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

11 In the Matter of the Accusation Against:

Case No. 5646

12 **SHANNA MARIE JACKSON**
13 **1411 Santa Anita**
Oceanside, CA 92058

A C C U S A T I O N

14 **Pharmacy Technician Registration**
15 **No. TCH 3677**

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 January 26, 1993, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 3677 to Shanna Marie Jackson (Respondent). The Pharmacy
24 Technician Registration expired on November 30, 2014, and was cancelled on March 1, 2015.

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 (Code) unless otherwise indicated.

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

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

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

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

6 For the purpose of denial, suspension, or revocation of a personal or facility
7 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
8 Professions Code, a crime or act shall be considered substantially related to the
9 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.

10 COSTS

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

17 DRUGS

18 11. Methamphetamine is a Schedule II controlled substance as designated by Health and
19 Safety Code section 11055(d)(2), and is a dangerous drug pursuant to Business and Professions
20 Code section 4022.

21 12. Acetaminophen with oxycodone hydrochloride is Schedule II controlled substance as
22 designated by Health and Safety Code section 11055(b)(1)(M), and is a dangerous drug pursuant
23 to Business & Professions Code section 4022.

24 13. Hydrocodone bitartate/acetaminophen is a Schedule III controlled substance as
25 designated by Health and Safety Code section 11056(e)(4), and is a dangerous drug pursuant to
26 Business and Professions Code section 4022.

27 14. Tramadol hydrochloride is a dangerous drug pursuant to Business and Professions
28 Code section 4022.

1 15. Section 4022 of the Code states

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

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

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

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

12 16. Section 4060 of the Code provides, in pertinent part, that no person shall possess any
13 controlled substance, except that furnished to a person upon the prescription of a physician,
14 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

15 **CAUSE FOR DISCIPLINE**

16 **(Violation of Statutes Regulating Controlled Substances)**

17 17. Respondent has subjected her license to discipline under section 4301(j) of the Code
18 in that she illegally possessed controlled substances on August 21, 2014, a violation of California
19 statutes. The circumstances are as follows:

20 a. On August 21, 2014, Respondent arrived at the California Correctional
21 Institution with a friend to witness the friend's marriage to an inmate. The prison's Investigative
22 Services Unit had previously monitored telephone communications between the inmate and
23 Respondent's friend which indicated that she would be bringing controlled substances into the
24 prison. Upon their arrival, correctional officers obtained consent from Respondent and her friend
25 to conduct unclothed body searches for contraband. The searches were negative. The officers
26 obtained consent to search a vehicle that had been rented by Respondent. In a purse belonging to
27 Respondent, a prison investigation found methamphetamine, and 26.5 pills identified as Schedule
28 II, III, and IV narcotics, and 41 non-narcotic pills. Respondent and her friend were arrested,
charged with possession of controlled substances, and possession of controlled substances inside
a correctional facility, and released to the custody of the Kern County Sheriff's Department.

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