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

In the Matter of the Accusation Against:
JACLYNN SUZANNE TEJEDA
741 E. Rose Ave.
La Habra, CA 90631
Pharmacy Technician Registration No.
TCH 139912

Respondent.

Case No. 6019
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 26, 2017, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 6019 against Jaclynn Suzanne Tejada (Respondent). (A copy of the Accusation is attached as Exhibit A.)

2. On or about April 22, 2014, the Board issued Pharmacy Technician Registration No. TCH 139912 to Respondent. The Pharmacy Technician Registration expired on June 30, 2015, and has not been renewed.

3. Section 4300.1 of the Code states, in pertinent part, that the expiration of a board-issued license shall not deprive the board of jurisdiction to commence or proceed with any

1 investigation of, or action or disciplinary proceeding against the licensee, or to render a decision
2 suspending or revoking the license.

3 4. On or about June 7, 2017, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. 6019, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
7 is required to be reported and maintained with the Board. Respondent's address of record was
8 and is:

9 741 E. Rose Ave.
10 La Habra, CA 90631.

11 5. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
13 124.

14 6. Government Code section 11506(c) states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense . . . and the notice shall be deemed a specific denial of all parts
17 of the accusation . . . not expressly admitted. Failure to file a notice of defense
18 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
19 discretion may nevertheless grant a hearing.

20 7. The Board takes official notice of its records and the fact that Respondent failed to
21 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
22 waived her right to a hearing on the merits of Accusation No. 6019.

23 8. California Government Code section 11520(a) states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense . . . or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions or
26 upon other evidence and affidavits may be used as evidence without any notice to
27 respondent

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained

1 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6019,
2 finds that the charges and allegations in Accusation No. 6019, are separately and severally, found
3 to be true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$7,002.00 as of July 25, 2017.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Jaclynn Suzanne Tejada has
9 subjected her Pharmacy Technician Registration No. TCH 139912 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
12 Registration based upon the following violations alleged in the Accusation which are supported
13 by the evidence contained in the Default Decision Evidence Packet in this case.:

14 a. Respondent has subjected her Pharmacy Technician Registration to discipline
15 under Code section 4301, subdivision (f) for unprofessional conduct in that on June 29, 2015, she
16 stole controlled substances and dangerous drugs from her employer/pharmacy using deceit.

17 b. Respondent has subjected her Pharmacy Technician Registration to discipline
18 under Code section 4301, subdivision (j) for unprofessional conduct in that she knowingly
19 violated Business and Professions Code sections 4022, 4059, and 4060; and Health and Safety
20 Code sections 11350.

21 c. Respondent has subjected her Pharmacy Technician Registration to discipline
22 under Code section 4301, subdivision (o) for unprofessional conduct in that she violated Title 21
23 U.S.C. section 843, subdivision (a)(3), Board of Pharmacy Regulations (California Code of
24 Regulations, Title 16, Section 1700, et seq.), and the California Uniform Controlled Substances
25 Act (Health and Safety Code 11000, et seq.), when she obtained controlled substances using
26 dishonesty and deceit.

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ORDER


IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 139912, heretofore issued to Respondent Jaclynn Suzanne Tejada, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on September 27, 2017.

It is so ORDERED on August 28, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
Amy Gutierrez, Pharm.D.
Board President

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Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(JACLYNN SUZANNE TEJEDA)

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Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:
13 **JACLYNN SUZANNE TEJEDA**
741 E. Rose Ave.
14 La Habra, CA 90631
15 **Pharmacy Technician Registration**
16 **No. TCH 139912**
17 Respondent.

Case No. 6019
ACCUSATION

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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9. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been 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, of 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. . .

10. Health and Safety Code section 11350 provides, in pertinent part, that every person who possesses any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail for not more than one year.

11. United States Code, title 21, section 843 states, in pertinent part:

(a) It shall be unlawful for any person knowingly or intentionally –

...

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge. . .

COSTS

12. Section 125.3 of the Code provides, 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, with failure of the licentiate to comply subjecting the license to not being

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;

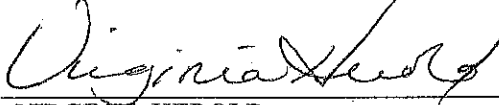
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2. Ordering Jaclynn Suzanne Tejada to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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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