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

11 In the Matter of the Accusation Against:

Case No. 5351

12 **RAECINE ORA BARRAGAN**
21328 Conradi Avenue
13 Torrance, CA 90502

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH
60484

15 Respondent.
16

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about February 8, 2005, the Board issued Pharmacy Technician Registration
23 No. TCH 60484 to Raecine Ora Barragan (Respondent). The Pharmacy Technician Registration
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 October 31, 2016, unless renewed.

26 **JURISDICTION**

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

STATUTORY PROVISIONS

1
2 4. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or
3 revoked.”

4 5. Section 4300.1 states:

5 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
6 of law or by order or decision of the board or a court of law, the placement of a license on a
7 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
8 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
9 against, the licensee or to render a decision suspending or revoking the license."

10 6. Section 4301 states, in pertinent part:

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

14

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

18

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

24

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

27

28 "(l) The conviction of a crime substantially related to the qualifications, functions, and

1 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
2 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
3 substances or of a violation of the statutes of this state regulating controlled substances or
4 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
5 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
6 The board may inquire into the circumstances surrounding the commission of the crime, in order to
7 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
8 dangerous drugs, to determine if the conviction is of an offense substantially related to the
9 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
10 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
11 of this provision. The board may take action when the time for appeal has elapsed, or the
12 judgment of conviction has been affirmed on appeal or when an order granting probation is made
13 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
14 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
15 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
16 indictment. . . ."

17 REGULATORY PROVISION

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

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

25 DRUG STATUTE

26 8. Section 4060 states:

27 "A person shall not possess any controlled substance, except that furnished to a person upon
28 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor

1 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
2 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
3 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
4 pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the
5 possession of any controlled substance by a manufacturer, wholesaler, third-party logistics
6 provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian,
7 naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, if in stock
8 in containers correctly labeled with the name and address of the supplier or producer.

9 "This section does not authorize a certified nurse-midwife, a nurse practitioner, a physician
10 assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices."

11 **COST RECOVERY**

12 9. Section 125.3 provides that the Board may request the administrative law judge to
13 direct a licensee found to have committed a violation or violations of the licensing act to pay a
14 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

15 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

16 10. Heroin, a semisynthetic drug derived from morphine, is a Schedule I controlled
17 substance as designated by Health and Safety Code section 11054(c)(11).

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Dangerous Use of Controlled Substance - Heroin)**

20 11. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision
21 (h), on the grounds of unprofessional conduct, in that on or about June 22, 2013, Respondent
22 administered Heroin, a controlled substance, to herself to the extent or in a manner to be
23 dangerous or injurious to herself or others. The circumstances are as follows:

24 a. On or about June 23, 2013, at 0255 hours, law enforcement officers responded to a
25 domestic violence incident wherein Respondent and her boyfriend were involved in an escalated
26 verbal to physical altercation. Respondent attempted to physically stop her boyfriend from
27 leaving their residence, she grabbed him at the back of his neck with her hand. Respondent
28 admitted that she "smoked a little bit of Heroin around 11 o'clock tonight [6/22/2013]."

1 above in paragraph 11, inclusive, as though set forth fully.

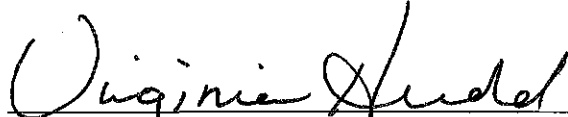
2 b. On or about September 13, 2013, Respondent was in possession of drug
3 paraphernalia, violating Health and Safety Code section 11364.1(a)(1). Complainant refers to and
4 by this reference incorporates the allegations set forth above in paragraph 12, inclusive, as though
5 set forth fully.

6 **PRAYER**

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

- 9 1. Revoking or suspending Pharmacy Technician Registration No. TCH 60484, issued to
10 Raecine Ora Barragan;
- 11 2. Ordering Raecine Ora Barragan to pay the Board the reasonable costs of the
12 investigation and enforcement of this case, pursuant to section 125.3; and
- 13 3. Taking such other and further action as deemed necessary and proper.

14
15 DATED: 7/6/15



16 VIRGINIA HEROLD
17 Executive Officer
18 Board of Pharmacy
19 Department of Consumer Affairs
20 State of California
21 Complainant

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