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

10 In the Matter of the Accusation Against:

Case No. 3401

11 **LOURDES MORRISSEY**
12 **14721 Labrador St.**
13 **North Hills, CA 91343**

A C C U S A T I O N

14 **Pharmacy Technician Registration**
15 **No. TCH 32807**

16 Respondent.

17
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, Department of Consumer Affairs.

22 2. On or about March 27, 2000, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 32807 to Lourdes Morrissey (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on January 31, 2010, unless renewed.

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JURISDICTION

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

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

6 "The board shall take action against any holder of a license who is guilty of unprofessional
7 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
8 Unprofessional conduct shall include, but is not limited to, any of the following:

9 ...

10 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
11 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
12 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
13 to the extent that the use impairs the ability of the person to conduct with safety to the public the
14 practice authorized by the license.

15 ...

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

18 ...

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

21 ...

22 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
23 violation of or conspiring to violate any provision or term of this chapter or of the applicable
24 federal and state laws and regulations governing pharmacy, including regulations established by
25 the board or by any other state or federal regulatory agency.

26 "(p) Actions or conduct that would have warranted denial of a license."

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1 violating Vehicle Code section 12500, subdivision (a), (unlicensed driver), a misdemeanor. As to
2 this count, Respondent was sentenced to 24 months summary probation and ordered to pay
3 restitution and court fees.

4 b. The circumstances are that on or about January 12, 2006, a Los Angeles County
5 Sheriff's Department Deputy observed Respondent make an unsafe lane change in her vehicle in
6 violation of Vehicle Code section 21658. The deputy conducted a traffic stop to warn
7 Respondent regarding the violation. Upon making contact with Respondent, the deputy observed
8 that she was displaying symptoms of being under the influence of a stimulant. The deputy also
9 observed a glass pipe sticking out of Respondent's right jacket pocket as she stepped out of the
10 vehicle. When the deputy recovered the glass pipe, he saw that it had a bulbous end.

11 c. The deputy detained Respondent. When other deputies arrived they recognized the
12 glass pipe to be commonly used to ingest narcotics. The deputies observed that Respondent was
13 displaying the following symptoms: bruxism (grinding of teeth), profuse sweating despite cool
14 weather, rapid speech and an inability to be still.

15 d. Respondent spontaneously stated to the deputies, "I smoked meth on Tuesday[,] I'm
16 fine now." Based on the deputies' training and experience, they determined that Respondent was
17 under the influence of a stimulant. When the deputies checked Respondent's driver's license
18 status, records reflected that her license was suspended. The deputies placed Respondent under
19 arrest for being under the influence of a stimulant, possession of drug paraphernalia and for
20 driving with a suspended license. Once at the station, Respondent refused to take a urine test.

21 SECOND CAUSE FOR DISCIPLINE

22 (Violation of Law Regulating Controlled Substances and Dangerous Drugs)

23 9. Respondent is subject to disciplinary action under section 4301, subdivision (j) in that
24 she violated the law regulating controlled substances and dangerous drugs, as set forth in
25 paragraph 8, subparagraphs (a) through (d) above. Complainant refers to, and by this reference
26 incorporates, the allegations set forth above in paragraph 8, subparagraphs (a) through (d), as
27 though set forth fully.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Substantially Related Conviction)**

3 10. Respondent is subject to disciplinary action under section 4301, subdivision (j) in that
4 she was convicted of a crime substantially related to the qualifications, functions, and duties of a
5 licensee under this chapter, as set forth in paragraph 8, subparagraphs (a) through (d) above.
6 Complainant refers to, and by this reference incorporates, the allegations set forth above in
7 paragraph 8, subparagraphs (a) through (d), as though set forth fully.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Violating Laws and Regulations Governing Pharmacy)**

10 11. Respondent is subject to disciplinary action under section 4301, subdivision (o) in
11 that she violated laws and regulations governing pharmacy, as set forth in paragraph 8,
12 subparagraphs (a) through (d) above. Specifically, she violated Code section 4301, subdivisions
13 (h), (j), (l) and (p). Complainant refers to, and by this reference incorporates, the allegations set
14 forth above in paragraph 8, subparagraphs (a) through (d), as though set forth fully.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Engaging in Conduct Warranting License Denial)**

17 12. Respondent is subject to disciplinary action under section 4301, subdivision (p) in
18 that she engaged in conduct that warrants denial of her license, as set forth in paragraph 8,
19 subparagraphs (a) through (d) above. Complainant refers to, and by this reference incorporates,
20 the allegations set forth above in paragraph 8, subparagraphs (a) through (d), as though set forth
21 fully.

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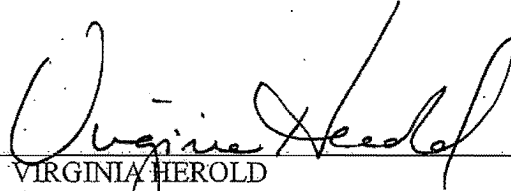
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 32807, issued to Lourdes Morrissey.
2. Ordering Lourdes Morrissey 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/30/09



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

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