

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2095  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 5036

11 **MANAL M. SALEH**  
12 **756 Center Pl., #B**  
13 **Manhattan Beach, CA 90266**

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

14 **Pharmacy Technician Registration No. TCH**  
15 **99773**

Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about May 19, 2010, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 99773 to Manal M. Saleh (Respondent). The Pharmacy Technician  
23 Registration was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on April 30, 2014, unless renewed.

25 **JURISDICTION**

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



1 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
2 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
3 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
4 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
5 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not  
6 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
7 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
8 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
9 labeled with the name and address of the supplier or producer.

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

#### 13 **HEALTH AND SAFETY CODE SECTION**

14 9. Health and Safety Code section 11377, subsection (a) states in pertinent

15 "Every person who possesses any controlled substance which is (1) classified in Schedule  
16 III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054,  
17 except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of  
18 subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section  
19 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the  
20 prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state,  
21 shall be punished by imprisonment in a county jail for a period of not more than one year or  
22 pursuant to subdivision (h) of Section 1170 of the Penal Code."

#### 23 **REGULATORY PROVISION**

24 10. California Code of Regulations, title 16, section 1770, states:

25 "For the purpose of denial, suspension, or revocation of a personal or facility license  
26 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
27 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
28 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a

1 licensee or registrant to perform the functions authorized by his license or registration in a manner  
2 consistent with the public health, safety, or welfare."

3 **COST RECOVERY**

4 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

8 **CONTROLLED SUBSTANCE**

9 12. Section 4022 of the Code states:

10 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in  
11 humans or animals, and includes the following:

12 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without  
13 prescription," "Rx only," or words of similar import.

14 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale  
15 by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled  
16 in with the designation of the practitioner licensed to use or order use of the device.

17 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
18 prescription or furnished pursuant to Section 4006."

19 13. Methamphetamine is a Schedule II controlled substance as designated by Health and  
20 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to  
21 Business and Professions Code section 4022.

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Unprofessional Conduct)

24 14. Respondent 's license is subject to disciplinary action for unprofessional conduct  
25 under section 4301, subdivisions (j) and (o) of the Code, in that Respondent was in possession of  
26 a controlled substance, Methamphetamine, in violation of section 4060 of the Code and Health  
27 and Safety Code section 11377, subdivision (a). The circumstances are as follows:

28 ///



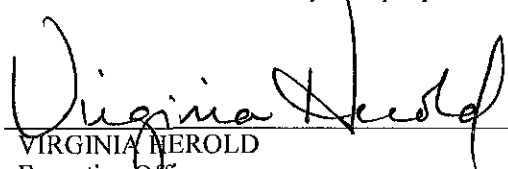
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 99773, issued to Manal M. Saleh;
2. Ordering Manal M. Saleh 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: 5/3/14

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

LA2013510849  
51484400\_2.doc