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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. 4864

12 **LEANNE C. CONLEY**  
13 **AKA LEANNE MARTIN**  
14 **4623 North Emerson 103**  
**Fresno, California 93722**

**A C C U S A T I O N**

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

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about April 24, 2001, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 36081 to Leanne C. Conley, also known as (aka) Leanne Martin,  
24 (Respondent). The Pharmacy Technician Registration was in full force and effect at all times  
25 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**

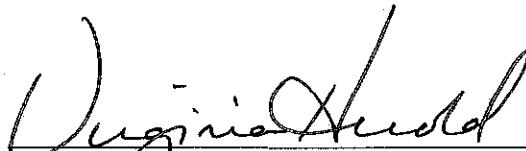
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Pharmacy issue a decision:

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.

12  
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14  
15 DATED: 9/19/13



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

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