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

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