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

11 In the Matter of the Accusation Against:

Case No. 5145

12 **ELISA LE**
13 **6331 Beachview Drive**
14 **Huntington Beach, CA 92648**

A C C U S A T I O N

15 **Pharmacist License No. RPH 41913**

16 Respondent.

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 3, 1988, the Board of Pharmacy issued Pharmacist License
22 Number RPH 41913 to Elisa Le (Respondent). The Pharmacist License was in full force and
23 effect at all times relevant to the charges brought herein and will expire on July 31, 2016, unless
24 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 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
2 deceit, or corruption, whether the act is committed in the course of relations as a
licensee or otherwise, and whether the act is a felony or misdemeanor or not.

3 ...

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

9

10 COST RECOVERY

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

16 DRUG

17 10. Vyvanse is a brand name for lisdexamfetamine, a Schedule II controlled substance
18 pursuant to Health and Safety Code section 11055(d)(1), and a dangerous drug pursuant to
19 Business and Professions Code section 4022.

20 FACTUAL ALLEGATIONS

21 11. At all times mentioned referenced herein, Respondent was employed as a "floating"
22 pharmacist at CVS Pharmacy #8854 located in Santa Ana, California.

23 12. On or about May 29, 2013 at 5:30 p.m., while Respondent was working as a
24 pharmacist, she removed a stock bottle of 100 capsules of Vyvanse 40 mg from the pharmacy
25 safe, placed that bottle into her right smock pocket, put the capsules from the bottle in the pocket
26 of her smock, placed the empty bottle in the receptacle used to dispose of empty stock bottles, and
27 walked out of the pharmacy with the 100 capsules of Vyvanse 40 mg in the pocket of her smock.

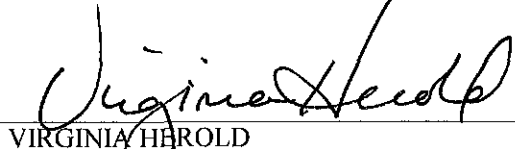
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2. Ordering Elisa Le to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 11/10/14



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

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