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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. 5948

13 **JESSICA JIN HEE PARK**
12105 Flacon Crest Way
Northridge, CA 91326

A C C U S A T I O N

14 **Pharmacist License No. RPH 71655**

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 September 24, 2014, the Board of Pharmacy (“Board”) issued
22 Pharmacist License Number RPH 71655 to Jessica Jin Hee Park (“Respondent”). The Pharmacist
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on July 31, 2018, 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 (“Code”) unless otherwise
28 indicated.

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

3 9. 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
5 unprofessional conduct or whose license has been issued by mistake. Unprofessional
conduct shall include, but is not limited to, any of the following:

6

7 (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
8 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

9

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

12

13 (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.

14

15 (l) The conviction of a crime substantially related to the qualifications,
functions, and duties of a licensee under this chapter. The record of conviction of a
16 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
States Code regulating controlled substances or of a violation of the statutes of this
17 state regulating controlled substances or dangerous drugs shall be conclusive evidence
of unprofessional conduct. In all other cases, the record of conviction shall be
conclusive evidence only of the fact that the conviction occurred. The board may
18 inquire into the circumstances surrounding the commission of the crime, in order to
fix the degree of discipline or, in the case of a conviction not involving controlled
19 substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
20 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
21 board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
22 suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
23 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

24

25 (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
26 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
27 regulatory agency. . . .”

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Commission of Acts Involving Moral Turpitude, Dishonesty,**
3 **Fraud, Deceit, or Corruption)**

4 15. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
5 by and through Code section 4060, in that Respondent committed acts involving moral turpitude,
6 dishonesty, fraud, deceit, or corruption. The circumstances are as follows:

7 16. On or about January 6, 2016, the Board received notification from a Kaiser
8 Permanente Pharmacy located in Northridge that Respondent resigned on December 16, 2015
9 after being interviewed regarding the suspected loss of 100 dextroamphetamine/amphetamine
10 ("Adderall"). On October 15, 2015, the pharmacist-in-charge ("PIC") discovered 100 Adderall
11 tablets were missing. Security camera footage revealed Respondent taking a bottle of Adderall
12 from a Schedule II controlled substance cabinet and placing it in her locker. There was no
13 prescription for Adderall on this day to fill. During an investigation interview with the pharmacy,
14 Respondent denied taking the full bottle of Adderall home. During a subsequent interview,
15 Respondent stated that she saw an empty bottle near her work station and somehow took a full
16 bottle of Adderall home instead of the empty one. In a letter from Respondent to another PIC,
17 Respondent admitted to taking a full bottle of Adderall containing 100 tablets, but stated that she
18 took the bottle of Adderall from the Schedule II controlled substance cabinet to use as a prop for
19 a friend's Halloween costume.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct - Violation of Statutes of This State and the United States**
22 **Regulating Controlled Substances and Dangerous Drugs)**

23 17. Respondent is subject to disciplinary action under section 4301(j) of the Code, by and
24 through section 4060 of the Code, sections 11170 and 11171 of the Health and Safety Code, and
25 section 829, subdivision (b), of Title 21 of the United States Code, in that Respondent violated
26 the statutes of this state and the United States regulating controlled substances and dangerous
27 drugs. The facts and circumstances are described with more particularity in paragraph 16, above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Violating or Attempting to Violate Any Provision or Term of**
3 **This Chapter or of the Applicable Federal and State Laws and Regulations Governing**
4 **Pharmacy)**

5 18. Respondent is subject to disciplinary action under section 4301(o) of the Code, by
6 and through section 4060 of the Code, sections 11170 and 11171 of the Health and Safety Code,
7 and section 829, subdivision (b), of Title 21 of the United States Code, in that Respondent
8 violated or attempted to violate the provisions of the terms of this chapter and the applicable
9 federal and state laws and regulations governing pharmacy. The facts and circumstances are
10 described with more particularity in paragraph 16, above.

11 **DISCIPLINE CONSIDERATIONS**

12 19. To determine the degree of discipline, if any, to be imposed on Respondent,
13 Complainant alleges that on or about January 14, 2015, in a prior action, the Board issued
14 Citation Number CI 2014 62309 with a \$400.00 fine to Respondent. That Citation is now final.
15 The circumstances surrounding the citation are that Respondent violated Code section 4301,
16 subdivisions (h) and (i), on the grounds of unprofessional conduct, in that Respondent was
17 convicted of a crime substantially related to the practice of pharmacy, and used alcohol to the
18 extent or in a manner as to be dangerous or injurious to herself or others to the extent that the use
19 impairs her ability to conduct with safety to the public the practice authorized by the license.

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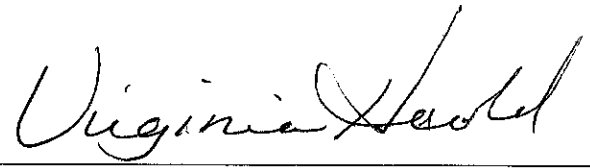
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PRAYER

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

1. Revoking or suspending Pharmacist License No. RPH 71655, issued to Jessica Jin Hee Park;
2. Ordering Jessica Jin Hee Park to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/7/17



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

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