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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. 5414

12 **RANJINA DEVI SINGH**
1219 Malio Drive, Apartment 101
13 Clovis, California 93612

A C C U S A T I O N

14 **Pharmacy Technician Registration**
15 **No. TCH 108199**

16 Respondent.

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about March 8, 2011, the Board issued Pharmacy Technician Registration
22 Number TCH 108199 to Ranjina Devi Singh ("Respondent"). The pharmacy technician
23 registration was in full force and effect at all times relevant to the charges brought herein and will
24 expire on December 31, 2016, unless renewed.

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JURISDICTION

3. Business and Professions Code (“Code”) section 4300 states, in pertinent part:

(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 . . .

4. Code section 4300.1 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.

STATUTORY PROVISIONS

5. Code section 4301 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 procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

(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

6. Civil Code section 56.10(d) states:

Except to the extent expressly authorized by a patient, enrollee, or subscriber, or as provided by subdivisions (b) and (c), a provider of health care, health care service plan, contractor, or corporation and its subsidiaries and affiliates shall not intentionally share, sell, use for marketing, or otherwise use medical information for a purpose not necessary to provide health care services to the patient.

1 7. Title 42 of the United States Code, section 1320d-6 states, in pertinent part:

2 (a) Offense. A person who knowingly and in violation of this part [42 USCS
3 §§ 1320d et seq.]—

4 (1) uses or causes to be used a unique health identifier;

5 (2) obtains individually identifiable health information relating to an
6 individual; or

7 (3) discloses individually identifiable health information to another person,
8 shall be punished as provided in subsection (b). For purposes of the previous
9 sentence, a person (including an employee or other individual) shall be considered to
10 have obtained or disclosed individually identifiable health information in violation of
11 this part if the information is maintained by a covered entity (as defined in the
12 HIPAA privacy regulation described in section 1180(b)(3) [42 USCS § 1320d-
13 9(b)(3)]) and the individual obtained or disclosed such information without
14 authorization.

15 8. Title 42 of the United States Code, section 1320d, defines, in pertinent part,
16 as follows for purposes of 42 USCS §§ 1320d et seq.:

17 (6) Individually identifiable health information. The term "individually
18 identifiable health information" means any information, including demographic
19 information collected from an individual, that—

20 (A) is created or received by a health care provider, health plan, employer, or
21 health care clearinghouse; and

22 (B) relates to the past, present, or future physical or mental health or condition
23 of an individual, the provision of health care to an individual, or the past, present, or
24 future payment for the provision of health care to an individual, and--(i) identifies the
25 individual; or

26 (ii) with respect to which there is a reasonable basis to believe that the
27 information can be used to identify the individual.

28 COST RECOVERY

9. Code section 125.3 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, with failure of the licentiate 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.

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BACKGROUND

10. At all times relevant to the events set forth below, Respondent was employed as a registered pharmacy technician at Clovis Community Hospital Pharmacy/Community Medical Center (“CMC”), located at 2755 East Herndon Avenue in Clovis, California.

11. On or about March 1, 2013, Respondent acknowledged:¹

I will access patient information only when needed in order to do my job, and understand that retrieving/viewing/printing information (computerized or paper), on other patients such as friends, relatives, neighbors, celebrities, co-workers, or myself is a breach of confidentiality and may subject me to immediate termination of employment or association with Community Medical Centers, as well as civil sanctions and/or criminal penalties.

12. On or about March 11, 2013, Respondent attended CMC’s orientation, which included training for compliance with state and federal requirements in regards to protected health information (“PHI”), including, but not limited, to, the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and CMC’s policies and procedures. CMC’s policies and procedures state, in pertinent part:

The paper and electronic records of CMC, which contain PHI, are created and maintained for the purpose of providing patient care and for facilitating CMC business processes. . . .²

. . . .

Protecting the privacy of PHI means that PHI is used or disclosed only for authorized purposes³

. . . .

Protected health information is only to be accessed in relationship to an employee’s or the health care provider’s assigned job duties, on a business need to know basis. Accessing any patient information including but not limited to your own, your family members, or any other individual(s) without a business need to know, without authorization, for unauthorized purposes, or not within your “scope of assigned duties” is a breach of confidentiality. Access to protected health information is based on the business need to know the information in order to perform your assigned job duties. CMC may only use or disclose protected health information

¹ *Acknowledgement of Confidentiality of Information Agreement*, dated March 1, 2013, and executed by Respondent.

² *HIPAA General Rules for the Use and Disclosure of PHI*, Policy & Procedure No. 12136, Section III.A.2, effective April 18, 2012.

³ *Id.*, Section III.C.1.

1 when the patient has given authorization unless the information is used or disclosed
2 for treatment, payment, healthcare operations or required by law.⁴

3 13. On or about June 3, 2013, an officer with the Clovis Police Department received
4 report of a disturbance. In the course of investigation, the officer contacted Respondent, who
5 explained that she was engaged to be married to "J.G." Respondent told the officer that she saw
6 "hickies" on J.G.'s neck after he was with D.G., and Respondent became angry. Respondent stated
7 that she "keyed" the word "bitch" on D.G.'s vehicle.⁵ The officer observed that the word "bitch",
8 as well as random lines, were scratched into the paint on D.G.'s vehicle.

9 14. CMC subsequently determined that on or about July 12, 2013, and July 14, 2013,
10 Respondent accessed the personal health information of J.G. and D.G. for a purpose not necessary
11 to provide health care services and without a business need to know. CMC terminated
12 Respondent's employment on or about September 12, 2013.

13 **FIRST CAUSE FOR DISCIPLINE**

14 (Violation of Laws Governing Pharmacies)

15 15. Respondent is subject to disciplinary action pursuant to Code section 4301(o), on the
16 grounds of unprofessional conduct, in that on or about July 12, 2013, and July 14, 2013, while on
17 duty as a registered pharmacy technician at CMC, she violated federal and state laws, as follows:

18 a. **Title 42 of the United States Code, section 1320d-6(a)(1)**: Respondent knowingly
19 used, or caused to be used, unique health identifiers for J.G. and/or D.G. The facts and
20 circumstances are more fully set forth above in paragraphs 10 through 14.

21 b. **Title 42 of the United States Code, section 1320d-6(a)(2)**: Respondent obtained
22 individually identifiable health information pertaining to J.G. and/or D.G. The facts and
23 circumstances are more fully set forth above in paragraphs 10 through 14.

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25 ⁴ *Confidentiality/Breach of Information, Policy & Procedure No. 10001, Section II.A.,*
effective August 17, 2010.

26 ⁵ A statement Respondent later retracted. The incident resulted in the case entitled *People v.*
27 *Ranjina Devi Singh*, Superior Court of the State of California, Fresno County, Case
28 No. M14914679, wherein on or about September 22, 2014, Respondent pled nolo contendere to
Penal Code section 594(a)(2) (malicious damage to real or personal property), a misdemeanor.
On or about January 26, 2015, the case was dismissed.

1 c. Civil Code section 56.10(d): Respondent used the medical information of J.G. and/or
2 D.G. without authorization for a purpose not necessary to provide health care services to the
3 patient. The facts and circumstances are more fully set forth above in paragraphs 10 through 14.

4 **SECOND CAUSE FOR DISCIPLINE**

5 (Unprofessional Conduct)

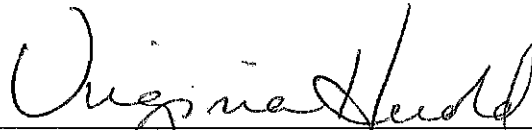
6 16. The allegations set forth in paragraphs 10 through 15 above are incorporated herein
7 by reference. Respondent is subject to disciplinary action pursuant to Code section 4301, on the
8 grounds of unprofessional conduct, in that while working as a pharmacy technician at CMC on or
9 about July 12, 2013, and July 14, 2013, Respondent accessed the personal health information of
10 J.G. and D.G. for a purpose not necessary to provide health care services and without a business
11 need to know, in disregard of HIPAA regulations, state law, and/or CMC policies.

12 **PRAYER**

13 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Board of Pharmacy issue a decision:

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 108199,
16 issued to Ranjina Devi Singh;
- 17 2. Ordering Ranjina Devi Singh to pay the Board of Pharmacy the reasonable costs of
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3; and,
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: 7/21/15



23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 *Complainant*

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