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7  
8 **BEFORE THE  
BOARD OF PHARMACY  
STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 3164

10 RAQUEL MURADYAN AKA  
11 RAQUEL MENDOZA-NAVARRO  
13677 Pinney Street  
12 Pacoima, CA 91331

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

13 Pharmacy Technician  
14 Registration No. TCH 53038

Respondent.

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16 Complainant alleges:

17 **PARTIES**

- 18 1. Virginia K. Herold (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Pharmacy (Board).  
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21 2. On or about November 26, 2003, the Board issued Pharmacy Technician  
22 Registration Number TCH 53038 to Raquel Muradyan aka Raquel Mendoza-Navarro  
23 (Respondent). The Pharmacy Technician Registration was in full force and effect at all times  
24 relevant to the charges brought herein and will expire on May 31, 2009, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board, under the authority of the  
27 following laws. All section references are to the Business and Professions Code unless otherwise  
28 indicated.

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4. 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 procured by fraud or misrepresentation or 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, or any other state, or of the United States regulating controlled substances and dangerous drugs.

...

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter."

5. Section 4202(d) of the Code states:

"The board may suspend or revoke a license issued pursuant to this section on any ground specified in Section 4301."

6. Section 4060 of the Code states:

"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, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified

1 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
2 labeled with the name and address of the supplier or producer.

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

6 7. California Code of Regulations, title 16, section 1770, states:

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

13 **CONTROLLED SUBSTANCES**

14 8. Health and Safety Code, section 11350(a) states:

15 "Except as otherwise provided in this division, every person who possesses (1)  
16 any controlled substance . . . specified in subdivision (b) or (c) of Section 11055, or specified in  
17 subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or  
18 V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist,  
19 or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state  
20 prison."

21 9. Health and Safety Code, section 11351 states:

22 "Except as otherwise provided in this division, every person who possesses for  
23 sale or purchases for purposes of sale . . . specified in subdivision (b) or (c) of Section 11055, or  
24 specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in  
25 Schedule III, IV, or V which is a narcotic drug, shall be punished by imprisonment in the state  
26 prison for two, three, or four years."

27 10. Health and Safety Code, section 11055 states:

28 "(a) The controlled substances listed in this section are included in Schedule II.



1 11351 (possession of a controlled substance for purposes of sale.) As a result of this conviction,  
2 Respondent was sentenced to serve 180 days in county jail, placed on three years of probation  
3 and ordered to pay a fine.

4 The circumstances surrounding the conviction are that on or about June 22, 2006,  
5 armed with a search warrant, Los Angeles Police Department officers were dispatched to an  
6 apartment that Respondent shared with her husband. Upon their arrival at the residence, the  
7 officers were met by and interviewed Respondent's husband. The officers observed various  
8 narcotics in plain view and discovered more narcotics pursuant to a search of the residence.

9 While the officers were searching the residence, Respondent entered the front  
10 door of the apartment. The officers presented Respondent with a copy of the search warrant.  
11 While searching Respondent's purse, one of the officers recovered four Pharmacy pill stock  
12 bottles. Two bottles were labeled "Hydrocodone 100 tablets" (generic for "Vicodin"). One bottle  
13 was labeled "Alprazolam 100 tablets" (generic for "Xanax") and one bottle was labeled  
14 "Clonazepam 100 tablets" (generic for "Klonopin".) After being read her Miranda rights,  
15 Respondent admitted to taking the above-listed narcotics from the CVS Pharmacy where she  
16 worked. She also stated that she had driven home on her lunch break and was dropping the pills  
17 off to her husband, who sold the pills for money. Respondent and her husband were placed  
18 under arrest.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Unlawful Possession of Controlled Substances)**

21 14. Respondent is subject to disciplinary action under sections 4301,  
22 subdivision (j) and 4060 of the Code, in that Respondent unlawfully possessed controlled  
23 substances in violation of state law. Complainant refers to, and by this reference incorporates  
24 the allegations set forth above in paragraph 13, inclusive, as though set forth fully.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Dishonest Act)**

3 15. Respondent is subject to disciplinary action under section 4301,  
4 subdivision (f) of the Code, in that Respondent committed an act involving moral turpitude,  
5 dishonesty, fraud, deceit, or corruption. Complainant refers to, and by this reference incorporates  
6 the allegations set forth above in paragraph 13, inclusive, as though set forth fully.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct)**

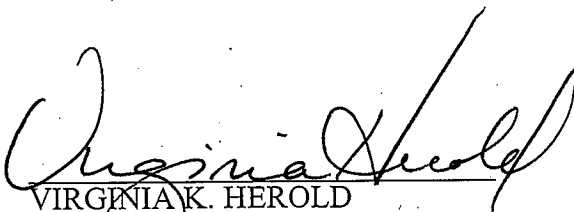
9 16. Respondent is subject to disciplinary action under section 4301 of the  
10 Code in that Respondent engaged in unprofessional conduct. Complainant refers to, and by this  
11 reference incorporates the allegations set forth above in paragraph 13, inclusive, as though set  
12 forth fully.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration Number TCH  
17 53038, issued to Raquel Muradyan aka Raquel Mendoza-Navarro.
- 18 2. Ordering Raquel Muradyan aka Raquel Mendoza-Navarro to pay the  
19 Board the reasonable costs of the investigation and enforcement of this case, pursuant to  
20 Business and Professions Code section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 4/10/09

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25 VIRGINIA K. HEROLD  
26 Executive Officer  
27 Board of Pharmacy  
28 State of California  
Complainant