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

In the Matter of the Accusation Against:

CHANH VAN LE
13227 Bay Meadow Ave.
Chino, CA 91710

Pharmacy Technician License No. TCH
161902

Respondent.

Case No. 7364

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 20, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 7364 against Chanh Van Le (Respondent) before the Board. (Accusation attached as Exhibit A.)
2. On or about July 17, 2017, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 161902 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7364 and expired on December 31, 2022, and has not been renewed.

1 3. This lapse in licensure, however, pursuant to Business and Professions Code section
2 118(b) and/or agency-specific statute does not deprive the Board of its authority to institute or
3 continue this disciplinary proceeding.

4 4. On or about January 27, 2023, Respondent was served by Certified and First Class
5 Mail copies of the Accusation No. 7364, Statement to Respondent, Notice of Defense, Request
6 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
7 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
8 section 4100, is required to be reported and maintained with the Board. Respondent's address of
9 record was and is: 13227 Bay Meadow Ave., Chino, CA 91710.

10 5. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business and Professions Code section
12 124.

13 6. Government Code section 11506, subdivision (c) states, in pertinent part:

14 The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense . . . and the notice shall be deemed a specific denial of all
16 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
17 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
18 discretion may nevertheless grant a hearing.

19 7. The Board takes official notice of its records and the fact that Respondent failed to
20 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
21 waived his right to a hearing on the merits of Accusation No. 7364.

22 8. California Government Code section 11520, subdivision (a) states, in pertinent part:

23 If the respondent either fails to file a notice of defense . . . or to appear at the
24 hearing, the agency may take action based upon the respondent's express admissions
25 or upon other evidence and affidavits may be used as evidence without any notice to
26 respondent

27 9. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
finds that the charges and allegations in Accusation No. 7364, are separately and severally, found
to be true and correct by clear and convincing evidence.

1 10. The Board finds that the actual costs for Investigation and Enforcement are \$2,206.25
2 as of March 8, 2023.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondent Chanh Van Le has subjected his
5 Pharmacy Technician License No. TCH 161902 to discipline.

6 2. The agency has jurisdiction to adjudicate this case by default.

7 3. The Board is authorized to revoke Respondent's Pharmacy Technician License based
8 upon the following violations alleged in the Accusation, which are supported by the evidence
9 contained in the Default Decision Investigatory Evidence Packet in this case:

10 a. Respondent has subjected his license to disciplinary action under Code sections 490
11 and 4301, subdivision (l), Respondent was convicted of crimes that are substantially related to the
12 qualifications, functions, and duties of a licensed pharmacy technician.

13 b. Respondent has subjected his license to disciplinary action under Code section 4301,
14 subdivision (f), for unprofessional conduct, Respondent engaged in acts of moral turpitude.


15 **ORDER**

16 IT IS SO ORDERED that Pharmacy Technician License No. TCH 161902, issued to
17 Respondent Chanh Van Le, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
19 written motion requesting that the Decision be vacated and stating the grounds relied on within
20 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
21 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

22 This Decision shall become effective at 5:00 p.m. on May 10, 2023.

23 It is so ORDERED on April 10, 2023.

24 

25 _____
26 Seung W. Oh, Pharm.D.
27 Board President
28 FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

83843739.DOCX/DOJ Matter ID:SD2022802409

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
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3 CRAIG S. MENCHIN
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Attorneys for Complainant
8

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. 7364
14 CHANH VAN LE; AKA KEVIN LE	ACCUSATION
15 13227 Bay Meadow Ave.	
16 Chino, CA 91710	
17 Pharmacist Technician License No. TCH	
18 161902	
Respondent.	

19
20 **PARTIES**

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

23 2. On or about July 17, 2017, the Board issued Pharmacy Technician License Number
24 TCH 161902 to Chanh Van Le; aka Kevin Le (Respondent). The Pharmacy Technician License
25 was in full force and effect at all times relevant to the charges brought herein, and will expire on
26 December 31, 2022, unless renewed.

27 //

28 //

1 **JURISDICTION**

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

5 4. Code section 4300, subdivision (a), states, "Every license issued may be suspended or
6 revoked."

7 5. Code section 4300.1 states:

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

14 **STATUTORY PROVISIONS**

15 6. Code section 482 states:

16 (a) Each board under this code shall develop criteria to evaluate the rehabilitation
17 of a person when doing either of the following:

18 (1) Considering the denial of a license by the board under Section 480.

19 (2) Considering suspension or revocation of a license under Section 490.

20 (b) Each board shall consider whether an applicant or licensee has made a
21 showing of rehabilitation if either of the following are met:

22 (1) The applicant or licensee has completed the criminal sentence at issue
23 without a violation of parole or probation.

24 (2) The board, applying its criteria for rehabilitation, finds that the applicant
25 is rehabilitated.

26

27 (d) This section shall become operative on July 1, 2020.

28 7. Code section 490 states:

(a) In addition to any other action that a board is permitted to take against a
licensee, a board may suspend or revoke a license on the ground that the licensee has
been convicted of a crime, if the crime is substantially related to the qualifications,
functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any
authority to discipline a licensee for conviction of a crime that is independent of the

1 authority granted under subdivision (a) only if the crime is substantially related to the
2 qualifications, functions, or duties of the business or profession for which the licensee's
3 license was issued.

4 (c) A conviction within the meaning of this section means a plea or verdict of
5 guilty or a conviction following a plea of nolo contendere. An action that a board is
6 permitted to take following the establishment of a conviction may be taken when the

7 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,
8 or when an order granting probation is made suspending the imposition of sentence,
9 irrespective of a subsequent order under Section 1203.4 of the Penal Code.

10

11 8. Code section 493 states:

12 (a) Notwithstanding any other law, in a proceeding conducted by a board within
13 the department pursuant to law to deny an application for a license or to suspend or
14 revoke a license or otherwise take disciplinary action against a person who holds a
15 license, upon the ground that the applicant or the licensee has been convicted of a crime
16 substantially related to the qualifications, functions, and duties of the licensee in
17 question, the record of conviction of the crime shall be conclusive evidence of the fact
18 that the conviction occurred, but only of that fact.

19 (b) (1) Criteria for determining whether a crime is substantially related to the
20 qualifications, functions, or duties of the business or profession the board regulates
21 shall include all of the following:

22 (A) The nature and gravity of the offense.

23 (B) The number of years elapsed since the date of the offense.

24 (C) The nature and duties of the profession.

25 (2) A board shall not categorically bar an applicant based solely on the type
26 of conviction without considering evidence of rehabilitation.

27 (c) As used in this section, "license" includes "certificate," "permit," "authority,"
28 and "registration."

....

9. Code section 4301 states:

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 includes, 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.

...

1 (I) The conviction of a crime substantially related to the qualifications, functions,
2 and duties of a licensee under this chapter. The record of conviction of a violation of
3 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
4 regulating controlled substances or of a violation of the statutes of this state regulating
5 controlled substances or dangerous drugs shall be conclusive evidence of
6 unprofessional conduct. In all other cases, the record of conviction shall be conclusive
7 evidence only of the fact that the conviction occurred. The board may inquire into the

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

19

20 **REGULATORY PROVISIONS**

21 10. California Code of Regulations, title 16, section 1769, subdivision (c), states:

22 Suspension or revocation of a license.

23 When considering the suspension or revocation of a facility or a personal license
24 on the ground that the licensee has been convicted of a crime, the board will consider
25 whether the licensee made a showing of rehabilitation and is presently fit for a license,
26 if the licensee completed the criminal sentence at issue without a violation of parole or
27 probation. In making this determination, the board will consider the criteria in
28 subdivisions (b)(1)(A) through (E). If the licensee has not completed the criminal
sentence at issue without a violation of parole or probation or the board determines that
the licensee did not make the showing of rehabilitation based on the criteria in
subdivisions (b)(1)(A) through (E), the board will apply the following criteria in
evaluating the licensee's rehabilitation:

(1) Nature and gravity of the act(s) or offenses.

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offenses.

(4) Whether the licensee has complied with all terms of parole, probation,
restitution or any other sanctions lawfully imposed against the licensee.

(5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

(6) Evidence, if any, of rehabilitation submitted by the licensee, including as
provided in the board's Disciplinary Guidelines, identified in section 1760.

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

1 (a) For the purpose of denial, suspension, or revocation of a personal or facility
2 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
3 Business and Professions Code, a crime, professional misconduct, or act shall be
4 considered substantially related to the qualifications, functions or duties of the practice,
5 profession, or occupation that may be performed under the license type sought or held
6 if to a substantial degree it evidences present or potential unfitness of an applicant or

7 licensee to perform the functions authorized by the license in a manner consistent with
8 the public health, safety, or welfare.

9 (b) In making the substantial relationship determination required under
10 subdivision (a) for a crime, the board will consider the following criteria:

11 (1) The nature and gravity of the offense;

12 (2) The number of years elapsed since the date of the offense; and

13 (3) The nature and duties of the practice, profession, or occupation that may
14 be performed under the license type sought or held.

15 (c) For purposes of subdivision (a), substantially related crimes, professional
16 misconduct, or acts shall include, but are not limited to, those which:

17 (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or
18 conspire to violate, any provision of law of this state, or any other jurisdiction,
19 governing the practice of pharmacy.

20 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or
21 conspire to violate, any provision of Chapter 13 (commencing with Section 801) of
22 Title 21 of the United States Code regulating controlled substances or any law of this
23 state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

24 (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or
25 conspire to violate, any provision of law of this state, or any other jurisdiction, relating
26 to government provided or government supported healthcare.

27 (4) Involve dishonesty, fraud, deceit, or corruption related to money, items,
28 documents, or personal information.

(5) Involve a conviction for driving under the influence of drugs or alcohol.

COST RECOVERY

12. Code section 125.3 states, 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.

//

1 **FACTUAL BACKGROUND**

2 13. At all relevant times, Respondent was licensed as a pharmacy technician in Southern
3 California. Respondent is the manager of Mars Hill Pharmacy (“MHP”) located in Mars Hill,
4 North Carolina; and the beneficial owner of numerous bank and financial institution accounts,
5 including accounts held or operated by co-defendants involved in the criminal matter, as more
6 fully set forth, below.

7 **United States District Court, Central District, Case No. 8:18-cr-00119-RGK-4**

8 14. On or about November 22, 2021, in a criminal proceeding entitled *United States of*
9 *America v. Chanh Van Le, aka “Kevin Le,” et al.*, United States District Court, Southern District
10 of California, Case Number 8:18-cr-00119-RGK-4, Respondent, having pled guilty and been
11 convicted of Conspiracy (18 U.S.C. § 371), was sentenced by the Court. Additional counts of
12 Health Care Fraud (18 U.S.C. § 1347), Conspiracy to Commit Health Care Fraud (18 U.S.C. §
13 1349), and Money Laundering (18 U.S.C. § 1956(a)(1)(B)(i)) were dismissed pursuant to a plea
14 agreement. Respondent was sentenced to eight months in prison, and ordered to pay a \$100 court
15 assessment, and restitution in the amount of \$1,150,000.00. Upon release from prison,
16 Respondent is subject to supervised release for three years, under certain terms and conditions.

17 *Factual Basis*

18 15. Beginning on or about a date unknown, but at least as early as March 2015, and
19 continuing to in or about December 2016, Respondent, together with others, executed a wide-
20 ranging scheme to defraud and obtain money from TRICARE and the Amtrak Union Benefits
21 Plan (AMPLAN), in connection with the delivery of and payment for health care benefits.

22 16. In order to carry out the scheme, Respondent committed the following conduct as
23 alleged in the Indictment:

- 24 a. Respondent and/or co-conspirators caused compounded medications
25 prescription forms to be prepared and distributed to marketers that identified multiple
26 compounded medications formulations, which were included on the forms and selected by
27 the marketers because they provided the maximum possible TRICARE and AMPLAN
28 reimbursements rather than based on individual patient needs and medical necessity.

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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 License Number TCH 161902, issued to Respondent Chanh Van Le; aka Kevin Le;
2. Ordering Respondent Chanh Van Le; aka Kevin Le 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: 1/20/2023

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2023.01.20 08:49:11
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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