

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

In the Matter of the Accusation Against:

Case No. 5433

JOSEPH ABDELLAH OUASSIL
3137 Indianapolis Ave.
Clovis, CA 93614

Pharmacy Technician Registration No. TCH
105898

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 18, 2015.

It is so ORDERED on November 18, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
Deputy Attorney General
4 State Bar No. 245282
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
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. 5433

11 **JOSEPH ABDELLAH OUASSIL**
12 **3137 Indianapolis Ave.**
13 **Clovis, CA 93614**

STIPULATED SURRENDER OF
LICENSE AND ORDER

14 **Pharmacy Technician Registration No. TCH**
105898

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Sydney M. Mehringer, Deputy Attorney
23 General.

24 2. Joseph Abdellah Ouassil ("Respondent") is representing himself in this proceeding
25 and has chosen not to exercise his right to be represented by counsel.

26 3. On or about August 11, 2010, the Board of Pharmacy ("Board") issued Pharmacy
27 Technician Registration No. TCH 105898 to Respondent. The Pharmacy Technician Registration
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1 was in full force and effect at all times relevant to the charges brought in Accusation No. 5433
2 and will expire on July 31, 2016, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 5433 was filed before the Board and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on August 25, 2015. Respondent timely filed his Notice of Defense contesting the
7 Accusation. A copy of Accusation No. 5433 is attached as Exhibit A and incorporated by
8 reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 5433. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 5433, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
25 Registration No. TCH 105898 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Pharmacy Technician Registration without further process.

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2 **CONTINGENCY**

3 10. This stipulation shall be subject to approval by the Board. Respondent understands
4 and agrees that counsel for Complainant and the staff of the Board may communicate directly
5 with the Board regarding this stipulation and surrender, without notice to or participation by
6 Respondent. By signing the stipulation, Respondent understands and agrees that he may not
7 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
8 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
9 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
10 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
11 be disqualified from further action by having considered this matter.

12 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
13 copies of this Stipulated Surrender of License and Order, including Portable Document Format
14 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

15 12. This Stipulated Surrender of License and Order is intended by the parties to be an
16 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
18 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
19 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
20 executed by an authorized representative of each of the parties.

21 13. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Board may, without further notice or formal proceeding, issue and enter the following Order:

23 **ORDER**

24 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 105898,
25 issued to Respondent Joseph Abdellah Ouassil, is surrendered and accepted by the Board of
26 Pharmacy.

27 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
28 of the surrendered license by the Board shall constitute the imposition of discipline against

1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
2 Respondent's license history with the Board.

3 2. Respondent shall lose all rights and privileges as a registered pharmacy technician in
4 California as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. If Respondent ever files an application for licensure or a petition for reinstatement in
8 the State of California, the Board shall treat it as a new application for licensure. Respondent
9 may not apply for any license, permit, or registration from the Board for three (3) years from the
10 effective date of this decision. Respondent stipulates that should he apply for any license from the
11 Board on or after the effective date of this decision, all allegations set forth in the accusation shall
12 be deemed to be true, correct and admitted by Respondent when the Board determines whether to
13 grant or deny the application. Respondent shall satisfy all requirements applicable to that license
14 as of the date the application is submitted to the Board, including, but not limited to certification
15 by a nationally recognized body prior to the issuance of a new license. Respondent is required to
16 report this surrender as disciplinary action.

17 5. Respondent shall pay the Board its costs of investigation and enforcement in the
18 amount of \$4,909.50 prior to issuance of a new or reinstated license.

19 6. If Respondent should ever apply or reapply for a new license or certification, or
20 petition for reinstatement of a license, by any other health care licensing agency in the State of
21 California, all of the charges and allegations contained in Accusation, No. 5433 shall be deemed
22 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
23 other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

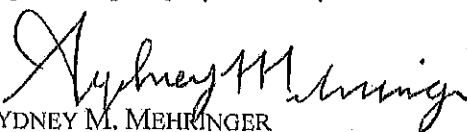
DATED: 10/13/15 
JOSEPH ABDELLAH OUASSIL
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: September 30, 2015

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General


SYDNEY M. MEHRINGER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5433

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
Deputy Attorney General
4 State Bar No. 245282
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
E-mail: Sydney.Mehring@doj.ca.gov
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **JOSEPH ABDELLAH OUASSIL**
2742 Minford Street
13 Lancaster, CA 93536
14 Pharmacy Technician Registration No. TCH
105898
15 Respondent.

Case No. 5433

ACCUSATION

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 11, 2010, the Board of Pharmacy ("Board") issued Pharmacy
22 Technician Registration Number TCH 105898 to Joseph Abdellah Ouassil ("Respondent"). The
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
24 brought herein and will expire on July 31, 2016, unless renewed.

25 **JURISDICTION**

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

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1 4. Section 4300 of the Code states, in pertinent part:

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

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

6 "(1) Suspending judgment.

7 "(2) Placing him or her upon probation.

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

9 "(4) Revoking his or her license.

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

12 5. Section 4300.1 of the Code states:

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

18 STATUTES

19 6. Section 4060 of the Code states, in pertinent part:

20 "No person shall possess any controlled substance, except that furnished to a person upon
21 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
22 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
23 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
24 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
25 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
26 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
27 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
28 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified

1 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
2 labeled with the name and address of the supplier or producer."

3 7. Section 4301 of the Code states, in pertinent part:

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

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

11 "(g) Knowingly making or signing any certificate or other document that falsely represents
12 the existence or nonexistence of a state of facts.

13

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

16

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

21 8. Health and Safety Code section 11171 states, "No person shall prescribe, administer,
22 or furnish a controlled substance except under the conditions and in the manner provided by this
23 division."

24 9. Health and Safety Code section 11173 states, in pertinent part:

25 (a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt
26 to procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
27 misrepresentation, or subterfuge; or (2) by the concealment of a material fact."
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1 16. On or about September 12, 2014, a Board Inspector met with PIC Kivisto at Burns
 2 Pharmacy. PIC Kivisto told the Board Inspector that he discovered Respondent was diverting
 3 controlled substances when he was investigating fraudulent prescriptions issued in the name of
 4 Dr. N. De Jesus. In February 2014, PIC Kivisto discovered a generic Norco prescription was
 5 missing from the pharmacy's "will call" area. PIC Kivisto ran a CURES report on all of his
 6 employees and discovered that several had received prescriptions for controlled substances from
 7 Dr. De Jesus after she retired in September 2013. Additionally, the CURES report revealed that
 8 Dr. De Jesus had prescribed promethazine with codeine and Norco for Respondent's stepfather,
 9 Y.K., and Norco for Respondent's brother, C.O. PIC Kivisto contacted Y.K. to inquire about the
 10 prescriptions and Y.K. had no knowledge of the prescriptions and denied ever seeing Dr. De Jesus
 11 or receiving the prescriptions.

12 17. On or about October 30, 2014, the Board Inspector interviewed Respondent.
 13 Respondent admitted that the prescriptions for promethazine with codeine and Norco for Y.K.
 14 were fraudulent and the prescriptions for Norco for C.O. were fraudulent. He stated that he
 15 arranged for an employee at Dr. De Jesus's office to authorize the prescriptions for him. Once the
 16 prescriptions were filled, Respondent would pick them up and pay for the narcotics. On the days
 17 he did not work, Respondent would consume the drugs. The fraudulent prescriptions are as
 18 follows:

Patient Name	RX #	Drug Type	Drug Quantity	Date Filled
K.Y	2098929	hydrocodone/apap 10mg-325mg	180 tablets	9/17/2013
K.Y	2098929	hydrocodone/apap 10mg-325mg	180 tablets	9/30/2013
K.Y	2098929	hydrocodone/apap 10mg-325mg	180 tablets	10/15/2013
K.Y	2098929	hydrocodone/apap 10mg-325mg	180 tablets	11/8/2013
K.Y	2098928	promethazine with codeine 10mg/6.25mg	480 ml	9/17/2013
K.Y	2098928	promethazine with codeine 10mg/6.25mg	480 ml	9/30/2013
K.Y	2098928	promethazine with codeine 10mg/6.25mg	480 ml	10/15/2013
K.Y	2098928	promethazine with codeine	480 ml	11/08/2013

		10mg/6.25mg			
1	K.Y	2098928	promethazine with codeine 10mg/6.25mg	480 ml	11/25/2013
2	K.Y	2098928	promethazine with codeine 10mg/6.25mg	480 ml	12/18/2013
3	C.O.	2100508	hydrocodone/apap 10mg- 325mg	180 tablets	9/25/2013
4	C.O.	2100508	hydrocodone/apap 10mg- 325mg	180 tablets	10/21/2013
5	C.O.	2100508	hydrocodone/apap 10mg- 325mg	180 tablets	11/15/2013
6	C.O.	2100508	hydrocodone/apap 10mg- 325mg	180 tablets	2/26/2014
7	C.O.	2100508	hydrocodone/apap 10mg- 325mg	180 tablets	
8					

FIRST CAUSE FOR DISCIPLINE

(Unlawful Possession of Controlled Substances)

11 18. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
12 in conjunction with Code section 4060, on the grounds of unprofessional conduct in that
13 Respondent unlawfully possessed controlled substances, to wit: hydrocodone/apap and
14 promethazine with codeine. Between September 2013 and February 2014, Respondent obtained
15 fraudulent prescriptions for Norco and promethazine with codeine in the name of his stepfather,
16 K.Y., and his brother, C.O., with the help of an employee of Dr. N. De Jesus in the following
17 way: (1) the employee authorized the prescriptions; (2) Respondent had the prescriptions filled at
18 Burns Pharmacy; (3) Respondent signed for, paid for, and picked up the prescriptions; and (4)
19 Respondent personally used the medications obtained by the prescriptions. Complainant
20 incorporates by reference Paragraphs 15 through 17 as though fully set forth herein.

SECOND CAUSE FOR DISCIPLINE

(Dishonest and Fraudulent Acts)

23 19. Respondent is subject to disciplinary action under Code section 4301, subdivision (f)
24 and subdivision (h), in conjunction with Health and Safety Code sections 11171, 11173, and
25 11180, on the grounds of unprofessional conduct in that Respondent committed dishonest and
26 fraudulent acts, including obtaining controlled substances by fraud, misrepresentation, and deceit.
27 Complainant incorporates by reference Paragraphs 15 through 18 as though fully set forth herein.

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Knowingly Signing a False Document)**

3 20. Respondent is subject to disciplinary action under Code section 4301, subdivision (g)
4 on the grounds of unprofessional conduct in that Respondent knowingly signed a document that
5 falsely represented the existence of a state of facts. Complainant incorporates by reference
6 Paragraphs 15 through 18 as though fully set forth herein. Additionally, when Respondent signed
7 for the prescriptions, he forged the signatures of his stepfather, K.Y., and his brother, C.O.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Providing a False Name in Connection with a Prescription)**

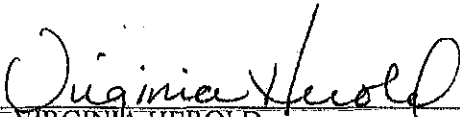
10 21. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
11 in conjunction with Health and Safety Code sections 11174 and 11180, on the grounds of
12 unprofessional conduct in that Respondent had fraudulent prescriptions issued in the names of his
13 stepfather, K.Y., and his brother, C.O. Complainant incorporates by reference Paragraphs 15
14 through 18 as though fully set forth herein.

15 **PRAYER**

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

- 18 1. Revoking or suspending Pharmacy Technician Registration Number TCH 105898,
19 issued to Joseph Abdellah Ouassil;
- 20 2. Ordering Joseph Abdellah Ouassil to pay the Board of Pharmacy the reasonable costs
21 of the investigation and enforcement of this case, pursuant to Business and Professions Code
22 section 125.3; and
- 23 3. Taking such other and further action as deemed necessary and proper.

24
25 DATED: 8/17/15


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

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