

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

**In the Matter of the Accusation Against:**

**ANNE ROSE LEYNES CONCEPCION, Respondent**

**Pharmacist License No. RPH 61050**

**Agency Case No. 6887**

**OAH No. 2020060336**

**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 April 28, 2021.

It is so ORDERED on March 29, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name and title.

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 HEATHER VO  
Deputy Attorney General  
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*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation Against:

Case No. 6887

12 **ANNE ROSE LEYNES CONCEPCION**  
13 **6303 McClellan Way**  
14 **Buena Park, CA 90620**

OAH No. 2020060336

15 **Pharmacist License No. RPH 61050**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 Respondent.  
17

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

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
22 (Board). She brought this action solely in her official capacity and is represented in this matter by  
23 Xavier Becerra, Attorney General of the State of California, by Heather Vo, Deputy Attorney  
24 General.

25 2. Anne Rose Leynes Concepcion (Respondent) is represented in this proceeding by  
26 attorney Benjamin J. Fenton, Esq., whose address is: 1990 S. Bundy Drive, Suite 777,  
27 Los Angeles, CA 90025.

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3. On or about June 30, 2008, the Board of Pharmacy (Board) issued Pharmacist License No. RPH 61050 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 6887, and will expire on April 30, 2022, unless renewed.

## JURISDICTION

4. Accusation No. 6887 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 2, 2020. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 6887 is attached as exhibit A and incorporated herein by reference.

## **ADVISEMENT AND WAIVERS**

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6887. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

## CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation Case No. 6887, if proven at a hearing, constitute cause for imposing discipline upon her Pharmacist License No. RPH 61050.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her rights to contest those charges.

11. Respondent agrees that her Pharmacist License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Pharmacist License No. RPH 61050 issued to Respondent Anne Rose Leynes Concepcion is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions:

**1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy- two (72) hours of such occurrence:

an arrest or issuance of a criminal complaint for violation of any provision of the

Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal

criminal proceeding to any criminal complaint, information or indictment

a conviction of any crime

the filing of a disciplinary pleading, issuance of a citation, or initiation of another

administrative action filed by any state or federal agency which involves

respondent's license or which is related to the practice of pharmacy or the

manufacturing, obtaining, handling, distributing, billing, or charging for any drug,

device or controlled substance.

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

**2. Report to the Board**

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted  
2 by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the board's inspection program and with the board's  
11 monitoring and investigation of respondent's compliance with the terms and conditions of her  
12 probation, including but not limited to: timely responses to requests for information by board  
13 staff; timely compliance with directives from board staff regarding requirements of any term or  
14 condition of probation; and timely completion of documentation pertaining to a term or condition  
15 of probation. Failure to timely cooperate shall be considered a violation of probation.

16 **5. Continuing Education**

17 Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
18 pharmacist as directed by the board or its designee.

19 **6. Reporting of Employment and Notice to Employers**

20 During the period of probation, respondent shall notify all present and prospective  
21 employers of the decision in case number 6887 and the terms, conditions and restrictions imposed  
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
24 undertaking any new employment, respondent shall report to the board in writing the name,  
25 physical address, and mailing address of each of her employer(s), and the name(s) and telephone  
26 number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-in-charge, designated  
27 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
28 schedule, if known. Respondent shall also include the reason(s) for leaving the prior

1 employment. Respondent shall sign and return to the board a written consent authorizing the  
2 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and  
3 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,  
4 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
5 requirements or deadlines of this condition shall be considered a violation of probation.

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
7 respondent undertaking any new employment, respondent shall cause (a) her direct supervisor, (b)  
8 her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
9 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the  
10 board in writing acknowledging that the listed individual(s) has/have read the decision in case  
11 number 6887, and terms and conditions imposed thereby. If one person serves in more than one  
12 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's  
13 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
14 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
15 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in  
16 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
17 in case number 6887, and the terms and conditions imposed thereby.

18 If respondent works for or is employed by or through an employment service, respondent  
19 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
20 of the decision in case number 6887, and the terms and conditions imposed thereby in advance of  
21 respondent commencing work at such licensed entity. A record of this notification must be  
22 provided to the board upon request.

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
24 (15) days of respondent undertaking any new employment by or through an employment service,  
25 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service  
26 to report to the board in writing acknowledging that he or she has read the decision in case  
27 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
28 ensure that these acknowledgment(s) are timely submitted to the board.

1 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the board  
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,  
5 temporary, relief, or employment/management service position as a pharmacist, or any position  
6 for which a pharmacist is a requirement or criterion for employment, whether the respondent is an  
7 employee, independent contractor or volunteer.

8 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

9 Respondent shall further notify the board in writing within ten (10) days of any change in  
10 name, residence address, mailing address, e-mail address or phone number.

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

13 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

14 During the period of probation, respondent shall not supervise any intern pharmacist, be the  
15 pharmacist-in-charge, designated representative-in-charge, responsible manager or other  
16 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption  
17 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

18 **9. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, respondent shall pay to the  
20 board its costs of investigation and prosecution in the amount of \$20,000.00.

21 Respondent shall be permitted to pay these costs in a payment plan approved by the board  
22 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
23 date of probation.

24 **10. Probation Monitoring Costs**

25 Respondent shall pay any costs associated with probation monitoring as determined by the  
26 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
27 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
28 be considered a violation of probation.



1           **11. Status of License**

2           Respondent shall, at all times while on probation, maintain an active, current Pharmacist  
3 License with the board, including any period during which suspension or probation is tolled.  
4 Failure to maintain an active, current Pharmacist License shall be considered a violation of  
5 probation.

6           If respondent's Pharmacist License expires or is cancelled by operation of law or otherwise  
7 at any time during the period of probation, including any extensions thereof due to tolling or  
8 otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and  
9 conditions of this probation not previously satisfied.

10           **12. License Surrender While on Probation**

11           Following the effective date of this decision, should respondent cease practice due to  
12 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
13 respondent may relinquish her license, including any indicia of licensure issued by the board,  
14 along with a request to surrender the license. The board or its designee shall have the discretion  
15 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
16 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to  
17 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
18 become a part of the respondent's license history with the board.

19           Upon acceptance of the surrender, respondent shall relinquish her pocket and/or wall  
20 license, including any indicia of licensure not previously provided to the board within ten (10)  
21 days of notification by the board that the surrender is accepted if not already provided.  
22 Respondent may not reapply for any license from the board for three (3) years from the effective  
23 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
24 of the date the application for that license is submitted to the board, including any outstanding  
25 costs.

26           **13. Practice Requirement – Extension of Probation**

27           Except during periods of suspension, respondent shall, at all times while on probation, be  
28 employed as a pharmacist in California for a minimum of 80 hours per calendar month. Any

1 month during which this minimum is not met shall extend the period of probation by one month.  
2 During any such period of insufficient employment, respondent must nonetheless comply with all  
3 terms and conditions of probation, unless respondent receives a waiver in writing from the board  
4 or its designee.

5 If respondent does not practice as a pharmacist in California for the minimum number of  
6 hours in any calendar month, for any reason (including vacation), respondent shall notify the  
7 board in writing within ten (10) days of the conclusion of that calendar month. This notification  
8 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the  
9 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume  
10 practice at the required level. Respondent shall further notify the board in writing within ten (10)  
11 days following the next calendar month during which respondent practices as a pharmacist in  
12 California for the minimum of hours. Any failure to timely provide such notification(s) shall be  
13 considered a violation of probation.

14 It is a violation of probation for respondent's probation to be extended pursuant to the  
15 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
16 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
17 probation period on its website.

#### 18 **14. Violation of Probation**

19 If respondent has not complied with any term or condition of probation, the board shall  
20 have continuing jurisdiction over respondent, and the board shall provide notice to respondent  
21 that probation shall automatically be extended, until all terms and conditions have been satisfied  
22 or the board has taken other action as deemed appropriate to treat the failure to comply as a  
23 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
24 board or its designee may post a notice of the extended probation period on its website.

25 If respondent violates probation in any respect, the board, after giving respondent notice  
26 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
27 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
28 probation, or the preparation of an accusation or petition to revoke probation is requested from

1 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
2 probation shall be automatically extended until the petition to revoke probation or accusation is  
3 heard and decided, and the charges and allegations in Accusation No. 6887 shall be deemed true  
4 and correct.

5 **15. Completion of Probation**

6 Upon written notice by the board or its designee indicating successful completion of  
7 probation, respondent's license will be fully restored.

8 **16. Ethics Course**

9 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll  
10 in a course in ethics, at respondent's expense, approved in advance by the board or its designee  
11 that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall  
12 provide proof of enrollment upon request. Within five (5) days of completion, respondent shall  
13 submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll  
14 in an approved ethics course, to initiate the course during the first year of probation, to  
15 successfully complete it before the end of the second year of probation, or to timely submit proof  
16 of completion to the board or its designee, shall be considered a violation of probation.

17 **17. Supervised Practice – For The First Two Years of Probation**

18 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
19 board or its designee, for prior approval, the name of a pharmacist by and not on probation with  
20 the board, to serve as respondent's practice supervisor for the first two years of probation. As  
21 part of the documentation submitted, respondent shall cause the proposed practice supervisor to  
22 report to the board in writing acknowledging that he or she has read the decision in case number  
23 6887, and is familiar with the terms and conditions imposed thereby, including the level of  
24 supervision required by the board or its designee. This level will be determined by the board or its  
25 designee, will be communicated to the respondent on or before the effective date of this decision  
26 and shall be one of the following:

27 Continuous – At least 75% of a work week

28 Substantial - At least 50% of a work week

1 Partial - At least 25% of a work week

2 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

3 Respondent may practice only under the required level of supervision by an approved  
4 practice supervisor. If, for any reason, including change of employment, respondent is no longer  
5 supervised at the required level by an approved practice supervisor, within ten (10) days of this  
6 change in supervision respondent shall submit to the board or its designee, for prior approval, the  
7 name of a pharmacist by and not on probation with the board, to serve as respondent's  
8 replacement practice supervisor. As part of the documentation submitted, respondent shall cause  
9 the proposed replacement practice supervisor to report to the board in writing acknowledging that  
10 he or she has read the decision in case number 6887, and is familiar with the terms and conditions  
11 imposed thereby, including the level of supervision required.

12 Any of the following shall result in the automatic suspension of practice by a respondent  
13 and shall be considered a violation of probation:

14 Failure to nominate an initial practice supervisor, and to have that practice supervisor report  
15 to the board in writing acknowledging the decision, terms and conditions, and supervision level,  
16 within thirty (30) days;

17 Failure to nominate a replacement practice supervisor, and to have that practice supervisor  
18 report to the board in writing acknowledging the decision, terms and conditions, and supervision  
19 level, within ten (10) days;

20 Practicing in the absence of an approved practice supervisor beyond the initial or  
21 replacement nomination period; or

22 Any failure to adhere to the required level of supervision.

23 Respondent shall not resume practice until notified in writing by the board or its designee.

24 During any suspension, respondent shall not enter any pharmacy area or any portion of the  
25 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
26 retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
27 any area where dangerous drugs and/or dangerous devices or controlled substances are  
28 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,

1 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
2 respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
3 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
4 dangerous devices or controlled substances.

5 During any suspension, respondent shall not engage in any activity that requires the  
6 professional judgment and/or licensure as a pharmacist. Respondent shall not direct or control  
7 any aspect of the practice of pharmacy or of the manufacture, distribution, wholesaling, or  
8 retailing of dangerous drugs and/or dangerous devices or controlled substances.

9 Failure to comply with any suspension shall be considered a violation of probation.

10 **18. No Ownership or Management of Licensed Premises**

11 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
12 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
13 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
14 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
15 days following the effective date of this decision and shall immediately thereafter provide written  
16 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
17 documentation thereof shall be considered a violation of probation.

18 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
19 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
20 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or  
21 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,  
22 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently  
23 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold  
24 that interest, but only to the extent of that position or interest as of the effective date of this  
25 decision. Violation of this restriction shall be considered a violation of probation.

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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Benjamin J. Fenton, Esq. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_  
**ANNE ROSE LEYNES CONCEPCION**  
*Respondent*

I have read and fully discussed with Respondent Anne Rose Leynes Concepcion the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_  
**BENJAMIN J. FENTON, Esq.**  
*Attorney for Respondent*

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Benjamin J. Fenton, Esq. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_

*Signature page attached*  
\_\_\_\_\_  
**ANNE ROSE LEYNES CONCEPCION**  
*Respondent*

I have read and fully discussed with Respondent Anne Rose Leynes Concepcion the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_

\_\_\_\_\_  
**BENJAMIN J. FENTON, Esq.**  
*Attorney for Respondent*

ACCEPTANCE


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Benjamin J. Fenton, Esq. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 12/04/2020

  
ANNE ROSE LEYNES CONCEPCION  
Respondent

I have read and fully discussed with Respondent Anne Rose Leynes Concepcion the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 12/4/20

  
BENJAMIN J. FENTON, Esq.  
Attorney for Respondent



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**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

HEATHER VO  
Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

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

DATED: December 4, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General



HEATHER VO  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6887**

1 XAVIER BECERRA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE I. KELLOGG  
Deputy Attorney General  
4 State Bar No. 126461  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9429  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 6887

14 **ANNE ROSE LEYNES CONCEPCION**  
15 **6303 McClellan Way**  
**Buena Park, CA 90620**

**ACCUSATION**

16 **Pharmacist License No. RPH 61050**

17 Respondent.

18  
19 **PARTIES**

20 1. Anne Sodergren (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 June 30, 2008, the Board of Pharmacy issued Pharmacist License  
23 Number RPH 61050 to Anne Rose Leynes Concepcion (Respondent). The Pharmacist License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 April 30, 2020, unless renewed.

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1 **JURISDICTION**

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

5 Section 4011 of the Code provides that the Board shall administer and enforce both the  
6 Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act  
7 [Health & Safety Code, § 11000 et seq.].

8 4. Section 4300, subdivision (a) of the Code provides that every license issued by the  
9 Board may be suspended or revoked.

10 5. Section 4300.1 of the Code states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
12 by operation of law or by order or decision of the board or a court of law, the  
13 placement of a license on a retired status, or the voluntary surrender of a license by a  
14 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.

15 **STATUTORY PROVISIONS**

16 6. Section 4022 of the Code states

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

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

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

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

24 7. Section 4081 of the Code states:

25 (a) All records of manufacture and of sale, acquisition, or disposition of  
26 dangerous drugs or dangerous devices shall be at all times during business hours open  
to inspection by authorized officers of the law, and shall be preserved for at least  
27 three years from the date of making. A current inventory shall be kept by every  
manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician,  
28 dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or  
establishment holding a currently valid and unrevoked certificate, license, permit,

1 registration, or exemption under Division 2 (commencing with Section 1200) of the  
2 Health and Safety Code or under Part 4 (commencing with Section 16000) of  
3 Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous  
4 drugs or dangerous devices.

5 (b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary  
6 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge  
7 or representative-in-charge, for maintaining the records and inventory described in  
8 this section.

9 (c) The pharmacist-in-charge or representative-in-charge shall not be criminally  
10 responsible for acts of the owner, officer, partner, or employee that violate this  
11 section and of which the pharmacist-in-charge or representative-in-charge had no  
12 knowledge, or in which he or she did not knowingly participate.

13 8. Section 4105, subdivision (a) of the Code states:

14 All records or other documentation of the acquisition and disposition of  
15 dangerous drugs and devices by any entity licensed by the board shall be retained on  
16 the licensed premises in a readily retrievable form.

17 9. Section 4113, subdivision (c) of the Code states:

18 The pharmacist-in-charge shall be responsible for a pharmacy's compliance  
19 with all state and federal laws, and regulations pertaining to the practice of pharmacy.

20 10. Section 4301 of the Code states in pertinent part:

21 The board shall take action against any holder of a license who is guilty of  
22 unprofessional conduct or whose license has been issued by mistake. Unprofessional  
23 conduct shall include, but is not limited to, any of the following:

24 (f) The commission of any act involving moral turpitude, dishonesty, fraud,  
25 deceit, or corruption, whether the act is committed in the course of relations as to a  
26 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

...

(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 any other state or federal regulatory  
agency.

...

11. Section 4307, subdivision (a) of the Code states:

Any person who has been denied a license or whose license has been revoked  
or is under suspension, or who has failed to renew his or her license while it was  
under suspension, or who has been a manager, administrator, owner member, officer,  
director, associate, or partner of any partnership, corporation, firm, or association

whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manger, administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

### **REGULATORY PROVISIONS**

12. California Code of Regulations, title 16, section 1718, states in pertinent part:

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

### **COST RECOVERY**

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

### **DRUGS**

14. Auvi-Q is one of the brand names for epinephrine and a dangerous drug pursuant to Business and Professions Code section 4022.

15. Duexis is the brand name for ibuprofen 800 mg/famotidine 26.6 mg and a dangerous drug pursuant to Business and Professions Code section 4022.

16. EpiPen is one of the brand names for epinephrine and a dangerous drug pursuant to Business and Professions Code section 4022.

17. Pennsaid is the brand name for diclofenac 2% (topical) and a dangerous drug pursuant to Business and Professions Code section 4022.

18. Taclonex is the brand name for calcipotriene 0.005%/betamethasone 0.064% (topical) and a dangerous drug pursuant to Business and Professions Code section 4022.

1 19. Vimovo is the brand name for naproxen/esomeprazole and a dangerous drug pursuant  
2 to Business and Professions Code section 4022.

3 **FACTUAL ALLEGATIONS**

4 20. Vons Pharmacy #2162 is a community pharmacy located in San Pedro, California.  
5 From January 30, 2015 through June 24, 2019, Respondent was the Pharmacist-in-Charge of  
6 Vons Pharmacy #2162.

7 21. Respondent and her family were insured under a medical insurance policy  
8 administered by OptumRx, along with other employees of Vons Pharmacy #2162. This insurance  
9 policy provided insurance coverage for prescription drugs to Respondent, her immediate family  
10 and other employees.

11 22. OptumRx conducted a desktop audit of an unusually high frequency of prescriptions  
12 for Auvi-Q issued to Respondent's spouse. This audit prompted Vons Pharmacy #2162 to  
13 conduct an investigation of Respondent's dispensing of Auvi-Q and other drugs. Vons Pharmacy  
14 #2162's investigation concluded that Respondent, along with possibly a staff pharmacist  
15 fraudulently billed OptumRx **\$1,939,230.58** for the cost of Auvi-Q, Pennsaid, Duexis, Taclonex  
16 ointment, Taclonex suspension, Vimovo and EpiPens.

17 23. From November 2018 to June 2019, Respondent or her immediate family received  
18 drugs from Vons Pharmacy #2162 that she did not pay for in full (approximately 10 prescriptions  
19 a month).

20 24. Respondent falsified pharmacy records to reflect that she dispensed Auvi-Q,  
21 Pennsaid, Duexis, Taclonex ointment, Taclonex suspension, Vimovo and EpiPens to herself, her  
22 immediate family and pharmacy staff. She then billed those drugs not dispensed to OptumRx.

23 25. Vons Pharmacy #2162's records were not accurate because its records of the  
24 acquisition of drugs did not correlate with its records of the disposition of drugs. Namely, from  
25 December 30, 2016 through June 26, 2019, Vons Pharmacy #2162's inventory of dangerous  
26 drugs had the following overages: 544 syringes (272 boxes) of Auvi-Q, 9,744 grams (87 bottles)  
27 of Pennsaid, 6,260 tables (69 bottles) of Duexis, 1,300 grams (13 tubes) of Taclonex ointment,  
28



1 1,800 grams (15 bottles) of Taclonex suspension, 1,542 tablets (25 bottles) of Vimovo, and 560  
2 syringes (280 boxes) of EpiPen.

3 26. Respondent instructed her pharmacy staff to participate in what she called, “fake  
4 fills,” all in an apparent effort to increase the sales numbers for Vons Pharmacy #2162.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Failure to Maintain Current Inventory)**

7 27. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),  
8 for violating Code sections 4081, subdivision (a) and 4105, subdivision (a) and title 16, California  
9 Code of Regulations, section 1718, in that she did not maintain a current inventory of dangerous  
10 drugs, as set forth in paragraphs 20 through 26 above, which are incorporated herein by reference.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Dishonest, Fraudulent, Deceitful and Corrupt Acts)**

13 28. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),  
14 for her dishonest, fraudulent, deceitful and corrupt acts, as set forth in paragraphs 20 through 26  
15 above, which are incorporated herein by reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Knowingly Making or Signing False Documents)**

18 29. Respondent is subject to disciplinary action under Code section 4301, subdivision (g),  
19 for knowingly making or signing certificates or documents that falsely represent the existence or  
20 nonexistence of a state of facts, as set forth in paragraphs 20 through 26 above, which are  
21 incorporated herein by reference.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**

24 30. Respondent is subject to disciplinary action under Code section 4301 for  
25 unprofessional conduct in that she engaged in the activities described in paragraphs 20 through 26  
26 above, which are incorporated herein by reference.

27 ///

28 ///

1 **OTHER MATTERS**

2 31. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.  
3 RPH 61050 issued to Anne Rose Leynes Concepcion, Anne Rose Leynes Concepcion shall be  
4 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
5 or partner of a licensee for five years if Pharmacist License Number RPH 61050 is placed on  
6 probation or until Pharmacist License Number RPH 61050 is reinstated if it is revoked.

7 **PRAYER**

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 Pharmacist License Number RPH 61050, issued to Anne  
11 Rose Leynes Concepcion;

12 2. Prohibiting Anne Rose Leynes Concepcion from serving as a manager, administrator,  
13 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist  
14 License Number RPH 61050 is placed on probation or until Pharmacist License Number RPH  
15 61050 is reinstated if Pharmacist License Number RPH 61050 issued to Anne Rose Leynes  
16 Concepcion is revoked;

17 3. Ordering Anne Rose Leynes Concepcion to pay the Board of Pharmacy the  
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
19 Professions Code section 125.3; and,

20 4. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: February 28, 2020



23 ANNE SODERGREN  
24 Executive Officer  
25 Board of Pharmacy  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

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