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

11 In the Matter of the Accusation Against:

Case No. 4726

12 **IAN WADE LIVINGSTON**
1640 Cordova Avenue
13 Redlands, CA 92737

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH 77213**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about July 14, 2007, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 77213 to Ian Wade Livingston (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on November 30, 2014, unless 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 unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 4059, subdivision (a) states, in pertinent part:

“A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.”

5. Section 4060 provides in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or other authorized prescriber.

6. Section 4300 provides in pertinent part, that every license issued by the Boards is subject to discipline, including suspension or revocation.

7. Section 4300.1 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.”

8. Section 4301 states, in pertinent part:

“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:

....

(f) The commission of any act involving moral turpitude, dishonesty, fraud, 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.

....

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

4 11. "Hydrocodone" is a Schedule II controlled substance as designated by the Health and
5 Safety Code section 11055, subdivision (b)(1)(i), and is categorized as a dangerous drug pursuant
6 to section 4022.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Obtained or Possessed a Controlled Substance)**

9 12. Respondent is subject to disciplinary action under section 4301, subdivision (j), as
10 defined in section 4060, in that between January 2010 and November 2010, while working as a
11 pharmacy technician at CVS, Respondent, by his own written admission, stole controlled
12 substances from his employer on numerous occasions (to wit: approximately 40
13 hydrocodone/APAP 10-325 tablets), for his own personal consumption.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Furnishing Controlled Substances Without a Prescription)**

16 13. Respondent is subject to disciplinary action under section 4301, subdivisions (h) and
17 (i), as defined in section 4059, subdivision (a), in that between January 2010 and November 2010,
18 while working as a pharmacy technician at CVS, Respondent, by his own written admission, stole
19 controlled substances from his employer on numerous occasions (to wit: a total of 40
20 hydrocodone/APAP 10-325 tablets), for his own personal consumption.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Dishonest Acts)**

23 14. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that
24 between January 2010 and November 2010, while working as a pharmacy technician at CVS,
25 Respondent, by his own written admission, stole controlled substances from his employer on
26 numerous occasions (to wit: a total of 40 hydrocodone/APAP 10-325 tablets), for his own
27 personal consumption.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

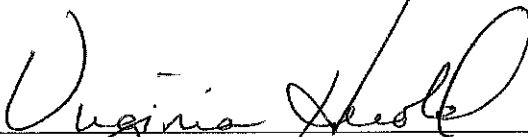
3 15. Respondent is subject to disciplinary action under section 4301, subdivision (o), in that
4 Respondent committed acts of unprofessional conduct and/or violated provisions of the licensing
5 chapter. Complainant refers to, and by this reference incorporates, the allegations set forth above
6 in paragraphs 12-14, as though set forth fully.

7 **PRAAYER**

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

- 10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 77213,
11 issued to Ian Wade Livingston;
- 12 2. Ordering Ian Wade Livingston to pay the Board of Pharmacy the reasonable costs of
13 the investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

16
17 DATED: 6/16/14


18 VIRGINIA HEROLD
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant

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