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

In the Matter of the Accusation Against:

JAMAL DARREL WATTS
19402 Nestor Ave.
Carson, CA 90746

Pharmacy Technician Registration No. TCH
175811

Respondent.

Case No. 7104

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 14, 2021, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (“Board”), Department of Consumer Affairs, filed Accusation No. 7104 against Jamal Darrel Watts (“Respondent”) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about January 14, 2020, the Board issued Pharmacy Technician Registration No. TCH 175811 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7104 and will expire on December 31, 2021, unless renewed.

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1 3. On or about May 13, 2021, Respondent was served by Certified Mail copies of the
2 Statement to Respondent, Accusation No. 7104, Request for Discovery, Notice of Defense and
3 Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's
4 address of record which, pursuant to Business and Professions Code section 4100, is required to
5 be reported and maintained with the Board. Respondent's address of record was and is:
6 19402 Nestor Ave. Carson, CA 90746.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c), and/or Business and Professions Code section
9 124.

10 5. Government Code section 11506, subdivision (c), states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense . . . and the notice shall be deemed a specific denial of all
13 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
14 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
15 discretion may nevertheless grant a hearing.

16 6. The Board takes official notice of its records and the fact that Respondent failed to
17 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
18 waived his right to a hearing on the merits of Accusation No. 7104.

19 7. California Government Code section 11520, subdivision (a), states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense . . . or to appear at
21 the hearing, the agency may take action based upon the respondent's express
22 admissions or upon other evidence and affidavits may be used as evidence without
23 any notice to respondent

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 as well as taking official notice of all the investigatory reports, exhibits and statements contained
28 therein on file at the Board's offices regarding the allegations contained in Accusation No. 7104,
finds that the charges and allegations in Accusation No. 7104, are separately and severally, found
to be true and correct by clear and convincing evidence.

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Exhibit A
Accusation

1 MATTHEW RODRIQUEZ
Acting Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 MICHAEL BROWN
Deputy Attorney General
4 State Bar No. 231237
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5 Los Angeles, CA 90013
Telephone: (213) 269-6308
6 Facsimile: (916) 731-2126
E-mail: MichaelB.Brown@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7104

13 **JAMAL DARREL WATTS**
14 **19402 Nestor Ave.**
Carson, CA 90746

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **175811**

17 Respondent.

18
19 **PARTIES**

20 1. Anne Sodergren (“Complainant”) brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy (“Board”), Department of Consumer
22 Affairs.

23 2. On or about January 14, 2020, the Board issued Pharmacy Technician Registration
24 Number TCH 175811 to Jamal Darrel Watts (“Respondent”). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on December 31, 2021, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (“Board”), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (“Code”) unless otherwise indicated.

4. Section 4300 of the Code states:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

...

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

5. Section 4300.1 of the Code states:

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

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1 **STATUTORY PROVISIONS**

2 6. Section 4060 of the Code states:

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

13 7. Section 4301 of the Code states:

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

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

20 ...

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

26 ...

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

29 **COST RECOVERY**

30 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
31 administrative law judge to direct a licentiate found to have committed a violation or violations of
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
33 enforcement of the case.

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1 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

2 9. Section 4022 of the Code states

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

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

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

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

13 10. Cocaine, and any cocaine base, is a narcotic drug according to Health and
14 Safety Code section 11019(e). It is a Schedule I controlled substance, as designated in Health and
15 Safety Code section 11054(f)(1), and a Schedule II controlled substance, as designated in Health
16 and Safety Code section 11055(b)(6). It is categorized as a dangerous drug according to Business
17 and Professions Code section 4022.

18 **FACTUAL ALLEGATIONS**

19 11. On or about October 2, 2020, the Board received a complaint from T.W. with
20 MediQuest Staffing Agency that Respondent pre-employment drug test showed positive for
21 cocaine.

22 12. On or about October 27, 2020, a Board Inspector T.S. (“Board Inspector”) interviewed Respondent and asked him what happened with the staffing agency. Respondent
23 stated he was “getting over an illness” and did not know “they got it in my system.” The Board
24 Inspector asked what the nature of his illness was and Respondent stated it was “addiction.”
25 Respondent stated he had the addiction “for a lengthy time” and was in rehab about four (4) years
26 ago. Respondent stated that he had been trying to “deal with the problem by himself” using the
27 tools he learned in the rehab.

28 13. Respondent stated he was laid off from his last job working as a pharmacy technician
in March 2020 due to the COVID pandemic. Respondent stated he took a “mental break” for a

1 while and had been looking for a job since. Respondent stated the job search took so long that he
2 “kinda of slipped up.”

3 14. In early October 2020, Respondent started working at Premier Infusion Care through
4 MediQuest Staffing Agency. After Respondent started working, Respondent was informed he
5 failed the drug test. Respondent stated “it did not come back clean” and was told not to return to
6 Premier Infusion Care.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

9 15. Respondent is subject to disciplinary action under section 4301, subdivision (f) and
10 (j), on or about October 1, 2020, by Respondent pre-employment drug test came back positive for
11 cocaine. Complainant refers to, and by this reference incorporates, the allegations set forth above
12 in paragraphs 11 through 14, as though fully set forth.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct)**

15 16. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
16 that Respondent committed acts of unprofessional conduct and/ or violated provisions of the
17 licensing chapter in that on or about October 1, 2020, by Respondent pre-employment drug test
18 came back positive for cocaine. Complainant refers to, and by this reference incorporates, the
19 allegations set forth above in paragraphs 11 through 14, as though fully set forth.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Unlawful Possession of a Controlled Substance)**

22 17. Respondent is subject to disciplinary action under sections 4301, subdivision (j), in
23 conjunction with section 4060, on the grounds of unprofessional conduct, in that on or about
24 October 1, 2020, by Respondent pre-employment drug test came back positive for cocaine.
25 Complainant refers to, and by this reference incorporates, the allegations set forth above in
26 paragraphs 11 through 14, as though fully set forth.

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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 175811, issued to Jamal Darrel Watts;

2. Ordering Jamal Darrel Watts to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 4/14/2021 _____

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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