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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:
11 **RASHA NOFEL**
12 209 W. Essex St.
13 Stockton, CA 95204
14 **Original Pharmacist License No. RPH 62280**
15 Respondent.

Case No. 5919

ACCUSATION

16
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 2, 2009, the Board of Pharmacy issued Original Pharmacist
23 License Number RPH 62280 to Rasha Nofel (“Respondent”). The Pharmacist License expired on
24 August 31, 2016, and has not been 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 4. Section 4300 provides, in pertinent part, that every license issued by the Board is
2 subject to discipline, including suspension or revocation.

3 5. Section 4300.1 states:

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

9 **STATUTORY PROVISIONS**

10 6. Section 4022 states:

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

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

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

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

20 7. Section 4301 states:

21 "The board shall take action against any holder of a license who is guilty of unprofessional
22 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is
23 not limited to, any of the following:

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.

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

18

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

23 8. Health and Safety Code section 11350, subdivision (a), states:

24 “Except as otherwise provided in this division, every person who possesses (1) any
25 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
26 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
27 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
28 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic

1 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
2 licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of
3 Section 1170 of the Penal Code.”

4 **REGULATORY PROVISION**

5 9. California Code of Regulations, title 16, section 1770, states:

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

12 **COST RECOVERY**

13 10. Section 125.3 states, in pertinent part, that the Board may request the administrative
14 law judge to direct a licentiate found to have committed a violation or violations of the licensing
15 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
16 case.

17 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

18 11. Cocaine, is a Schedule II controlled substance as designated by Health and Safety
19 Code section 11055, subdivision (b)(6), and is categorized as a dangerous drug pursuant to
20 section 4022.

21 12. Hydrocodone with Acetaminophen is a Schedule II controlled substance pursuant to
22 Health and Safety Code section 11055, subdivision (b)(1)(I), and a dangerous drug pursuant to
23 Business and Professions Code section 4022.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Conviction of a Substantially Related Crime)**

26 13. Respondent is subject to disciplinary action under section 4301, subdivision (l), in
27 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was
28 convicted of a crime substantially related to the practice of a licensed pharmacist, as follows:

1 a. On or about February 18, 2016, after pleading nolo contendere, Respondent was
2 convicted of one misdemeanor count of violating Penal Code section 273.6, subdivision (A)
3 [violation of a protective order], in the criminal proceeding entitled *The People of the State of*
4 *California v. Rasha Nofel* (Super. Ct. Los Angeles County, 2016, Case No. CIT5JB07299-01.)
5 The court sentenced Respondent to three (3) years probation.

6 b. The circumstances underlying the conviction include that, on or about July 11, 2015,
7 Respondent forced her way into her ex-boyfriend's home, refused to leave and demanded the
8 return of property she claimed was hers. Respondent's ex-boyfriend informed Respondent that he
9 would leave the property, that Respondent could take what she wanted, and called for the children
10 upstairs to leave with him. While Respondent's ex-boyfriend was waiting for the children to
11 come downstairs, Respondent slapped him on the left side of his face. As Respondent's ex-
12 boyfriend left the property, he could hear things being thrown inside of his residence.

13 **SECOND CAUSE FORDISCIPLINE**

14 **(Possession of a Controlled Substance)**

15 14. Respondent's application is subject to disciplinary action under section 4301,
16 subdivision (j), in conjunction with Health and Safety Code section 11350, subdivision (a), on the
17 grounds of unprofessional conduct, in that Respondent illegally possessed cocaine and
18 hydrocodone with acetaminophen, controlled substances and dangerous drugs, as follows:

19 a. On or about April 19, 2016, Respondent entered the West Covina courthouse
20 pursuant to a post-conviction appearance in Los Angeles Superior Court Case No. CIT5JB07299-
21 01. When Respondent put her purse through the x-ray machine, court security observed a razor
22 blade in a container. Court security retrieved the container, opened it, and inside was a white
23 powdery substance, which later tested positive for cocaine. Respondent was then transported to
24 the West Covina Police Department, where an unmarked pill bottle was discovered that contained
25 fourteen (14) hydrocodone with acetaminophen tablets. After being detained, Respondent agreed
26 to an interview and stated that the cocaine was not hers, but rather that she had gone to a strip
27 club the previous day, gotten three lap dances, and that a stripper may have dropped the cocaine
28 in her purse. Respondent also claimed that the hydrocodone with acetaminophen were diet pills.

1 Approximately two hours after the interview, police officers found an additional cocaine bag
2 where Respondent had been seated after her initial detention. Surveillance footage was reviewed,
3 which showed Respondent rummaging through her purse and dropping something on the floor.
4 The additional bag later tested positive for cocaine.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Unprofessional Conduct)**

7 15. Respondent is subject to disciplinary action under section 4301 in that Respondent
8 committed unprofessional conduct by illegally possessing cocaine and hydrocodone with
9 acetaminophen, controlled substances and dangerous drugs, without a prescription. The
10 circumstances are described in additional detail in paragraph 14, subparagraph (a) inclusive, as
11 though set forth fully.

12 **PRAYER**

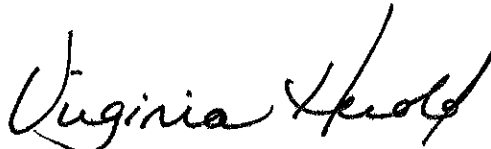
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Pharmacy issue a decision:

15 1. Revoking or suspending Original Pharmacist License Number RPH 62280, issued to
16 Rasha Nofel;

17 2. Ordering Rasha Nofel to pay the Board of Pharmacy the reasonable costs of the
18 investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3; and,

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

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24 DATED: 5/27/17



25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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