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

10 In the Matter of the Accusation Against:

Case No. 5274

11 **LEANNE N. LEVA**  
12 **2821 Rosedale Ave.**  
13 **Soquel, CA 95073**

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

14 **Pharmacy Technician Registration No. TCH**  
15 **34356**

Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about August 21, 2000, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 34356 to Leanne N. Leva (Respondent). The Pharmacy Technician  
23 Registration expired on January 31, 2014, and has not been renewed.

24 **JURISDICTION**

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

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"(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.

"(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

...

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

...

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

..."

7. Section 4324 of the Code states:

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

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

8. Section 4022 of the Code states

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

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

1           (b) Any device that bears the statement: "Caution: federal law restricts this device to sale  
2 by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled  
3 in with the designation of the practitioner licensed to use or order use of the device.

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

6           9.     Section 4060 of the Code states:

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

18           "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
19 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and  
20 devices."

21           10.    Section 125.3 of the Code states, in pertinent part, that the Board may request the  
22 administrative law judge to direct a licentiate found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

25           11.    Health and Safety Code section 11173 states:

26           “(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt  
27 to procure the administration of or prescription for controlled substances, (1) by fraud, deceit,  
28 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

...

**DRUGS INVOLVED**

12. Norco, Vicodin, Vicodin ES, Lortab, and Lorcet are among the brand names for compounds of varying dosages of acetaminophen (aka APAP) and hydrocodone. Hydrocodone is a Schedule II controlled substance pursuant to Health and Safety Code section 11055. It is a dangerous drug pursuant to section 4022 of the Code.

13. Klonopin is a brand name for clonazepam, a Schedule IV controlled substance pursuant to Health and Safety Code section 11057. It is a dangerous drug pursuant to section 4022 of the Code.

14. Ativan is a brand name for lorazepam, a Schedule IV controlled substance pursuant to Health and Safety Code section 11057. It is a dangerous drug pursuant to section 4022 of the Code.

**FIRST CAUSE FOR DISCIPLINE**

(Dishonesty, Fraud, Deceit)

15. Respondent is subject to disciplinary action under section 4301, subsection (f), of the code in that Respondent committed acts involving dishonesty, fraud, or deceit. The circumstances are as follows:

16. Between February 2008 and October 2011, Respondent worked as a pharmacy technician at Costco Pharmacy #470 in San Jose, CA.

17. On numerous occasions from about March 2008 until September 2011, Respondent made false, fictitious, and/or forged prescriptions for several controlled substances and dangerous drugs including: Vicodin, clonazepam, and lorazepam. Respondent is not authorized to prescribe controlled substances.

18. From about March 2008 until September 2011, Respondent in her capacity as a pharmacy technician, entered fictitious patient names and forged/false prescription information into the Costco Pharmacy computer system.

19. Respondent picked up and purchased Vicodin, clonazepam, and lorazepam pursuant to the false and/or forged prescriptions that she created.



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**SIXTH CAUSE FOR DISCIPLINE**

(Unprofessional Conduct)

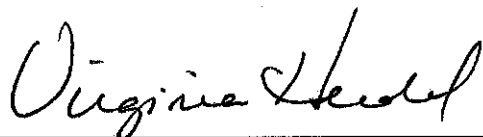
26. Respondent is subject to disciplinary action under section 4301 of the code in that Respondent engaged in unprofessional conduct. The circumstances are described in paragraphs 16-21, above.

**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 34356, issued to Leanne N. Leva;
2. Ordering Leanne N. Leva 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: 4/14/16

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

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