

1 XAVIER BECERRA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 SHERRY L. LEDAKIS  
Deputy Attorney General  
4 State Bar No. 131767  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9459  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:

Case No. 6008

13 **HEIDI A. QUAERNA**  
3913 Ingraham Street, Apt. U108  
14 San Diego, CA 92109

**ACCUSATION**

15 **Pharmacist License No. RPH 63706**

16 Respondent.

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 February 16, 2010, the Board of Pharmacy (Board) issued Pharmacist  
23 License Number RPH 63706 to Heidi A. Quaerna (Respondent). The Pharmacist License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on  
25 November 30, 2017, unless renewed.

26 ///

27 ///

28 ///

1 **JURISDICTION**

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 (Code) unless otherwise  
4 indicated.

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

9 5. Section 4300 of the Code states:

10 (a) Every license issued may be suspended or revoked.

11 (b) The board shall discipline the holder of any license issued by the board,  
12 whose default has been entered or whose case has been heard by the board and found  
guilty, by any of the following methods:

13 (1) Suspending judgment.

14 (2) Placing him or her upon probation.

15 (3) Suspending his or her right to practice for a period not exceeding one  
16 year.

17 (4) Revoking his or her license.

18 (5) Taking any other action in relation to disciplining him or her as the  
board in its discretion may deem proper.

19 **STATUTORY PROVISIONS**

20 6. Section 4301 of the Code states:

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

23 ...

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

26 ...

27 (h) The administering to oneself, of any controlled substance, or the use of  
any dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
28 dangerous or injurious to oneself, to a person holding a license under this chapter, or

1 to any other person or to the public, or to the extent that the use impairs the ability of  
2 the person to conduct with safety to the public the practice authorized by the license.

3 . . . .

4 7. Section 4060 of the Code states:

5 No person shall possess any controlled substance, except that furnished to a  
6 person upon the prescription of a physician, dentist, podiatrist, optometrist,  
7 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant  
8 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
9 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to  
10 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist  
11 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
12 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section  
13 shall not apply to the possession of any controlled substance by a manufacturer,  
14 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,  
15 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or  
16 physician assistant, when in stock in containers correctly labeled with the name and  
17 address of the supplier or producer.

18 . . . .

19 8. Section 4327 of the Code states:

20 Any person who, while on duty, sells, dispenses or compounds any drug while under the  
21 influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor.

22 9. Health and Safety Code section 11170 states:

23 No person shall prescribe, administer, or furnish a controlled substance for himself.

### 24 COST RECOVERY

25 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
26 administrative law judge to direct a licentiate found to have committed a violation or violations of  
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
included in a stipulated settlement.

### 29 DRUGS

30 11. Cocaine is a powerfully addictive, psychoactive, stimulant drug. It is a Scheduled I  
31 controlled substance per Health and Safety Code section 11054(f)(1) and a dangerous drug per  
32 Code section 4022.

33 ///

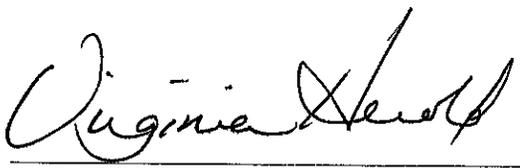




1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

DATED: 3/22/17



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

SD2016703072  
12601968.doc