

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3864

13 **KATHERINE HIRNING JACOB**
3110 Christina Avenue
Stockton, CA 95204

A C C U S A T I O N

14 Pharmacy Technician Registration
Number TCH 39354

15
16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about September 13, 2001, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 39354 (license) to Katherine Hirning Jacob (Respondent). The license
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 November 30, 2010, unless renewed.

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1 8. Code section 4060 states, in pertinent part:

2 No person shall possess any controlled substance, except that furnished to
3 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
4 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
5 pursuant to a drug order issued by a certified nurse-midwife pursuant to
6 Section 2746.51, or a pharmacist pursuant to either Section 4052.1 or 4052.2.
7 This section shall not apply to the possession of any controlled substance by a
8 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
9 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
10 practitioner, or physician assistant, when in stock in containers correctly
11 labeled with the name and address of the supplier or producer.

12 9. Health and Safety code section 11170 states that no person shall prescribe,
13 administer, or furnish a controlled substance for herself.

14 10. Health and Safety Code section 11173 states, in pertinent part:

15 (a) No person shall obtain or attempt to obtain controlled substances, or
16 procure or attempt to procure the administration of or prescription for
17 controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge;
18 or (2) by the concealment of a material fact.

19 11. Health and Safety Code section 11357 states, in pertinent part:

20 (a) Except as authorized by law, every person who possesses any
21 concentrated cannabis shall be punished by imprisonment in the county jail
22 for a period of not more than one year or by a fine of not more than five
23 hundred dollars (\$500), or by both such fine and imprisonment, or shall be
24 punished by imprisonment in the state prison.

25 CONTROLLED SUBSTANCES

26 12. **Vicodin** is a combination drug containing hydrocodone bitartrate and
27 acetaminophen and is a Schedule III controlled substance as designated by Health and Safety
28 Code section 11056, subdivision (e)(4), and a dangerous drug in that it is dispensed only on
prescription. Vicodin is a brand of hydrocodone bitartrate.

13 13. **Marijuana** is a Schedule I controlled substance as designated in Health and
14 Safety Code section 11054, subdivision (d)(13).

15 COST RECOVERY

16 14. Section 125.3 of the Code states, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **BACKGROUND**

4 15. On or about January 22, 2010, while employed as a Pharmacy Technician with
5 Omnicare Pharmacy, Lodi, California, Respondent, submitted to a random drug test at Omnicare
6 resulting in positive for Marijuana. Respondent did not have a prescription for Marijuana.
7 Respondent prepared her handwritten statement in which she admitted she had smoked Marijuana
8 within 30 days of January 22, 2010, and she had ingested one generic Vicodin tablet. She did not
9 have a prescription for generic Vicodin. Omnicare terminated Respondent from her Pharmacy
10 Technician position on or about January 26, 2010, pursuant to its policy on drug use.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Act Involving Moral Turpitude, Dishonesty, Fraud,
13 Deceit, or Corruption)**

14 16. Respondent is subject to disciplinary action under sections 4300 and 4301,
15 subdivision (f), of the Code on the grounds of unprofessional conduct in that she committed an
16 act involving moral turpitude, dishonesty, fraud, deceit, or corruption as set forth in paragraph 15,
17 above, incorporated herein by this reference.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Self-Administered Controlled Substances)**

20 17. Respondent is subject to disciplinary action under sections 4300 and 4301, sub-
21 division (h), of the Code on the grounds of unprofessional conduct in that she self-administered
22 Marijuana and Vicodin to the extent or in a manner as to be dangerous or injurious to herself,
23 another person, or the public, or to the extent her use impaired her ability to conduct with safety
24 to the public the practice of Pharmacy Technician, as set forth in paragraph 15, above,
25 incorporated herein by this reference.

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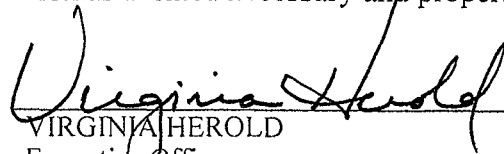
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1 2. Ordering Katherine Hirning Jacob to pay the Board of Pharmacy the reasonable costs
2 of the investigation and enforcement of this case, pursuant to Business and Professions Code
3 section 125.3;

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

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6 DATED:

11/17/10



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

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