

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 355-5437
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 5659

11 **JESSICA JE TONNE RAMIREZ**
12 **1701 Marshall Road, Apt. 202**
13 **Vacaville, CA 95687**

ACCUSATION

14 **Pharmacy Technician Registration No. TCH**
74236

15 Respondent.

16
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 February 1, 2007, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 74236 to Jessica Je Tonne Ramirez (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 February 28, 2017, 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.

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
16 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of
17 Civil 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:

28 ...

1 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug
2 or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself,
3 to a person holding a license under this chapter, or to any other person or to the public, or to the
4 extent that the use impairs the ability of the person to conduct with safety to the public the
5 practice authorized by the license.

6 ...

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

9 ...

10 7. Section 4060 of the Code states:

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

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

25 8. Health and Safety Code Section 11357, subsection (b), states:

26 "(b) Except as authorized by law, every person who possesses not more than 28.5 grams of
27 marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not
28 more than one hundred dollars (\$100)."

1 **COSTS**

2 9. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **DRUGS INVOLVED**

7 10. Marijuana is a controlled substance pursuant to Health and Safety Code section
8 11054, subsection(d)(13), and a Dangerous Drug pursuant to Business and Professions Code
9 section 4022. It has various medical and recreational uses.

10 **FIRST CAUSE FOR DISCIPLINE**

11 (Self Administration of a Controlled Substance)

12 11. Respondent is subject to disciplinary action under section 4301(h) of the Code in that
13 Respondent self administered a controlled substance. In or about May 2015, Respondent used
14 marijuana without a prescription or recommendation.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Violation of Drug Laws)

17 12. Respondent is subject to disciplinary action under section 4301(j) of the code in that
18 Respondent violated the drug laws of California. In or about May 2015, Respondent possessed
19 marijuana in violation of Health and Safety Code 11357 and Business and Professions code 4060.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board of Pharmacy issue a decision:

23 1. Revoking or suspending Pharmacy Technician Registration Number TCH 74236,
24 issued to Jessica Je Tonne Ramirez

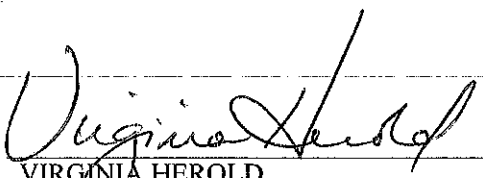
25 2. Ordering Jessica Je Tonne Ramirez to pay the Board of Pharmacy the reasonable
26 costs of the investigation and enforcement of this case, pursuant to Business and Professions
27 Code section 125.3;

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

DATED: 2/5/16



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

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