

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

In the Matter of the Accusation Against:

ASHLEY–MARIE LEO NAVA

Pharmacy Technician Registration No. TCH 148434

Respondent.

Agency Case No. 7226

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 July 16, 2022.

It is so ORDERED on June 16, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with a large initial "S" and "O".

Seung W. Oh, Pharm D.
Board President

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 MEGAN CROSS
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7

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

12 In the Matter of the Accusation Against:

Case No. 7226

13 **ASHLEY-MARIE LEO NAVA**
7801 Kandarain Way
Bakersfield, CA 93309

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Pharmacy Technician Registration No. TCH
15 148434

16 Respondent.

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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 Rob Bonta, Attorney General of the State of California, by Megan Cross, Deputy Attorney
24 General.

25 2. Ashley-Marie Leo Nava (Respondent) is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel.

27 3. On or about May 20, 2015, the Board issued Pharmacy Technician Registration No.
28 TCH 148434 to Ashley-Marie Leo Nava (Respondent). The Pharmacy Technician Registration

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 7226
2 and will expire on December 31, 2022, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 7226 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 March 29, 2022. Respondent timely filed her Notice of Defense contesting the
7 Accusation. A copy of Accusation No. 7226 is attached as Exhibit A and incorporated by
8 reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 7226. Respondent also has carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
13 Order.

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

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 7226, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
25 Registration No. TCH 148434 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation she enables the Board to issue
27 an order accepting the surrender of her Pharmacy Technician Registration without further
28 process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, 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 Surrender 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.

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

12. This Stipulated Surrender of License and 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 Surrender of License and 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.

13. 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 Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 148434, issued to Respondent Ashley-Marie Leo Nava, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board. Respondent understands and acknowledges that for

1 purposes of Business and Professions Code section 4307, this stipulated surrender is treated the
2 same as a revocation of licensure.

3 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
4 as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If she ever applies for licensure or petitions for reinstatement in the State of
8 California, the Board shall treat it as a new application for licensure. Respondent must comply
9 with all the laws, regulations and procedures for licensure in effect at the time the application or
10 petition is filed, and all of the charges and allegations contained in Accusation No. 7226 shall be
11 deemed to be true, correct and admitted by Respondent when the Board determines whether to
12 grant or deny the application or petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$2,903.75 prior to filing a new application for licensure or reinstated license.

15 6. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 7226 shall be deemed
18 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
19 other proceeding seeking to deny or restrict licensure.

20 7. Respondent may not reapply for any license from the Board for three (3) years from
21 the effective date of this decision.

22 8. Respondent shall not own, have any legal or beneficial interest in, nor serve as a
23 manager, administrator, member, officer, director, trustee, associate, or partner of any business,
24 firm, partnership, or corporation currently or hereinafter licensed by the board for ten years from
25 the effective date.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____
ASHLEY-MARIE LEO NAVA
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____
Respectfully submitted,
ROB BONTA
Attorney General of California
NANCY A. KAISER
Supervising Deputy Attorney General

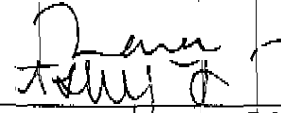
MEGAN CROSS
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

05/14/22
ASHLEY-MARIE LEO NAVA
*Respondent***ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: May 17, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
NANCY A. KAISER
Supervising Deputy Attorney GeneralMEGAN CROSS
Deputy Attorney General
*Attorneys for Complainant*LA2021604788
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Exhibit A

Accusation No. 7226

1 ROB BONTA
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2 NANCY A. KAISER
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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12 In the Matter of the Accusation Against:

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13 **ASHLEY-MARIE LEO NAVA**
14 **7801 Kandarain Way**
Bakersfield, CA 93309

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **148434**

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 May 20, 2015, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 148434 to Ashley-Marie Leo Nava (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on December 31, 2022, unless renewed.

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JURISDICTION

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

STATUTES AND REGULATIONS

4. Section 4300 of the Code states:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

(1) Medical or psychiatric evaluation.

(2) Continuing medical or psychiatric treatment.

(3) Restriction of type or circumstances of practice.

(4) Continuing participation in a board-approved rehabilitation program.

(5) Abstention from the use of alcohol or drugs.

(6) Random fluid testing for alcohol or drugs.

(7) Compliance with laws and regulations governing the practice of pharmacy.

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

6. Section 4301 of the Code states, in pertinent part:

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

....

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

....

(j) The violation of any of the statutes of this state, of 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 4060 of the Code states:

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

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

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.

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

(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.

9. Section 11173 of the Health and Safety Code (HSC) states, in pertinent part:

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

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DEFINITIONS

11. Diazepam (brand name Valium) is a schedule IV controlled substance pursuant to Health and Safety Code section 11057 and a dangerous drug pursuant to Business and Professions Code section 4022. Diazepam is indicated for treatment of anxiety.

12. Alprazolam (brand name Xanax) is a schedule IV controlled substance pursuant to Health and Safety Code section 11057 and a dangerous drug pursuant to Business and Professions Code section 4022. Alprazolam is indicated for treatment of anxiety.

13. Acetaminophen with codeine (brand name “Tylenol with codeine” or “Tylenol with Codeine #3”) is a schedule III controlled substance pursuant to Health and Safety Code section 11055 and a dangerous drug pursuant to Business and Professions Code section 4022. Acetaminophen with codeine is indicated for treatment of pain.

FACTUAL ALLEGATIONS

14. On or about December 29, 2020, Respondent provided a written statement to her employer, CVS Pharmacy (“CVS”), admitting to taking medication from CVS for her personal use, without a valid prescription. Specifically, Respondent admitted to taking 200 pills of alprazolam, 10 pills of Tylenol 3, and 40 pills of diazepam, totaling \$133.57. She stated that she would remove the medication from the pill counter or while putting bottles back onto the shelf and either put it in her pocket or use it while working. CVS terminated Respondent for the thefts.

15. CVS reported the medication thefts to police. During an interview with a police officer, Respondent confirmed that she would take several pills while filling prescription bottles and use them for her personal use, stating that she had done this numerous times since 2017.

16. On March 4, 2021, the Board received a letter written by Respondent self-reporting medication theft from CVS. In the letter, Respondent wrote that she took the medication to self-harm and overdose due to depression and PTSD.

17. On March 25, 2021, Respondent admitted to a Board inspector that she took alprazolam from CVS because she had run out of refills from her primary care physician and could not afford a therapist. During a subsequent phone call with the inspector, Respondent reported that, after her termination from CVS, she reached out for counseling. She further stated that she was not arrested and no charges were filed, however, she was issued a citation for a misdemeanor.

18. A subsequent Board audit conducted from May 1, 2018 to May 1, 2021 confirmed losses of 287 tablets of alprazolam. The audit also revealed small overages of alprazolam and acetaminophen with codeine, indicating CVS had dispensed more than they had purchased.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unlawful Possession of Controlled Substances)

3 19. Respondent is subject to disciplinary action under Code section 4060 in that she
4 possessed controlled substances and dangerous drugs without a valid prescription. Complainant
5 refers to and incorporates the allegations set forth above in paragraphs 14-18, inclusive, as though
6 set forth fully.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct / Moral Turpitude, Dishonesty, and Deceit)

9 20. Respondent is subject to disciplinary action under Business and Professions Code
10 section 4301, subdivision (f), on the grounds of unprofessional conduct, in that she committed
11 acts of moral turpitude, dishonesty, and deceit. Complainant refers to and incorporates the
12 allegations set forth above in paragraphs 14-18, inclusive, as though set forth fully.

13 **THIRD CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct / Violation of statutes regulating controlled substances)

15 21. Respondent is subject to disciplinary action under Business and Professions Code
16 section 4301, subdivision (j), in conjunction with HSC section 11173, subdivision (a) in that
17 Respondent committed acts of unprofessional conduct by possessing controlled substances and
18 dangerous drugs without a prescription by means of theft. Complainant refers to and incorporates
19 the allegations set forth above in paragraphs 14-18, inclusive, as though set forth fully.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 (Unprofessional Conduct / Violation of regulations governing pharmacy)

22 22. Respondent is subject to disciplinary action under Business and Professions Code
23 section 4301, subdivision (o), in conjunction with HSC section 11173, subdivision (a), in that
24 Respondent committed unprofessional conduct by violating regulations governing pharmacy
25 established by a state agency. Complainant refers to and incorporates the allegations set forth
26 above in paragraphs 14-18, inclusive, as though set forth fully.

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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 148434, issued to Ashley-Marie Leo Nava;
2. Ordering Ashley-Marie Leo Nava 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; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/24/2022

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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