

1 XAVIER BECERRA
Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
3 SUMMER D. HARO
Deputy Attorney General
4 State Bar No. 245482
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7510
Facsimile: (916) 327-8643
7 E-mail: Summer.Haro@doj.ca.gov
Attorneys for Complainant

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

10
11 In the Matter of the Accusation Against:

Case No. 6192

12 **MAUREEN SHAVAUGHN HORNYAK,**
13 **aka MAUREEN S. KHAN, aka MAUREEN**
14 **SHAVAUGHN FINLEY**

A C C U S A T I O N

15 **760 Berry Patch Ct.**
Gridley, CA 95948

16 **Pharmacy Technician License No. TCH**
117345

17 Respondent.
18

19
20 Complainant Virginia Herold ("Complainant") alleges:

21 **PARTIES**

- 22 1. Complainant brings this Accusation solely in her official capacity as the Executive
23 Officer of the Board of Pharmacy, Department of Consumer Affairs ("Board").
- 24 2. On or about January 18, 2012, the Board issued Pharmacy Technician License
25 Number TCH 117345 to Maureen Shavaughn Hornyak, also known as Maureen S. Khan, also
26 known as Maureen Shavaughn Finley ("Respondent"). The Pharmacy Technician License was in
27 full force and effect at all times relevant to the charges brought herein and will expire on
28 December 31, 2017, unless renewed.

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 unless otherwise indicated.

4 4. Section 4300, subdivision (a) of the Code states in pertinent part:

5 (a) [e]very license issued may be suspended or revoked.

6 ...

7 (e) The proceedings under this article shall be conducted in accordance with
8 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
9 Government Code, and the board shall have all the powers granted therein. The action
shall be final, except that the propriety of the action is subject to review by the superior
court pursuant to Section 1094.5 of the Code of Civil Procedure.

10 5. Section 4300.1 of the Code states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued
12 license by operation of law or by order or decision of the board or a court of law,
13 the placement of a license on a retired status, or the voluntary surrender of a
14 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.

15 **STATUTES AND REGULATIONS**

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

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

19 ...

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

21 ...

22 7. Section 4060 of the Code states:

23 A person shall not possess any controlled substance, except that furnished to a
24 person upon the prescription of a physician, dentist, podiatrist, optometrist,
veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
25 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant
26 pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not
27 apply to the possession of any controlled substance by a manufacturer, wholesaler,
third-party logistics provider, pharmacy, pharmacist, physician, podiatrist, dentist,
28 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse

1 practitioner, or physician assistant, if in stock in containers correctly labeled with
the name and address of the supplier or producer.

2 This section does not authorize a certified nurse-midwife, a nurse practitioner,
3 a physician assistant, or a naturopathic doctor, to order his or her own stock of
dangerous drugs and devices.

4 8. California Code of Regulations (“CCR”), title 16, section 1770, states:

5 For the purpose of denial, suspension, or revocation of a personal or facility
6 license pursuant to Division 1.5 (commencing with Section 475) of the Business
7 and Professions Code, a crime or act shall be considered substantially related to
the qualifications, functions or duties of a licensee or registrant if to a substantial
8 degree it evidences present or potential unfitness of a licensee or registrant to
perform the functions authorized by his license or registration in a manner
consistent with the public health, safety, or welfare.

9 **DRUG CLASSIFICATIONS**

10 9. Health and Safety Code section 11055, subdivision (d)(2) includes
11 “Methamphetamine, its salts, isomers, and salts of its isomers” as stimulants that are Schedule II
12 controlled substances.

13 **COSTS**

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

18 **CAUSE FOR DISCIPLINE**

19 **(Possession of a Controlled Substance Without a Prescription)**

20 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
21 in that Respondent violated Code section 4060, by possessing a controlled substance,
22 methamphetamine, without a prescription. The circumstances are that on or about December 6,
23 2016, Respondent was driving a vehicle in Oroville, California, when she was stopped by a police
24 officer for running a stop sign. When the officer asked Respondent’s husband to exit the vehicle,
25 Respondent’s husband placed a clear bag containing a white powdery substance next to
26 Respondent, which Respondent tried to hide from the officer by pushing it down between her seat
27 and the center console area. The officer removed Respondent from the vehicle and searched the
28 vehicle. During that search, the officer located a clear sandwich bag in between Respondent’s

1 seat and the center console. The sandwich bag contained what appeared to be methamphetamine
2 crystals. There were also what appeared to be methamphetamine crystals on Respondent's seat in
3 the vehicle, and in Respondent's wallet which was sitting on the front seat of the vehicle with
4 Respondent's identification in it. After booking, the officer tested and weighed the suspected
5 methamphetamine crystals, which tested presumptive positive for methamphetamine. The
6 methamphetamine located in Respondent's wallet weighed .18 grams, net, and the
7 methamphetamine in the sandwich bag weighed 11.83 grams, net.

8 **PRAYER**

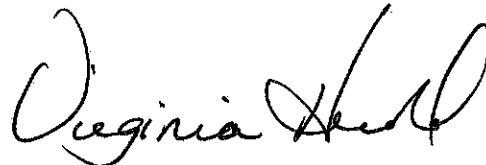
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,

10 and that following the hearing, the Board of Pharmacy issue a decision:

- 11 1. Revoking or suspending Pharmacy Technician License Number TCH 117345, issued
12 to Maureen Shavaughn Hornyak, aka Maureen S. Khan, aka Maureen Shavaughn Finley;
13 2. Ordering Maureen Shavaughn Hornyak, aka Maureen S. Khan, aka Maureen
14 Shavaughn Finley to pay the Board of Pharmacy the reasonable costs of the investigation and
15 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
16 3. Taking such other and further action as deemed necessary and proper.

17
18
19 DATED: _____

10/31/17



20 VIRGINIA HEROLD
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 Complainant

26 SA2017107669
27 33108762.docx
28