

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

In the Matter of the Accusation Against:

LEANNE C. CONLEY
AKA LEANNE MARTIN
4623 North Emerson 103
Fresno, CA 93722

Pharmacy Technician Registration No.
TCH 36081

Respondent.

Case No. 4864

OAH No. 2013120288

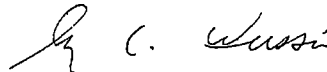
DECISION AND ORDER

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 September 12, 2014.

It is so ORDERED on September 9, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
 Attorney General of California
 2 JANICE K. LACHMAN
 Supervising Deputy Attorney General
 3 KRISTINA T. JANSEN
 Deputy Attorney General
 4 State Bar No. 258229
 1300 I Street, Suite 125
 5 P.O. Box 944255
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 6 Telephone: (916) 324-5403
 Facsimile: (916) 327-8643
 7 *Attorneys for Complainant*

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 9 **DEPARTMENT OF CONSUMER AFFAIRS**
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 13 **4623 North Emerson 103**
Fresno, California 93722

OAH No. 2013120288

**STIPULATED SURRENDER OF
 LICENSE AND ORDER**

14 **Pharmacy Technician Registration No. TCH 36081**

15 Respondent.
 16

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

20 **PARTIES**

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

25 2. Leanne C. Conley, also known as (aka) Leanne Martin (Respondent) is represented in
 26 this proceeding by attorney Stephen Quade, whose address is: Law Offices of Nuttall & Coleman,
 27 2445 Capitol Street, Ste. 150, Fresno, CA 93721.

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 36081, issued to Respondent Leanne C. Conley, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.

2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

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

4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent may not apply for any license, permit, or registration from the board for three (3) years from the effective date of this decision. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 4864 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board, including but not limited to certification by a nationally recognized body prior to the issuance of a new license. Respondent is required to report this surrender as disciplinary action.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$6,957.50 prior to issuance of a new or reinstated license.

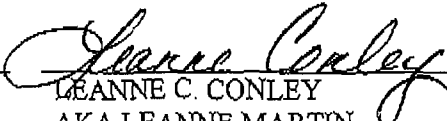
6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 4864 shall be deemed

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1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
2 other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of License and Order and have fully
5 discussed it with my attorney, Stephen Quade. I understand the stipulation and the effect it will
6 have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License
7 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
8 Order of the Board of Pharmacy.


9
10 DATED: 8/14/14 
11 LEANNE C. CONLEY
12 AKA LEANNE MARTIN
Respondent

13 I have read and fully discussed with Respondent Leanne C. Conley the terms and
14 conditions and other matters contained in this Stipulated Surrender of License and Order. I
15 approve its form and content.

16
17 DATED: 8/14/14 
18 STEPHEN QUADE
Attorney for Respondent

19 ENDORSEMENT

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

22 Dated: August 14, 2014
23 Respectfully submitted,
24 KAMALA D. HARRIS
Attorney General of California
25 JANICE K. LACHMAN
Supervising Deputy Attorney General
26 
27 KRISTINA T. JANSEN
Deputy Attorney General
28 Attorneys for Complainant

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Exhibit A

Accusation No. 4864

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
4 State Bar No. 258229
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15 **4623 North Emerson 103**
16 **Fresno, California 93722**

A C C U S A T I O N

17 **Pharmacy Technician Registration No. TCH**
18 **36081**

19 Respondent.

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 24, 2001, the Board of Pharmacy issued Pharmacy Technician
25 Registration Number TCH 36081 to Leanne C. Conley, also known as (aka) Leanne Martin,
26 (Respondent). The Pharmacy Technician Registration was in full force and effect at all times
27 relevant to the charges brought herein and will expire on December 31, 2014, unless renewed.

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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 4300 of the Code states in pertinent part:

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

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

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

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

13 (4) Revoking his or her license.

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

16 5. Section 4300.1 of the Code states:

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

22 **BUSINESS AND PROFESSIONS CODE PROVISIONS**

23 6. Section 4301 of the Code states in pertinent part:

24 The board shall take action against any holder of a license who is guilty of unprofessional
25 conduct. Unprofessional conduct shall include, but is not limited to, any of the following:

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

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

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

7 7. Section 4059 of the Code states, in pertinent part, that a person may not furnish any
8 dangerous drug except upon the prescription of a physician.

9 8. Section 4060 of the Code states in pertinent part, that a person may not possess any
10 controlled substance, except that furnished to a person upon the prescription of a physician.

11 9. Section 4063 of the Code states in pertinent part: "No prescription for any dangerous
12 drug or dangerous device may be refilled except upon authorization of the prescriber. The
13 authorization may be given orally or at the time of giving the original prescription..."

14 10. Section 4324 of the Code states:

15 "(a) Every person who signs the name of another, or of a fictitious person, or falsely makes,
16 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any
17 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the
18 state prison, or by imprisonment in the county jail for not more than one year.

19 "(b) Every person who has in his or her possession any drugs secured by a forged
20 prescription shall be punished by imprisonment in the state prison, or by imprisonment in the
21 county jail for not more than one year."

22 11. Section 4325 of the Code states in pertinent part:

23 "(a) No person other than a physician, dentist, podiatrist, veterinarian, pharmacist, or other
24 person authorized by law to dispense, administer, or prescribe controlled substances, or the
25 person's agent acting under authorization by the person to print prescription blanks, and acting in
26 the regular practice of the person's profession, shall knowingly and willfully manufacture, copy,
27 reproduce, or possess, or cause to be manufactured, copied, reproduced, or possessed, any
28 prescription blank that purports to bear the name, address, and federal registry or other identifying

1 information of a physician, dentist, podiatrist, veterinarian, or other person authorized by law to
2 dispense, administer, or prescribe controlled substances.”

3 12. Section 4022 of the Code states:

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

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

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

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

13 **HEALTH AND SAFETY CODE PROVISIONS**

14 13. Health and Safety Code section 11173, subsection (a) states in pertinent part:

15 (a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt
16 to procure the administration of or prescription for controlled substances,

17 (1) by fraud, deceit, misrepresentation, or subterfuge.

18 14. Health and Safety Code section 11350 states in pertinent part:

19 (a) Except as otherwise provided in this division, every person who possesses any
20 controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the
21 written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this
22 state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal
23 Code.

24 15. Health and Safety Code section 11352 states in pertinent part, that every person who
25 sells, furnishes, administers, or gives away any controlled substance classified in Schedule III,
26 unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
27 practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section
28 1170 of the Penal Code for three, four, or five years.

1 violation of Code section 4063, and Health and Safety Code section 11173, subsection (a), as set
2 forth in paragraph 22, above.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Violation of Laws Governing Controlled Substances)**

5 24. Respondent is subject to disciplinary action for unprofessional conduct under Code
6 section 4301, subsection (j) in that she violated the laws governing controlled substances as
7 follows:

8 a. From approximately August 6, 2009, until approximately December 16, 2010,
9 Respondent possessed a blank prescription form without appropriate authorization in violation of
10 Code section 4325 as set forth in paragraphs 20 and 23(a), above.

11 b. On or about December 16, 2010, Respondent forged a prescription in order to
12 obtain Vicodin (Hydrocodone) in violation of Health and Safety Code sections 11173, subsection
13 (a), and 11368, as set forth fully in paragraphs 21 and 23(b), above.

14 c. On or about December 16, 2010, Respondent possessed a controlled substance
15 that was not validly prescribed to her in violation of Code section 4060, and Health and Safety
16 Code section 11350, as set forth fully in paragraphs 20-22, above.

17 d. On or about December 16, 2010, Respondent possessed a controlled substance
18 with intent to sell, furnish, or give away the controlled substance in violation of Code section
19 4059 and Health and Safety Code section 11352, as set forth fully in paragraphs 20-22, above.

20 e. On or about January 13, 2011, Respondent falsified computer records in order
21 to obtain a refill of the prescription she had forged in violation of Code section 4063, as set forth
22 fully in paragraphs 21 and 23(c), above.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Violation of the Provisions of this Article)**

25 25. Respondent is subject to disciplinary action for unprofessional conduct under Code
26 section 4301, subsection (o) in that she violated the provisions and terms of the Pharmacy Law
27 commencing with Code section 4000, and the applicable federal and state laws and regulations
28 governing pharmacy, including regulations established by the board or by any other state or

1 federal regulatory agency.. The circumstances are as set forth in paragraphs 20-22, 23(a-c), 24(a),
2 and 24(c-e) above, as though set forth fully herein.

3 PRAYER

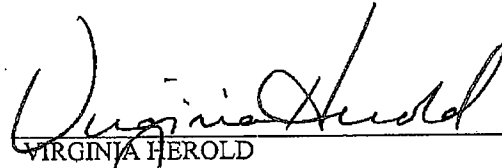
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Technician Registration Number TCH 36081,
7 issued to Leanne C. Conley, aka Leanne Martin;

8 2. Ordering Leanne C. Conley, aka Leanne Martin, to pay the Board of Pharmacy the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3;

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

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15 DATED: 9/19/13



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

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