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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **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**

**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.

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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 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 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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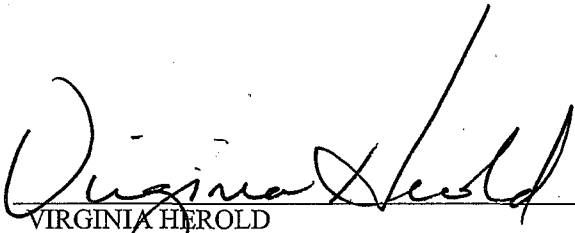
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PRAYER

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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