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

11  
12 In the Matter of the Accusation Against:

Case No. 6019

13 **JACLYNN SUZANNE TEJEDA**  
741 E. Rose Ave.  
14 La Habra, CA 90631

**A C C U S A T I O N**

15 **Pharmacy Technician Registration**  
16 **No. TCH 139912**

17 Respondent.

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 (Board), Department of Consumer Affairs.

22 2. On or about April 22, 2014, the Board issued Pharmacy Technician Registration  
23 Number TCH 139912 to Jaclynn Suzanne Tejada (Respondent). The Pharmacy Technician  
24 Registration expired on June 30, 2015, and was cancelled on October 15, 2015. The Pharmacy  
25 Technician Registration was in full force and effect at all times relevant to the charges brought  
26 herein.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5 4. Section 4300, subdivision (a) of the Code states: "Every license issued may be  
6 suspended or revoked."

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 4022 of the Code states

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

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

18 (b) Any device that bears the statement: "Caution: federal law restricts this  
19 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar  
20 import, the blank to be filled in with the designation of the practitioner licensed to use  
21 or order use of the device.

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

24 7. Section 4059 of the Code states, in pertinent part, that a person may not furnish any  
25 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,  
26 veterinarian, or naturopathic doctor.

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

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1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
2 included in a stipulated settlement.

3 **DRUG**

4 13. Hydrocodone bitartate with acetaminophen (hydrocodone APAP), sold commercially  
5 as Norco and Vicodin, is a Schedule II controlled substance as designated by Title 21, Code of  
6 Federal Regulations section 1308.12, subdivision (b)(1)(vi), and it is designated as a Schedule III  
7 controlled substance under (California) Health and Safety Code section 11056, subdivision (e)(4).  
8 It is a dangerous drug pursuant to Business and Professions Code section 4022.

9 **FACTUAL ALLEGATIONS**

10 14. At all times referenced herein, Respondent was employed by a Walgreens in  
11 Fullerton, California, from December 31, 2012, until her employment was terminated on July 1,  
12 2015.

13 15. During an audit of the pharmacy's inventory of hydrocodone APAP, significant  
14 losses were discovered—which totaled in excess of 8,000 tablets during the period of June 1,  
15 2014 to July 10, 2015—and which were attributed to employee pilferage. Walgreens took extra  
16 security measures, including moving the security cameras to capture the pharmacy's automated  
17 dispensing machine.

18 16. On the evening of June 29, 2015, at approximately 11:03 p.m., Respondent came  
19 into Walgreens wearing street clothing. Respondent was not scheduled to work. Video  
20 surveillance recorded Respondent talking to the on-duty pharmacist. When the pharmacist was  
21 distracted by a customer, Respondent reached into the cell of the automated dispensing machine  
22 containing hydrocodone APAP 10-325 mg, scooped up a handful of tablets, and placed them in  
23 her purse. Respondent then departed the Walgreens.

24 17. The Fullerton Police Department was notified of the theft. The Walgreens asset  
25 protection manager interviewed Respondent on July 1, 2015. Respondent initially denied taking  
26 any tablets, but when shown the video, she admitted taking tablets on three different occasions,  
27 for a total of 20 tablets. In a written statement, Respondent stated she took only five tablets.  
28 Respondent was arrested by the Fullerton Police Department for petty theft. Respondent told the

1 arresting officer that her mother threatened to kick her out if she did not steal the tablets.

2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Commission of Acts Involving Moral Turpitude, Dishonesty & Deceit)**

4 18. Respondent has subjected her registration to discipline under section 4301,  
5 subdivision (f) of the Code for unprofessional conduct in that she stole controlled substances and  
6 dangerous drugs from her employer/pharmacy using dishonesty and deceit, as described in  
7 paragraphs 16-17, above.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Violation of California Statutes Regulating Controlled Substances)**

10 19. Respondent has subjected her registration to discipline under section 4301,  
11 subdivision (j) of the Code for unprofessional conduct in that she knowingly violated Business  
12 and Professions Code sections 4022, 4059, and 4060; and Health and Safety Code section 11350,  
13 as described in paragraphs 16-17, above.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Violating Federal & State Laws & Regulations Governing Pharmacy)**

16 20. Respondent has subjected her registration to discipline under section 4301,  
17 subdivision (o) of the Code for unprofessional conduct in that she violated Title 21 U.S.C. section  
18 843, subdivision (a)(3), Board of Pharmacy Regulations (California Code of Regulations, Title  
19 16, Section 1700, et seq.), and the California Uniform Controlled Substances Act (Health and  
20 Safety Code 11000, et seq.), when she obtained controlled substances using dishonesty and  
21 deceit, as described in paragraphs 16-17, above.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 139912,  
26 issued to Jaclynn Suzanne Tejada;

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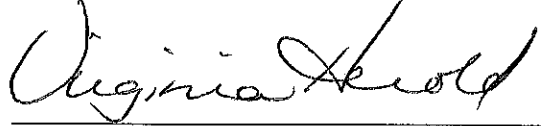
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2. Ordering Jaclynn Suzanne Tejada to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 5/26/17



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

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