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

12 In the Matter of the Accusation Against:  
13 **JESSICA MONIQUE JACKSON**  
14 17129 Billings Drive  
15 Carson, CA 90746  
**Pharmacy Technician Registration No. TCH 61921**  
16 Respondent.

Case No. 3557

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

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18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy.  
22 2. On or about April 6, 2005, the Board of Pharmacy (Board) issued Pharmacy  
23 Technician Registration Number TCH 61921 to Jessica Monique Jackson (Respondent). The  
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on September 30, 2010, unless renewed.

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**JURISDICTION**

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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.

**STATUTORY PROVISIONS**

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5         4.     Section 118, subdivision (b), provides that the  
6 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of  
7 jurisdiction to proceed with a disciplinary action during the period within which the license may  
8 be renewed, restored, reissued or reinstated.

9         5.     Section 4300 permits the Board to take disciplinary action to suspend or revoke a  
10 license issued by the Board.”

11         6.     Section 4301 states:

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

15                 ...

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

**REGULATORY PROVISION**

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

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

27                 ///

28                 ///

1 **COST RECOVERY PROVISION**

2 8. Section 125.3 provides that the Board may request that the administrative law judge  
3 direct a licentiate found to have committed a violation or violations of the licensing act to pay a  
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Committing Dishonest and Fraudulent Acts)**

7 9. Respondent has subjected her license to disciplinary action under section 4301,  
8 subdivision (f), in that Respondent has committed dishonest and fraudulent acts. On or about  
9 September 17, 2009, officers of the Long Beach Police Department responded to a call regarding  
10 a female trying to use a falsified prescription at a CVS Pharmacy. Although Respondent knew  
11 that the prescription was not legitimate, she asked a friend of hers to fill it for her. When the  
12 officers questioned Respondent, she claimed that she had found the prescription on the street, but  
13 admitted knowing that it was wrong to try to fill this prescription. When Respondent's vehicle  
14 was subsequently searched, several additional filled-out prescription forms were found hidden  
15 behind Respondent's in-dash radio, along with a piece of paper listing addresses to several other  
16 CVS Pharmacy stores. Respondent was arrested and charged with violating Health and Safety  
17 Code section 11173, subdivision (a) [fraudulently obtaining a controlled substance], Health and  
18 Safety Code section 11368 [forging a prescription], and Penal Code section 182, subdivision  
19 (a)(1) [criminal conspiracy].<sup>1</sup>

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician Registration Number TCH 61921,  
24 issued to Respondent;

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28 <sup>1</sup> Criminal charges were not filed.

1           2.     Ordering Respondent to pay the Board the reasonable costs of the investigation and  
2 enforcement of this case, pursuant to section 125.3; and,

3           3.     Taking such other and further action as deemed necessary and proper.

4  
5 DATED: 9/23/10

  
VIRGINIA K. HEROLD  
Executive Officer  
Board of Pharmacy  
State of California  
*Complainant*

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