

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

In the Matter of the Accusation Against:

**LEANNE M. DE LONG
515 S. Meyler St., #17
San Pedro, CA 90731**

**Pharmacy Technician Registration No. TCH
58855**

Respondent.

Case No. 5532

OAH No. 2016070841

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on February 22, 2017.

It is so ORDERED January 23, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 5532

11 **LEANNE M. DE LONG**
12 **515 S. Meyler St., #17**
13 **San Pedro, CA 90731**

OAH No. 2016070841

14 **Pharmacy Technician Registration No. TCH**
15 **58855**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 Respondent.

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

19 PARTIES

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

24 2. Respondent Leanne M. De Long ("Respondent") is represented in this proceeding by
25 attorney Ian Pancer, Esq., whose address is: 105 West F Street, 4th Floor, San Diego, CA 92101.

26 3. On or about September 29, 2004, the Board issued Pharmacy Technician Registration
27 No. TCH 58855 to Respondent. The Pharmacy Technician Registration was in full force and
28

1 effect at all times relevant to the charges brought in Accusation No. 5532, and will expire on June
2 30, 2018, unless renewed.

3 JURISDICTION

4 4. Accusation No. 5532 was filed before the Board, and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on June 3, 2016. Respondent timely filed her Notice of Defense contesting the
7 Accusation.

8 5. A copy of Accusation No. 5532 is attached as exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 5532. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
14 Order.

15 7. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
17 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
18 to the issuance of subpoenas to compel the attendance of witnesses and the production of
19 documents; the right to reconsideration and court review of an adverse decision; and all other
20 rights accorded by the California Administrative Procedure Act and other applicable laws.

21 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 9. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 5532.

26 10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
27 and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary
28 Order below.

1 Technician Certification Board within the meaning of Business and Professions Code section
2 4202(a)(4) and provide satisfactory proof of certification to the board. If respondent fails to do
3 so, respondent shall be automatically suspended from working as a pharmacy technician until she
4 is certified as defined by Business and Professions Code section 4202(a)(4) and provides
5 satisfactory proof of certification to the board. Respondent shall not resume working as a
6 pharmacy technician until notified by the board. Failure to achieve certification within one (1)
7 year shall be considered a violation of probation. Respondent shall not resume working as a
8 pharmacy technician until notified by the board.

9 During suspension, respondent shall not enter any pharmacy area or any portion of any
10 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
11 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
12 devices or controlled substances are maintained. Respondent shall not do any act involving drug
13 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
14 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
15 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
16 substances. Respondent shall not resume work until notified by the board.

17 Subject to the above restrictions, respondent may continue to own or hold an interest in any
18 licensed premises by the board in which she holds an interest at the time this decision becomes
19 effective unless otherwise specified in this order.

20 Failure to comply with this suspension shall be considered a violation of probation.

21 2. **Obey All Laws.** Respondent shall obey all state and federal laws and regulations.
22 Respondent shall report any of the following occurrences to the board, in writing, within seventy-
23 two (72) hours of such occurrence:

- 24 • An arrest or issuance of a criminal complaint for violation of any provision of the
25 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
26 substances laws;
- 27 • A plea of guilty or nolo contendere in any state or federal criminal proceeding to any
28 criminal complaint, information or indictment;

- 1 • A conviction of any crime;
- 2 • Discipline, citation, or other administrative action filed by any state or federal agency
- 3 which involves Respondent's Pharmacy Technician Registration or which is related
- 4 to the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
- 5 billing, or charging for any drug, device or controlled substance.

6 Failure to timely report any such occurrence shall be considered a violation of probation.

7 **3. Report to the Board.** Respondent shall report to the board quarterly, on a schedule
8 as directed by the board or its designee. The report shall be made either in person or in writing,
9 as directed. Among other requirements, respondent shall state in each report under penalty of
10 perjury whether there has been compliance with all the terms and conditions of probation. Failure
11 to submit timely reports in a form as directed shall be considered a violation of probation. Any
12 period(s) of delinquency in submission of reports as directed may be added to the total period of
13 probation. Moreover, if the final probation report is not made as directed, probation shall be
14 automatically extended until such time as the final report is made and accepted by the board.

15 **4. Interview with the Board.** Upon receipt of reasonable prior notice, respondent shall
16 appear in person for interviews with the board or its designee, at such intervals and locations as
17 are determined by the board or its designee. Failure to appear for any scheduled interview
18 without prior notification to board staff, or failure to appear at two (2) or more scheduled
19 interviews with the board or its designee during the period of probation, shall be considered a
20 violation of probation.

21 **5. Cooperate with Board Staff.** Respondent shall cooperate with the board's
22 inspection program and with the board's monitoring and investigation of respondent's compliance
23 with the terms and conditions of her probation. Failure to cooperate shall be considered a
24 violation of probation.

25 **6. Notice to Employers.** During the period of probation, respondent shall notify all
26 present and prospective employers of the decision in case number 5532 and the terms, conditions
27 and restrictions imposed on respondent by the decision, as follows:

28 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of

1 respondent undertaking any new employment, respondent shall cause her direct supervisor,
2 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
3 tenure of employment) and owner to report to the board in writing acknowledging that the listed
4 individual(s) has/have read the decision in case number 5532 and the terms and conditions
5 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
6 supervisor(s) submit timely acknowledgement(s) to the board.

7 If respondent works for or is employed by or through a pharmacy employment service,
8 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
9 of the terms and conditions of the decision in case number 5532 in advance of the respondent
10 commencing work at each pharmacy. A record of this notification must be provided to the board
11 upon request.

12 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
13 (15) days of respondent undertaking any new employment by or through a pharmacy employment
14 service, respondent shall cause her direct supervisor with the pharmacy employment service to
15 report to the board in writing acknowledging that she has read the decision in case number 5532
16 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
17 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

18 Failure to timely notify present or prospective employer(s) or to cause that/those
19 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
20 probation.

21 "Employment" within the meaning of this provision shall include any full-time,
22 part-time, temporary or relief service or pharmacy management service as a pharmacy
23 technician or in any position for which a pharmacy technician license is a requirement
24 or criterion for employment, whether the respondent is considered an employee,
25 independent contractor or volunteer.

26 **7. Reimbursement of Board Costs.** As a condition precedent to successful completion
27 of probation, Respondent shall pay to the board its costs of investigation and prosecution in the
28 amount of \$3,270.00. Respondent shall be permitted to pay these costs pursuant to a payment

1 plan approved by the Board. There shall be no deviation from this schedule absent prior written
2 approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be
3 considered a violation of probation.

4 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
5 reimburse the board its costs of investigation and prosecution.

6 **8. Probation Monitoring Costs.** Respondent shall pay any costs associated with
7 probation monitoring as determined by the board each and every year of probation. Such costs
8 shall be payable to the board on a schedule as directed by the board or its designee. Failure to pay
9 such costs by the deadline(s) as directed shall be considered a violation of probation.

10 **9. Status of License.** Respondent shall, at all times while on probation, maintain an
11 active, current pharmacy technician license with the board, including any period during which
12 suspension or probation is tolled. Failure to maintain an active, current license shall be
13 considered a violation of probation.

14 If respondent's pharmacy technician license expires or is cancelled by operation of law or
15 otherwise at any time during the period of probation, including any extensions thereof due to
16 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
17 terms and conditions of this probation not previously satisfied.

18 **10. License Surrender While on Probation/Suspension.** Following the effective date
19 of this decision, should respondent cease work due to retirement or health, or be otherwise unable
20 to satisfy the terms and conditions of probation, respondent may tender her pharmacy technician
21 license to the board for surrender. The board or its designee shall have the discretion whether to
22 grant the request for surrender or take any other action it deems appropriate and reasonable.
23 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
24 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
25 become a part of the respondent's license history with the board.

26 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician
27 license to the board within ten (10) days of notification by the board that the surrender is
28 accepted. Respondent may not reapply for any license, permit, or registration from the board for

1 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
2 applicable to the license sought as of the date the application for that license is submitted to the
3 board.

4 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
5 **Employment.** Respondent shall notify the board in writing within ten (10) days of any change of
6 employment. Said notification shall include the reasons for leaving, the address of the new
7 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
8 shall further notify the board in writing within ten (10) days of a change in name, residence
9 address and mailing address, or phone number.

10 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
11 phone number(s) shall be considered a violation of probation.

12 **12. Tolling of Probation.** Except during periods of suspension, respondent shall, at all
13 times while on probation, be employed as a pharmacy technician in California for a minimum of
14 40 hours per calendar month. Any month during which this minimum is not met shall toll the
15 period of probation, i.e., the period of probation shall be extended by one month for each month
16 during which this minimum is not met. During any such period of tolling of probation,
17 respondent must nonetheless comply with all terms and conditions of probation.

18 Should respondent, regardless of residency, for any reason (including vacation) cease
19 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
20 respondent must notify the board in writing within ten (10) days of cessation of work and must
21 further notify the board in writing within ten (10) days of the resumption of the work. Any
22 failure to provide such notification(s) shall be considered a violation of probation.

23 It is a violation of probation for respondent's probation to remain tolled pursuant to the
24 provisions of this condition for a total period, counting consecutive and non-consecutive months,
25 exceeding thirty-six (36) months.

26 "Cessation of work" means calendar month during which respondent is not
27 working for at least 40 hours as a pharmacy technician, as defined in Business and
28 Professions Code section 4115. "Resumption of work" means any calendar month

1 during which respondent is working as a pharmacy technician for at least 40 hours as
2 a pharmacy technician as defined by Business and Professions Code section 4115.

3 **13. Violation of Probation.** If a respondent has not complied with any term or condition
4 of probation, the board shall have continuing jurisdiction over respondent, and probation shall
5 automatically be extended, until all terms and conditions have been satisfied or the board has
6 taken other action as deemed appropriate to treat the failure to comply as a violation of probation,
7 to terminate probation, and to impose the penalty that was stayed.

8 If respondent violates probation in any respect, the board, after giving respondent notice
9 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
10 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
11 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
12 a petition to revoke probation or an accusation is filed against respondent during probation, the
13 board shall have continuing jurisdiction, and the period of probation shall be automatically
14 extended until the petition to revoke probation or accusation is heard and decided.

15 **14. Completion of Probation.** Upon written notice by the board indicating successful
16 completion of probation, respondent's pharmacy technician license will be fully restored.

17 **15. No Ownership of Licensed Premises.** Respondent shall not own, have any legal or
18 beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee,
19 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
20 licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any
21 entity licensed by the board within ninety (90) days following the effective date of this decision
22 and shall immediately thereafter provide written proof thereof to the board. Failure to timely
23 divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a
24 violation of probation.

25 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
26 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
27 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
28 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,

1 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
2 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
3 that interest, but only to the extent of that position or interest as of the effective of this decision.
4 Violation of this restriction shall be considered a violation of probation.

5 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups.**

6 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
7 attendance at a recognized and established substance abuse recovery support group in California,
8 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
9 or its designee. Respondent must attend at least one group meeting per week unless otherwise
10 directed by the board or its designee. Respondent shall continue regular attendance and submit
11 signed and dated documentation confirming attendance with each quarterly report for the duration
12 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
13 probation.

14 **17. Random Drug Screening.** Respondent, at her own expense, shall participate in

15 random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer,
16 hair follicle testing, or other drug screening program as directed by the board or its designee.
17 Respondent may be required to participate in testing for the entire probation period and the
18 frequency of testing will be determined by the board or its designee. At all times respondent shall
19 fully cooperate with the board or its designee, and shall, when directed, submit to such tests and
20 samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled
21 substances as the board or its designee may direct. Failure to timely submit to testing as directed
22 shall be considered a violation of probation. Upon request of the board or its designee,
23 respondent shall provide documentation from a licensed practitioner that the prescription for a
24 detected drug was legitimately issued and is a necessary part of the treatment of the respondent.
25 Failure to timely provide such documentation shall be considered a violation of probation. Any
26 confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed
27 practitioner as part of a documented medical treatment shall be considered a violation of
28 probation and shall result in the automatic suspension of work by respondent. Respondent may

1 not resume work as a pharmacy technician until notified by the board in writing.

2 During suspension, respondent shall not enter any pharmacy area or any portion of or any
3 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
4 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
5 devices or controlled substances are maintained. Respondent shall not do any act involving drug
6 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
7 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
8 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
9 substances. Respondent shall not resume work until notified by the board.

10 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
11 Subject to the above restrictions, respondent may continue to own or hold an interest in any
12 licensed premises in which she holds an interest at the time this decision becomes effective unless
13 otherwise specified in this order.

14 Failure to comply with this suspension shall be considered a violation of probation.

15 18. **Work Site Monitor.** Within ten (10) days of the effective date of this decision,
16 respondent shall identify a work site monitor, for prior approval by the board, who shall be
17 responsible for supervising respondent during working hours. Respondent shall be responsible
18 for ensuring that the work site monitor reports in writing to the board quarterly. Should the
19 designated work site monitor determine at any time during the probationary period that
20 respondent has not maintained sobriety, she shall notify the board immediately, either orally or in
21 writing as directed. Should respondent change employment, a new work site monitor must be
22 designated, for prior approval by the board, within ten (10) days of commencing new
23 employment. Failure to identify an acceptable initial or replacement work site monitor, or to
24 ensure quarterly reports are submitted to the board, shall be considered a violation of probation.

25 19. **Notification of Departure.** Prior to leaving the probationary geographic area
26 designated by the board or its designee for a period greater than twenty-four (24) hours,
27 respondent shall notify the board verbally and in writing of the dates of departure and return.
28 Failure to comply with this provision shall be considered a violation of probation.

1 20. **Abstain from Drugs and Alcohol Use.** Respondent shall completely abstain from
2 the possession or use of alcohol, controlled substances, dangerous drugs and their associated
3 paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a
4 documented medical treatment. Upon request of the board or its designee, respondent shall
5 provide documentation from the licensed practitioner that the prescription for the drug was
6 legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely
7 provide such documentation shall be considered a violation of probation. Respondent shall
8 ensure that she is not in the same physical location as individuals who are using illicit substances
9 even if respondent is not personally ingesting the drugs. Any possession or use of alcohol,
10 controlled substances, or their associated paraphernalia not supported by the documentation
11 timely provided, and/or any physical proximity to persons using illicit substances, shall be
12 considered a violation of probation.

13 21. **Prescription Coordination and Monitoring of Prescription Use.** Within thirty
14 (30) days of the effective date of this decision, Respondent shall submit to the board, for its prior
15 approval, the name and qualifications of a single physician, nurse practitioner, physician assistant,
16 or psychiatrist of respondent's choice, who shall be aware of the respondent's history with the use
17 of alcohol, controlled substances, and/or dangerous drugs, and who will coordinate and monitor
18 any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering
19 drugs. The approved practitioner shall be provided with a copy of the board's accusation and
20 decision. A record of this notification must be provided to the board upon request. Respondent
21 shall sign a release authorizing the practitioner to communicate with the board about respondent's
22 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist
23 shall report to the board on a quarterly basis for the duration of probation regarding respondent's
24 compliance with this condition. If any substances considered addictive have been prescribed, the
25 report shall identify a program for the time limited use of any such substances. The board may
26 require that the single coordinating physician, nurse practitioner, physician assistant or
27 psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.
28 Should respondent, for any reason, cease supervision by the approved practitioner, respondent

1 shall notify the board immediately and, within thirty (30) days of ceasing treatment, submit the
2 name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of
3 respondent's choice to the board or its designee for its prior approval. Failure to timely submit the
4 selected practitioner or replacement practitioner to the board for approval, or to ensure the
5 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

6 If at any time an approved practitioner determines that respondent is unable to practice
7 safely or independently as a pharmacy technician, the practitioner shall notify the board
8 immediately by telephone and follow up by written letter within three (3) working days. Upon
9 notification from the board or its designee of this determination, respondent shall be
10 automatically suspended and shall not resume practice as a pharmacy technician until notified by
11 the board that practice may be resumed.

12 During suspension, respondent shall not enter any pharmacy area or any portion of the
13 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
14 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
15 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
16 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
17 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
18 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
19 and controlled substances. Respondent shall not resume practice until notified by the board.

20 During suspension, respondent shall not engage in any activity that requires the
21 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
22 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
23 designated representative for any entity licensed by the board.

24 Subject to the above restrictions, respondent may continue to own or hold an interest in any
25 licensed premises in which he or she holds an interest at the time this decision becomes effective
26 unless otherwise specified in this order.

27 Failure to comply with this suspension shall be considered a violation of probation.

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ENDORSEMENT

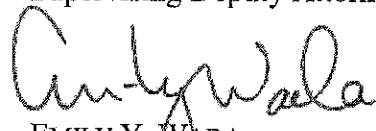
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated:

12/13/16

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



EMILY Y. WADA
Deputy Attorney General
Attorneys for Complainant

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52307789.doc

Exhibit A

Accusation No. 5532

1 KAMALA D. HARRIS
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5532

12 **LEANNE M. DE LONG**
13 **515 S. Meyler St., #17**
San Pedro, CA 90731

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **58855**

Respondent.

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 September 29, 2004, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 58855 to Leanne M. De Long (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 June 30, 2016, 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.

1 that the applicant or the licensee has been convicted of a crime substantially related to the
2 qualifications, functions, and duties of the licensee in question, the record of conviction of the
3 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
4 and the board may inquire into the circumstances surrounding the commission of the crime in order
5 to fix the degree of discipline or to determine if the conviction is substantially related to the
6 qualifications, functions, and duties of the licensee in question.

7 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and
8 'registration.'"

9 8. Section 4301 of the Code states, in pertinent part, that:

10 "The board shall take action against any holder of a license who is guilty of unprofessional
11 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
12 Unprofessional conduct shall include, but is not limited to, any of the following:

13

14 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
15 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
16 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
17 to the extent that the use impairs the ability of the person to conduct with safety to the public the
18 practice authorized by the license.

19

20 "(k) The conviction of more than one misdemeanor or any felony involving the use,
21 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
22 combination of those substances.

23 "(l) The conviction of a crime substantially related to the qualifications, functions, and duties
24 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
25 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
26 substances or of a violation of the statutes of this state regulating controlled substances or
27 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
28 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

1 The board may inquire into the circumstances surrounding the commission of the crime, in order to
2 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
3 dangerous drugs, to determine if the conviction is of an offense substantially related to the
4 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
5 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
6 of this provision. The board may take action when the time for appeal has elapsed, or the
7 judgment of conviction has been affirmed on appeal or when an order granting probation is made
8 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
9 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
10 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
11 indictment. . . .”

12 REGULATORY PROVISIONS

13 9. California Code of Regulations, title 16, section 1770, states:

14 “For the purpose of denial, suspension, or revocation of a personal or facility license
15 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
16 crime or act shall be considered substantially related to the qualifications, functions or duties of a
17 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
18 licensee or registrant to perform the functions authorized by his license or registration in a manner
19 consistent with the public health, safety, or welfare.”

20 COST RECOVERY

21 10. Section 125.3 provides, 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, with failure of the licentiate to comply subjecting the license to not being
25 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
26 included in a stipulated settlement.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Substantially Related Crimes)**

3 11. Respondent is subject to disciplinary action under Sections 490, 493, 4300, and 4301,
4 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the
5 grounds of unprofessional conduct in that Respondent was convicted of crimes substantially
6 related to the qualifications, functions or duties of a registrant, which to a substantial degree
7 evidences her present or potential unfitness to perform the functions authorized by her license in a
8 manner consistent with the public health, safety, or welfare, as follows:

9 a. On or around March 9, 2006, Respondent pled nolo contendere to one
10 misdemeanor count of violating Vehicle Code section 23152(b) [driving while under the influence
11 of alcohol, blood alcohol content of 0.08% or more] in a criminal matter entitled *The People of the*
12 *State of California v. Leanne Marie Delong* (Los Angeles Superior Court, 2006, Case No.
13 6MP02432). The facts and circumstances underlying the conviction are that, on or around
14 February 12, 2006, Respondent drove a motor vehicle with a blood alcohol content of 0.16%.

15 b. On or around March 17, 2015, Respondent pled nolo contendere to one
16 misdemeanor count of violating Vehicle Code section 23152(b) [driving while under the influence
17 of alcohol, blood alcohol content of 0.08% or more] in a criminal matter entitled *The People of the*
18 *State of California v. Leanne Marie Delong* (Los Angeles Superior Court, 2015, Case No.
19 5SY00469). The facts and circumstances underlying the conviction are that, on or around
20 December 18, 2014, Respondent drove a motor vehicle with a blood alcohol content of 0.27%.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Dangerous Use of Alcohol)**

23 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), in that
24 Respondent used alcoholic beverages to the extent or in a manner as to be dangerous or injurious
25 to herself, another person, or to the public when she drove a motor vehicle with a blood alcohol
26 content of 0.16% on February 12, 2006, and 0.27% on December 18, 2014. Complainant refers
27 to, and by this reference incorporates, the allegations set forth above in paragraph 11,
28 subparagraphs a and b, as though set forth fully

