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

10 In the Matter of the Accusation Against:

Case No. 6110

11 **NABILA CASTLE**
12 **25710 Lawton Ave.**
13 **Loma Linda, CA 92354**

A C C U S A T I O N

14 **Pharmacist License No. RPH 54749**

15 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 August 22, 2003, the Board of Pharmacy issued Pharmacist License
22 Number RPH 54749 to Nabila Castle ("Respondent"). The Pharmacist License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on January 31, 2019,
24 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 ("Code") unless otherwise indicated.

1 (j) The violation of any of the statutes of this state, of any
2 other state, or of the United States regulating controlled substances
3 and dangerous drugs.

4 (o) Violating or attempting to violate, directly or indirectly,
5 or assisting in or abetting the violation of or conspiring to violate
6 any provision or term of this chapter or of the applicable federal
7 and state laws and regulations governing pharmacy, including
8 regulations established by the board or by any other state or federal
9 regulatory agency. . . .

10 9. Health and Safety Code section 11170 states that, "No person shall prescribe,
11 administer, or furnish a controlled substance for himself."

12 10. Health and Safety Code section 11172 states that, "No person shall antedate or
13 postdate a prescription."

14 COST RECOVERY

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

21 DRUG CLASSIFICATIONS

22 12. 3. Alprazolam, the generic name for Xanax, is a Schedule IV controlled substance as
23 designated by Health and Safety Code section 11057, subdivision (d)(1), and is a dangerous drug
24 pursuant to section 4022(c) of the Code.

25 13. Adderall is a Schedule II controlled substance as designated in Health and Safety Code
26 section 11055, subdivision (d)(1), and is a dangerous drug pursuant to section 4022(c) of the
27 Code.

28 14. Methamphetamine is a Schedule II controlled substance as designated by Health and
Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to section
4022(c) of the Code.

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COMMON FACTUAL ALLEGATIONS

15. On or around January 7, 2017, Respondent was stopped by two officers of the San Bernardino County Sheriff's Office after failing to stop at a stop sign. During their encounter, an officer observed that Respondent was under the influence of drugs and Respondent subsequently admitted that she had used methamphetamines the day before. Respondent also admitted to the officers that she had been using methamphetamine for at least four months by smoking it through a water bong.

16. In or around April 2017, a Board inspector conducted an investigation into Respondent's past prescription drug use. The inspector found that, in December 2015 and January 2016, Respondent had prescriptions for controlled substances, including, but not limited to, Alprazolam and Adderall. The inspector further discovered that:

a. In several instances, Respondent filled her own prescriptions for Alprazolam and Adderall, and dispensed them to herself while working at a pharmacy.

b. In at least one instance, when Respondent filled her own prescription for Adderall, she dispensed to herself a different dosage and amount than what was actually prescribed.

c. In at least one instance, the date of issuance on one of the prescriptions had been or appeared to have been subsequently altered, and yet Respondent failed to contact the prescriber in order to obtain the information needed to validate the prescription.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Dangerous Use of Drugs)

17. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), on the grounds that Respondent used controlled substances in a manner that was dangerous or injurious to herself and/or to the public. Complainant refers to and by this reference expressly incorporates the allegations contained within paragraph 15, above, as though fully set forth herein.

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1 amount than what was actually prescribed. Complainant refers to and by this reference expressly
2 incorporates the allegations contained within paragraph 16, subdivision (b), above, as though fully
3 set forth herein.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct – Violation of Statutes Regulating Pharmacies)**

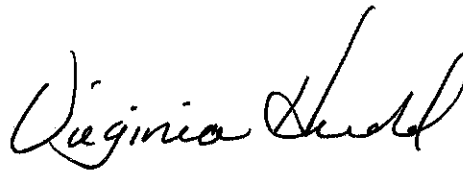
6 21. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
7 in conjunction with Health & Safety Code section 11172 and California Code of Regulations, title
8 16, section 1761, subdivision (a), on the grounds that Respondent dispensed a prescription to
9 herself when the prescription contained a significant error, omission, irregularity, uncertainty,
10 ambiguity, and/or alteration. Complainant refers to and by this reference expressly incorporates
11 the allegations contained within paragraph 16, subdivision (c), above, as though fully set forth
12 herein.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacist License Number RPH 54749, issued to Nabila
17 Castle;
- 18 2. Ordering Nabila Castle to pay the Board of Pharmacy the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

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23
24 DATED: 9/22/17



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

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