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

11 In the Matter of the Statement of Issues
Against:

Case No. 4423

12 **KATHERINE LYNDSEY NOLA**

STATEMENT OF ISSUES

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14
15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about March 23, 2012, the Board received an application for Pharmacist
21 Examination and Licensure from Respondent. On or about March 15, 2012, Respondent certified
22 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
23 application. The Board denied the application on July 26, 2012.

24 3. On or about May 11, 2012, the Board of Pharmacy (Board), Department of Consumer
25 Affairs received an application for Intern Pharmacist Registration from Katherine Lyndsey Nola
26 (Respondent). On or about May 5, 2012, Katherine Lyndsey Nola certified under penalty of
27 perjury to the truthfulness of all statements, answers, and representations in the application. The
28 Board denied the application on July 26, 2012.

1 JURISDICTION

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

5 5. Section 4300 of the Code states, in pertinent part:

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

- 9 (1) Medical or psychiatric evaluation.
- 10 (2) Continuing medical or psychiatric treatment.
- 11 (3) Restriction of type or circumstances of practice
- 12 (4) Continuing participation in a board-approved rehabilitation program.
- 13 (5) Abstention from the use of alcohol or drugs.
- 14 (6) Random fluid testing for alcohol or drugs.
- 15 (7) Compliance with laws and regulations governing the practice of
16 pharmacy.

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18 6. Section 480 of the Code states, in pertinent part:

19 (a) A board may deny a license regulated by this code on the grounds that the
20 applicant has one of the following:

21

22 (3) (A) Done any act that if done by a licentiate of the business or profession in
23 question, would be grounds for suspension or revocation of license.

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

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

28

1 (n) The revocation, suspension, or other discipline by another state of a license to practice
2 pharmacy, operate a pharmacy, or do any other act for which a license is required by this
3 chapter.”

4 **CAUSE FOR DENIAL OF APPLICATION**

5 **(Out-of-State Discipline)**

6 8. Respondent's applications are subject to denial under section 480, subdivision
7 (a)(3)(A), in that she committed an act that if done by a licentiate of the business or profession in
8 question would be grounds for suspension or revocation of the license under Code section 4301,
9 subdivision (n). Respondent was disciplined by the Tennessee State Board of Pharmacy
10 (“Tennessee Board”), in violation of Code section 4301, subdivision (n), as follows: On or about
11 August 8, 2011, pursuant to the Consent Order in the disciplinary proceeding titled “In the Matter
12 of Katherine Lyndsey Nola, #34577”, the Tennessee Board ordered that Respondent’s license be
13 suspended indefinitely. The basis for the suspension was that Respondent had been addicted to
14 the use of alcohol, narcotics, or other drugs; that she had exhibited an incapacity of a nature that
15 prevents a pharmacist from engaging in the practice of pharmacy with reasonable skill,
16 confidence, and safety to the public; and that she had been guilty of dishonorable, immoral,
17 unethical or unprofessional conduct. Respondent admitted each of the violations. A true and
18 correct copy of the Consent Order is attached hereto as **exhibit A** and incorporated herein.

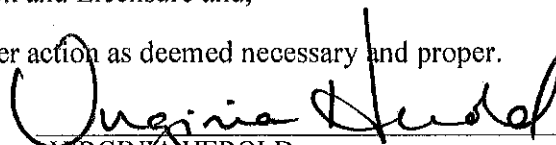
19 **PRAYER**

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

22 1. Denying the applications of Katherine Lyndsey Nola for an Intern Pharmacist
23 Registration and Pharmacist Examination and Licensure and,

24 2. Taking such other and further action as deemed necessary and proper.

25 DATED: 12/20/12

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27 VIRGINIA HEROLD
28 Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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