

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

In the Matter of the Accusation Against:

Case No. 3608

JANA RICHELLE OWEN
4502 Nantucket Drive
Redding, CA 96001

Pharmacy Technician License No. TCH 14407

Respondent.

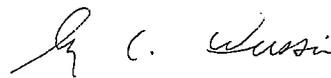
DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on August 5, 2010.

It is so ORDERED on July 6, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10
11 In the Matter of the Accusation Against:

Case No. 3608

12 **JANA RICHELLE OWEN**
4502 Nantucket Drive
13 Redding, CA 96001

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician License No. TCH**
15 **14407**

16 Respondent.

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

- 21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Edmund
23 G. Brown Jr., Attorney General of the State of California, by Kent D. Harris, Deputy Attorney
24 General.
25 2. Jana Richelle Owen (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.
27 3. On or about November 8, 1994, the Board of Pharmacy issued Pharmacy Technician
28 License No. TCH 14407 to Respondent.

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JURISDICTION

4. Accusation No. 3608 was filed before the Board of Pharmacy, Department of Consumer Affairs (Board), and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 19, 2010. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 3608 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 3608. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 3608, agrees that cause exists for discipline, and hereby surrenders her Pharmacy Technician License No. TCH 14407 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may

1 communicate directly with the Board regarding this stipulation and surrender, without notice to or
2 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
3 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
4 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
5 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
6 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
7 be disqualified from further action by having considered this matter.

8 11. The parties understand and agree that electronic or facsimile copies of this Stipulated
9 Surrender of License and Order, including electronic or facsimile signatures thereto, shall have
10 the same force and effect as the originals.

11 12. This Stipulated Surrender of License and Order is intended by the parties to be an
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
14 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
15 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
16 executed by an authorized representative of each of the parties.

17 13. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following Order:

19 **ORDER**

20 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 14407, issued to
21 Respondent Jana Richelle Owen, is surrendered and accepted by the Board of Pharmacy.

22 14. The surrender of Respondent's Pharmacy Technician License and the acceptance of
23 the surrendered license by the Board shall constitute the imposition of discipline against
24 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
25 Respondent's license history with the Board.

26 15. Respondent shall lose all rights and privileges as a pharmacy technician in California
27 as of the effective date of the Board's Decision and Order.

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1 16. Respondent shall cause to be delivered to the Board both her wall license certificate
2 and, if one was issued, pocket license on or before the effective date of the Decision and Order.

3 17. Respondent shall not apply for any new licenses or petition for reinstatement with the
4 Board for a period of three (3) years. If she ever applies for licensure or petitions for
5 reinstatement in the State of California, the Board shall treat it as a new application for licensure.
6 Respondent must comply with all the laws, regulations and procedures for licensure in effect at
7 the time the application or petition is filed, and all of the charges and allegations contained in
8 Accusation No. 3608 shall be deemed to be true, correct and admitted by Respondent when the
9 Board determines whether to grant or deny the application or petition.

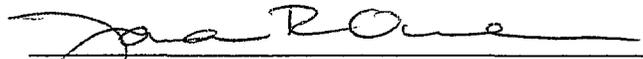
10 18. Respondent shall pay the Board its costs of investigation and enforcement in the
11 amount of \$4,233.00 prior to issuance of a new or reinstated license.

12
13 ACCEPTANCE

14 I have carefully read the Stipulated Surrender of License and Order. I understand the
15 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this
16 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
17 be bound by the Decision and Order of the Board of Pharmacy.

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19 DATED: 5/3/2010



JANA RICHELLE OWEN
Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 3/5/10

Respectfully submitted,
EDMUND G. BROWN JR.
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General


KENT D. HARRIS
Deputy Attorney General
Attorneys for Complainant

SA2010100741
Stipulation.rtf

Exhibit A

Accusation No. 3608

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2 JANICE K. LACHMAN
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3608

12 **JANA RICHELLE OWEN**
13 **P.O. Box 492709**
Redding, California 96049

A C C U S A T I O N

14 **Pharmacy Technician Registration Number**
15 **TCH 14407**

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 November 8, 1994, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 14407 to Jana Richelle Owen (Respondent). The license was in full
23 force and effect at all times mentioned herein and will expire on October 31, 2010, unless
24 renewed.

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

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

3 "(b) The board shall discipline the holder of any license issued by the board, whose default
4 has been entered or whose case has been heard by the board and found guilty, by any of the
5 following methods:

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

8 "(3) Suspending his or her right to practice for a period not exceeding one year.

9 "(4) Revoking his or her license.

10 "(5) Taking any other action in relation to disciplining him or her as the board in its
11 discretion may deem proper.

12 ...

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

18 5. Section 4301 of the Code states in pertinent part:

19 "The board shall take action against any holder of a license who is guilty of unprofessional
20 conduct ... Unprofessional conduct shall include, but is not limited to, any of the following:

21 ...

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

25 "(g) Knowingly making or signing any certificate or other document that falsely represents
26 the existence or nonexistence of a state of facts.

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

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"(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.

6. Section 4059 of the Code states in pertinent part:

"(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. "

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, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7..."

8. 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.

9. Health & Safety Code section 11170 states:

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

CONTROLLED SUBSTANCES/DANGEROUS DRUGS

10. **Hydrocodone/Acetaminophen**, also known by the brand names "Vicodin", "Lortab", Norco", and "Lorcet" is an analgesic for the control of pain, and is a Schedule III Controlled Substance pursuant to Health & Safety Code section 11056(e).

11. **Alprazolam**, also known by the brand name "Xanax" is an anti-anxiety medication and a Schedule IV Controlled Substance pursuant to Health & Safety Code section 11057(d)(1).

12. **Citalopram**, also known by the brand name "Celexa" is an anti-depressant and a dangerous drug pursuant to Business and Professions Code section 4022.

1 13. Promethazine 25mg, also known by the brand name "Phenergan 25mg" is an anti-
2 nausea medication and a dangerous drug pursuant to Business and Professions Code section 4022.

3 14. Conjugated Estrogens, also known by the brand name "Premarin 0.3mg" is a
4 hormone and a dangerous drug pursuant to Business and Professions Code section 4022.

5 15. Sumatriptan, also known by the brand name "Imitrex 100mg" is a medication for the
6 treatment of migraines and a dangerous drug pursuant to Business and Professions Code section
7 4022.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Corrupt Acts--Fraudulently Processing Prescriptions for Controlled Substances)**

10 16. Respondent is subject to disciplinary action under section 4301(f) for unprofessional
11 conduct in that while employed as a pharmacy technician at Longs Drugs #9979 in Redding,
12 California, she processed numerous fraudulent refills/prescriptions for controlled substances and
13 dangerous drugs for her own use. The circumstances are as follows:

14 17. Between the dates of March 9, 2005 and February 20, 2009, respondent processed
15 fraudulent prescription refills for herself on numerous occasions and in total amounts as follows:

- 16 a. Hydrocodone/Acetaminophen: Four prescriptions for a total of 120 dosage
17 units.
- 18 b. Alprazolam: Three prescriptions for a total of 180 dosage units.
- 19 c. Citalopram: Six prescriptions for a total of 180 dosage units.
- 20 d. Promethazine 25mg: One prescription for a total of 30 dosage units.
- 21 e. Sumatriptan 100mg: Ten prescriptions for a total of 90 dosage units.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unlawful Misrepresentation--False Statement on a Prescription Order)**

24 18. Respondent is subject to disciplinary action under section 4301(g) for unprofessional
25 conduct in that she produced and processed the fraudulent refill/prescription documentation as set
26 forth in paragraphs 16 and 17 above.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Furnishing Controlled Substances and Dangerous Drugs Without a Prescription)

3 19. Respondent is subject to disciplinary action under sections 4059(a), 4301(j) and 4301
4 (o), in conjunction with Health and Safety Code section 11170, in that she furnished controlled
5 substances and dangerous drugs to herself without a valid prescription, as set forth in paragraphs
6 16 and 17 above.

7 FOURTH CAUSE FOR DISCIPLINE

8 (Unlawful Possession of Controlled Substances)

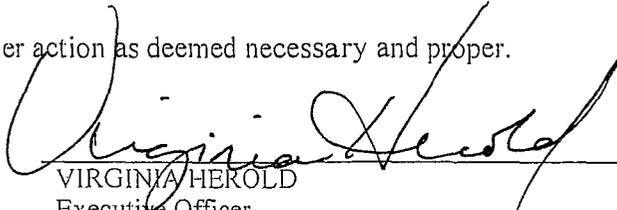
9 20. Respondent is subject to disciplinary action under section 4060 in conjunction with
10 Health and Safety Code section 11350 in that she unlawfully possessed controlled substances
11 without a valid prescription as set forth in paragraphs 16 and 17 above.

12 PRAYER

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 14407,
16 issued to Jana Richelle Owen.
- 17 2. Ordering Jana Richelle Owen to pay the Board of Pharmacy the reasonable costs of
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21 DATED: 4/15/10

22 
23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant

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