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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. 5782

11 **JACQUELINE CASSIDY NOVOBILSKI**  
12 **130 E. Avenida de Los Arboles**  
13 **Thousand Oaks, CA 91360**

**ACCUSATION**

14 **Pharmacy Technician License No. TCH**  
15 **136841**

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 December 31, 2013, the Board of Pharmacy issued Pharmacy  
23 Technician License Number TCH 136841 to Jacqueline Cassidy Novobilski (Respondent). The  
24 Pharmacy Technician License was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on July 31, 2017, 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 4011 of the Code provides that the Board shall administer and enforce both  
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
7 Act [Health & Safety Code, § 11000 et seq.].

8 5. Section 4300.1 of the Code states:

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

14 STATUTORY PROVISIONS

15 6. Section 4060 of the Code states:

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

27 ..."

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1           7.    Section 4301 of the Code provides, in relevant part:

2           “The board shall take action against any holder of a license who is guilty of unprofessional  
3           conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

4           Unprofessional conduct shall include, but is not limited to, any of the following:

5           ...

6           “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
7           corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
8           whether the act is a felony or misdemeanor or not.

9           ...

10          “(j) The violation of any of the statutes of this state, or any other state, or of the United  
11          States regulating controlled substances and dangerous drugs.

12          ...

13          “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
14          violation of or conspiring to violate any provision or term of this chapter or of the applicable  
15          federal and state laws and regulations governing pharmacy, including regulations established by  
16          the board or by any other state or federal regulatory agency.

17          ...”

18          8.    Health and Safety Code section 11173, subdivision (a), provides that no person shall  
19          obtain or attempt to obtain controlled substances, or procure or attempt to procure the  
20          administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,  
21          or subterfuge; or (2) by the concealment of a material fact.

22          9.    Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess  
23          any controlled substance listed in Schedule II (Health and Safety Code section 11055),  
24          subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

25          10.   Alprazolam is a Schedule IV controlled substance as designated by Health and Safety  
26          Code section 11057, subdivision (d)(1) and a dangerous drug as designated by Business and  
27          Professions Code section 4022.

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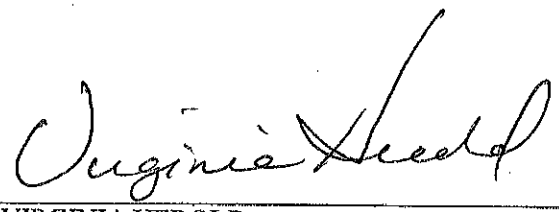




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3. Taking such other and further action as deemed necessary and proper.

DATED: 8/15/16



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

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