

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

In the Matter of the Accusation Against:

Case No. 4213

AMERICA DEVERA
3716 Seneca Avenue
Los Angeles, CA 90039

Pharmacy Technician Registration No.
TCH 56043

Respondent.

DECISION AND ORDER

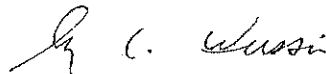
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 8, 2013.

It is so ORDERED on March 7, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MORGAN MALEK
Deputy Attorney General
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300 So. Spring Street, Suite 1702
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Attorneys for Complainant

7
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BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4213

11 **AMERICA Q. DEVERA**
12 **3716 Seneca Avenue**
13 **Los Angeles, CA 90039**
14 **Pharmacy Technician Registration No. TCH**
56043

STIPULATED SURRENDER OF
LICENSE AND ORDER

15 Respondent.

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22 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
23 proceeding that the following matters are true:

24 PARTIES

25 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
26 She brought this action solely in her official capacity and is represented in this matter by Kamala
27 D. Harris, Attorney General of the State of California, by Morgan Malek, Deputy Attorney
28 General.

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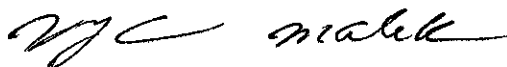
ENDORSEMENT

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: 1/31/13

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4213

1 KAMALA D. HARRIS
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10 In the Matter of the Accusation Against:

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13 **Los Angeles, CA 90039**

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **56043**

Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

24 2. On or about April 16, 2004, the Board of Pharmacy issued Pharmacy Technician
25 Registration Number TCH 56043 to America Q. Devera (Respondent). The Pharmacy
26 Technician Registration was in full force and effect at all times relevant to the charges brought
27 herein and will expire on September 30, 2013, unless renewed.

1 JURISDICTION

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

5 4. Section 118, subdivision (b) of the Code states:

6 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a
7 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by
8 order of a court of law, or its surrender without the written consent of the board, shall not, during
9 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
10 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
11 provided by law or to enter an order suspending or revoking the license or otherwise taking
12 disciplinary action against the licensee on any such ground.

13 5. Section 4051 of the Code states:

14 "(a) Except as otherwise provided in this chapter, it is unlawful for any person to
15 manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to
16 dispense or compound any prescription pursuant to Section 4040 of a prescriber unless he or she
17 is a pharmacist under this chapter."

18 6. Section 4059 of the Code states:

19 "(a) A person may not furnish any dangerous drug, except upon the prescription of a
20 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
21 3640.7. A person may not furnish any dangerous device, except upon the prescription of a
22 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
23 3640.7.

24 7. Section 4060 of the Code states:

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

8. Section 4301 of the Code states:

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

...

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct-Stealing Controlled Substances)

3 13. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
4 Code, on the grounds of unprofessional conduct for violating in that Respondent admitted to
5 taking six thousand (6000) tablets of Norco and Vicodin from CVS Pharmacy, store # 9661,
6 without a prescription, and sold them from 2009 to 2010, in violation of section 4301, subdivision
7 (f) of the Code. The circumstances are as follows:

8 a. From September 2009 to March 2012, Respondent admitted to assisting another
9 individual by the name of Andrew in getting access to Norco and Vicodin obtained from CVS
10 Pharmacy. Andrew would pay Respondent \$50.00 to \$100.00 every time she assisted him. A
11 total of six bottles were taken overall. Respondent assisted Andrew by placing the bottle in the
12 trash while he came in and took out the trash himself.

13 **SECOND CAUSE FOR DISCIPLINE**

14 (Violation of Controlled Substance Statute)

15 14. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the
16 Code, in that Respondent admitted to taking six thousand (6000) tablets of Norco and Vicodin
17 from CVS Pharmacy, store # 9661, without a prescription and sold them from 2009 to 2010, in
18 violation of section 4301, subdivision (j) of the Code. Complainant refers to, and by this
19 reference incorporates, the allegations set forth above in paragraph 13 subparagraph (a), inclusive,
20 as though set forth fully.

21 **THIRD CAUSE FOR DISCIPLINE**

22 (Furnishing Drugs or Controlled Substances without Prescription)

23 15. Respondent is subject to disciplinary action under section 4059, subdivision (a),
24 section 4301, subdivision (o), and section 4051 of the Code, in that Respondent admitted to
25 taking six thousand (6000) tablets of Norco and Vicodin from CVS Pharmacy, store # 9661,
26 without a prescription and sold them from 2009 to 2010, in violation of section 4059, subdivision
27 (a), section 4301, subdivision (o), and section 4051 of the Code. Complainant refers to, and by
28

1 this reference incorporates, the allegations set forth above in paragraph 13 subparagraph (a),
2 inclusive, as though set forth fully.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 (Prescription Required for Controlled Substance)

5 16. Respondent is subject to disciplinary action under sections 4060 and 4051 of the
6 Code, in that Respondent admitted to taking six thousand (6000) tablets of Norco and Vicodin
7 from CVS Pharmacy, store # 9661, without a prescription and sold them from 2009 to 2010, in
8 violation of sections 4060 and 4051 of the Code. Complainant refers to, and by this reference
9 incorporates, the allegations set forth above in paragraph 13 subparagraph (a), inclusive, as
10 though set forth fully.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 (Possession of a Controlled Substance without a Prescription)

13 17. Respondent is subject to disciplinary action under section 11350 of the Health and
14 Safety Code, in that Respondent admitted to taking six thousand (6000) tablets of Norco and
15 Vicodin from CVS Pharmacy, store # 9661, without a prescription and sold them from 2009 to
16 2010, in violation of section 11350 of the Health and Safety Code. Complainant refers to, and by
17 this reference incorporates, the allegations set forth above in paragraph 13 subparagraph (a),
18 inclusive, as though set forth fully.

19 **SIXTH CAUSE FOR DISCIPLINE**

20 (Possession of a Controlled Substance for Sale)

21 18. Respondent is subject to disciplinary action under section 11152 of the Health and
22 Safety Code, in that Respondent admitted to taking six thousand (6000) tablets of Norco and
23 Vicodin from CVS Pharmacy, store # 9661, without a prescription and sold them from 2009 to
24 2010, in violation of section 11152 of the Health and Safety Code. Complainant refers to, and by
25 this reference incorporates, the allegations set forth above in paragraph 13 subparagraph (a),
26 inclusive, as though set forth fully.

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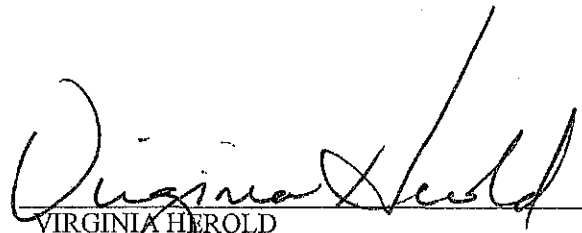
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PRAYER

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 56043, issued to America Q. Devera
2. Ordering America Q. Devera 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: 6/15/12



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

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