

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 TIMOTHY J. McDONOUGH
Deputy Attorney General
4 State Bar No. 235850
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2134
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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. 4893

12 **MICHELLE FAREEN KHAN**

STATEMENT OF ISSUES

13
14 **Pharmacy Technician Registration**
15 **Applicant**

Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about January 25, 2013, the Board of Pharmacy, Department of Consumer
22 Affairs received an application for a Pharmacy Technician Registration from Michelle Fareen
23 Khan (Respondent). On or about January 22, 2013, Respondent certified under penalty of perjury
24 to the truthfulness of all statements, answers, and representations in the application. The Board
25 denied her application on May 10, 2013.

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1 6. Section 4301 of the Code provides, in relevant part, that "unprofessional conduct" is
2 defined to include, but not be limited to, any of the following:

3 ...

4 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
5 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
6 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
7 to the extent that the use impairs the ability of the person to conduct with safety to the public the
8 practice authorized by the license.

9 ...

10 "(j) The violation of any of the statutes of this state, or any other state, or of the United
11 States regulating controlled substances and dangerous drugs.

12 ...

13 "(l) The conviction of a crime substantially related to the qualifications, functions, and
14 duties of a licensee under this chapter."

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

16 "For the purpose of denial, suspension, or revocation of a personal or facility license
17 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
18 crime or act shall be considered substantially related to the qualifications, functions or duties of a
19 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
20 licensee or registrant to perform the functions authorized by his license or registration in a manner
21 consistent with the public health, safety, or welfare."

22 8. California Code of Regulations, title 16, section 1769, states:

23 "(a) When considering the denial of a facility or personal license under Section 480 of the
24 Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his
25 present eligibility for licensing or registration, will consider the following criteria:

26 "(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for
27 denial.

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1 **THIRD CAUSE FOR DENIAL OF APPLICATION**
2 **(Conviction of Substantially Related Crime)**
3 **(Bus. & Prof. Code §§ 480, subd. (a)(1))**

4 12. Complainant realleges the allegations contained in paragraphs 10 and 11 above, and
5 incorporates them by reference as if fully set forth.

6 13. Respondent's application for a Pharmacy Technician Registration is subject to denial
7 under Code sections 480, subdivision (a)(1), in that she was convicted of a crime substantially
8 related to the qualifications, functions, and duties of a licensee. The circumstances are that on or
9 about August 29, 2008, in a criminal matter entitled *The People of the State of California v.*
10 *Michelle Fareen Khan*, in the Alameda County Superior Court, Case No. 410893-3, Respondent
11 was convicted by plea of no contest to violating Health and Safety Code section 11377,
12 subdivision (a) (unauthorized possession of a controlled substance), a misdemeanor. Respondent
13 was ordered to serve one day in jail and placed on court probation for 3 years with various terms
14 and conditions.

14 **FOURTH CAUSE FOR DENIAL OF APPLICATION**
15 **(Conviction of Violating State Statute Regulating Controlled Substances/Dangerous Drugs)**
16 **(Bus. & Prof. Code §§ 480, subd. (a)(3), 4301, subd. (j))**

17 14. Complainant realleges the allegations contained in paragraphs 10, 11, and 13 above,
18 and incorporates them by reference as if fully set forth.

19 15. Respondent's application for a Pharmacy Technician Registration is subject to denial
20 under Code section 480, subdivision (a)(3); by reference to Code section 4301, subdivision (j), in
21 that Respondent was convicted of a charge of violating a statute or rule of this state regulating
22 dangerous drugs or controlled substances, as set forth more particularly in paragraph 13, above.

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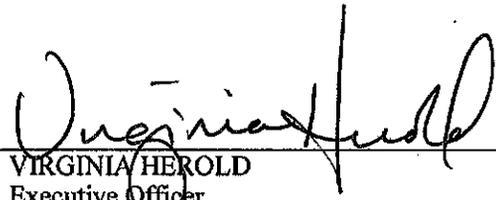
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Statement of Issues, and that following the hearing, the Board of Pharmacy issue a decision:

1. Denying the application of Michelle Faren Khan for a Pharmacy Technician; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 3/15/14



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