

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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. 5808

13 **JENIFER MARIE BRYANT**
1609 Branstetter Circle
Redding, CA 96001

A C C U S A T I O N

14 **Pharmacy Technician Registration No.**
15 **TCH 103123**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about June 10, 2010, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 103123 to Jenifer Marie Bryant (Respondent). The Pharmacy
23 Technician Registration expired on July 31, 2015, and was cancelled on November 1, 2015,
24 pursuant to Business and Professions Code section 4402, subdivision (e).

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

"(a) Every license issued may be suspended or revoked..."

5. Section 4300.1 of the Code states:

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

6. Section 4301 of the Code states in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

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

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

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

7. Section 4060 of the Code states in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician..."

8. Health and Safety Code section 11170 states in pertinent part:

"No person shall prescribe, administer, or furnish a controlled substance for himself."

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

9. Health and Safety Code section 11171 states:

"No person shall prescribe, administer, or furnish a controlled substance except under the conditions and in the manner provided by this division."

10. Health and Safety Code section 11157 states:

"No person shall issue a prescription that is false or fictitious in any respect."

11. Health and Safety Code section 11173 states in pertinent part:

"(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

"(b) No person shall make a false statement in any prescription, order, report, or record, required by this division..."

DRUGS

12. Adipex P is the brand name for the drug phentermine. It is a dangerous drug pursuant to Code section 4022, and a Schedule IV controlled substance pursuant to Health and Safety Code section 11057.

13. Bontril is the brand name for the drug phendimetrazine tartrate. It is a dangerous drug pursuant to Code section 4022, and a Schedule III controlled substance pursuant to Health and Safety Code section 11056.

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)

15. Respondent is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit. The circumstances are as follows:

1 f. On or about April 15, 2015, Respondent violated Code section 4060 by
2 possessing the controlled substances phentermine and phendimetrazine without a valid
3 prescription.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Violation of Laws Governing Pharmacy)**

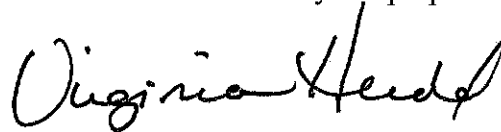
6 17. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
7 section 4301, subdivision (o), in that Respondent committed acts in violation of the laws governing
8 pharmacy as set forth in paragraphs 15 and 16, above.

9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 103123,
13 issued to Jenifer Marie Bryant;
- 14 2. Ordering Jenifer Marie Bryant to pay the Board of Pharmacy the reasonable costs of
15 the investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3; and
- 17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 6/2/16



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

20
21
22
23
24
25
26
27 SA2016101610
28 12241427.doc