



California State Board of Pharmacy
 1625-N. Market Blvd, N219, Sacramento, CA 95834
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BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

RECEIVED BY CALIF
 BOARD OF PHARMACY

2014 SEP 22

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>KATHY HER</u>	Case No. <u>AC 4210</u>
Address of Record: <u>6661 DEMARET DRIVE</u> <u>SACRAMENTO, CA 95822</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC 4210, I hereby request to surrender my pharmacy technician license, License No. 58320. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Kathy Her
 Applicant's Signature

09/05/14
 Date

Dignia Hood
 Executive Officer's Approval

9/24/14
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

Case No. 4210

KATHY HER
6661 Demaret Drive
Sacramento, CA 95822

Pharmacy Technician License No. TCH 58320

Respondent.

DECISION AND ORDER

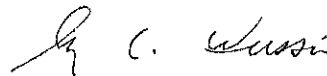
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on March 11, 2013.

It is so ORDERED on February 8, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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. 4210

12 **KATHY HER**
6661 Demaret Drive
13 Sacramento, CA 95822

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Pharmacy Technician Registration No. TCH 58320
15 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. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Anahita S. Crawford, Deputy Attorney
24 General.

25 2. Respondent Kathy Her (Respondent) is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel.

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1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 58320 issued
3 to Respondent Kathy Her (Respondent) is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for three (3) years on the following terms and conditions.

5 **1. Certification Prior to Resuming Work**

6 Respondent shall be automatically suspended from working as a pharmacy technician until
7 she is certified, as defined by Business and Professions Code section 4202(a)(4), and provides
8 satisfactory proof of certification to the board. Respondent shall not resume working as a
9 pharmacy technician until notified by the board. Failure to achieve certification within one (1)
10 year shall be considered a violation of probation. Respondent shall not resume working as a
11 pharmacy technician until notified by the board.

12 During suspension, respondent shall not enter any pharmacy area or any portion of any
13 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
14 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
15 devices or controlled substances are maintained. Respondent shall not do any act involving drug
16 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
17 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
18 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
19 substances. Respondent shall not resume work until notified by the board.

20 Subject to the above restrictions, respondent may continue to own or hold an interest in any
21 licensed premises by the board in which she holds an interest at the time this decision becomes
22 effective unless otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 **2. Obey All Laws**

25 Respondent shall obey all state and federal laws and regulations.

26 Respondent shall report any of the following occurrences to the board, in writing, within
27 seventy-two (72) hours of such occurrence:

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- 1 an arrest or issuance of a criminal complaint for violation of any provision of the
- 2 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
- 3 substances laws
- 4 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 5 criminal complaint, information or indictment
- 6 a conviction of any crime
- 7 discipline, citation, or other administrative action filed by any state or federal agency
- 8 which involves respondent's Pharmacy Technician license or which is related to the
- 9 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
- 10 or charging for any drug, device or controlled substance.

11 Failure to timely report any such occurrence shall be considered a violation of probation.

12 **3. Report to the Board**

13 Respondent shall report to the board quarterly, on a schedule as directed by the board or its

14 designee. The report shall be made either in person or in writing, as directed. Among other

15 requirements, respondent shall state in each report under penalty of perjury whether there has

16 been compliance with all the terms and conditions of probation. Failure to submit timely reports

17 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency

18 in submission of reports as directed may be added to the total period of probation. Moreover, if

19 the final probation report is not made as directed, probation shall be automatically extended until

20 such time as the final report is made and accepted by the board.

21 **4. Interview with the Board**

22 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews

23 with the board or its designee, at such intervals and locations as are determined by the board or its

24 designee. Failure to appear for any scheduled interview without prior notification to board staff,

25 or failure to appear at two (2) or more scheduled interviews with the board or its designee during

26 the period of probation, shall be considered a violation of probation.

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1 **5. Cooperate with Board Staff**

2 Respondent shall cooperate with the board's inspection program and with the board's
3 monitoring and investigation of respondent's compliance with the terms and conditions of her
4 probation. Failure to cooperate shall be considered a violation of probation.

5 **6. Notice to Employers**

6 During the period of probation, respondent shall notify all present and prospective
7 employers of the decision in case number 4210 and the terms, conditions and restrictions imposed
8 on respondent by the decision, as follows:

9 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
10 respondent undertaking any new employment, respondent shall cause her direct supervisor,
11 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
12 tenure of employment) and owner to report to the board in writing acknowledging that the listed
13 individual(s) has/have read the decision in case number 4210 and the terms and conditions
14 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
15 supervisor(s) submit timely acknowledgement(s) to the board.

16 If respondent works for or is employed by or through a pharmacy employment service,
17 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
18 of the terms and conditions of the decision in case number 4210 in advance of the respondent
19 commencing work at each pharmacy. A record of this notification must be provided to the board
20 upon request.

21 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
22 (15) days of respondent undertaking any new employment by or through a pharmacy employment
23 service, respondent shall cause her direct supervisor with the pharmacy employment service to
24 report to the board in writing acknowledging that she has read the decision in case number 4210
25 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
26 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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1 Failure to timely notify present or prospective employer(s) or to cause that/those
2 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
3 probation.

4 "Employment" within the meaning of this provision shall include any full-time,
5 part-time, temporary or relief service or pharmacy management service as a pharmacy
6 technician or in any position for which a pharmacy technician license is a requirement
7 or criterion for employment, whether the respondent is considered an employee,
8 independent contractor or volunteer.

9 **7. Reimbursement of Board Costs**

10 As a condition precedent to successful completion of probation, respondent shall pay to the
11 board its costs of investigation and prosecution in the amount of \$1,190. Respondent shall make
12 said payments as determined by the Board. There shall be no deviation from said payment
13 schedule absent prior written approval by the board or its designee. Failure to pay costs by the
14 deadline(s) as directed shall be considered a violation of probation.

15 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
16 reimburse the board its costs of investigation and prosecution.

17 **8. Probation Monitoring Costs**

18 Respondent shall pay any costs associated with probation monitoring as determined by the
19 board each and every year of probation. Such costs shall be payable to the board on a schedule as
20 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
21 be considered a violation of probation.

22 **9. Status of License**

23 Respondent shall, at all times while on probation, maintain an active, current pharmacy
24 technician license with the board, including any period during which suspension or probation is
25 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

26 If respondent's pharmacy technician license expires or is cancelled by operation of law or
27 otherwise at any time during the period of probation, including any extensions thereof due to

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1 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
2 terms and conditions of this probation not previously satisfied.

3 **10. License Surrender While on Probation/Suspension**

4 Following the effective date of this decision, should respondent cease work due to
5 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
6 respondent may tender her pharmacy technician license to the board for surrender. The board or
7 its designee shall have the discretion whether to grant the request for surrender or take any other
8 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
9 license, respondent will no longer be subject to the terms and conditions of probation. This
10 surrender constitutes a record of discipline and shall become a part of the respondent's license
11 history with the board.

12 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician
13 license to the board within ten (10) days of notification by the board that the surrender is
14 accepted. Respondent may not reapply for any license, permit, or registration from the board for
15 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
16 applicable to the license sought as of the date the application for that license is submitted to the
17 board.

18 **11. Notification of a Change in Name, Residence Address, Mailing Address
19 or Employment**

20 Respondent shall notify the board in writing within ten (10) days of any change of
21 employment. Said notification shall include the reasons for leaving, the address of the new
22 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
23 shall further notify the board in writing within ten (10) days of a change in name, residence
24 address and mailing address, or phone number.

25 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
26 phone number(s) shall be considered a violation of probation.

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1 **12. Tolling of Probation**

2 Except during periods of suspension, respondent shall, at all times while on probation, be
3 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.
4 Any month during which this minimum is not met shall toll the period of probation, i.e., the
5 period of probation shall be extended by one month for each month during which this minimum is
6 not met. During any such period of tolling of probation, respondent must nonetheless comply
7 with all terms and conditions of probation.

8 Should respondent, regardless of residency, for any reason (including vacation) cease
9 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
10 respondent must notify the board in writing within ten (10) days of cessation of work and must
11 further notify the board in writing within ten (10) days of the resumption of the work. Any
12 failure to provide such notification(s) shall be considered a violation of probation.

13 It is a violation of probation for respondent's probation to remain tolled pursuant to the
14 provisions of this condition for a total period, counting consecutive and non-consecutive months,
15 exceeding thirty-six (36) months.

16 "Cessation of work" means calendar month during which respondent is not
17 working for at least 40 per calendar month hours as a pharmacy technician, as defined
18 in Business and Professions Code section 4115. "Resumption of work" means any
19 calendar month during which respondent is working as a pharmacy technician for at
20 least 40 hours as a pharmacy technician as defined by Business and Professions Code
21 section 4115.

22 **13. Violation of Probation**

23 If a respondent has not complied with any term or condition of probation, the board shall
24 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
25 all terms and conditions have been satisfied or the board has taken other action as deemed
26 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
27 to impose the penalty that was stayed.

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1 If respondent violates probation in any respect, the board, after giving respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
4 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
5 a petition to revoke probation or an accusation is filed against respondent during probation, the
6 board shall have continuing jurisdiction, and the period of probation shall be automatically
7 extended until the petition to revoke probation or accusation is heard and decided.

8 **14. Completion of Probation**

9 Upon written notice by the board indicating successful completion of probation,
10 respondent's pharmacy technician license will be fully restored.

11 **15. Mental Health Examination**

12 Within thirty (30) days of the effective date of this decision, and on a periodic basis as may
13 be required by the board or its designee, respondent shall undergo, at his or her own expense,
14 psychiatric evaluation(s) by a board-appointed or board-approved licensed mental health
15 practitioner. The approved evaluator shall be provided with a copy of the board's [accusation or
16 petition to revoke probation] and decision. Respondent shall sign a release authorizing the
17 evaluator to furnish the board with a current diagnosis and a written report regarding the
18 respondent's judgment and ability to function independently as a pharmacist with safety to the
19 public. Respondent shall comply with all the recommendations of the evaluator if directed by the
20 board or its designee.

21 If the evaluator recommends, and the board or its designee directs, respondent shall
22 undergo psychotherapy. Within thirty (30) days of notification by the board that a
23 recommendation for psychotherapy has been accepted, respondent shall submit to the board or its
24 designee, for prior approval, the name and qualification of a licensed mental health practitioner of
25 Respondent's choice. Within thirty (30) days of approval thereof by the board, respondent shall
26 submit documentation to the board demonstrating the commencement of psychotherapy with the
27 approved licensed mental health practitioner. Should respondent, for any reason, cease treatment
28 with the approved licensed mental health practitioner, respondent shall notify the board

1 immediately and, within thirty (30) days of ceasing treatment therewith, submit the name of a
2 replacement licensed mental health practitioner of respondent's choice to the board for its prior
3 approval. Within thirty (30) days of approval thereof, respondent shall submit documentation to
4 the board demonstrating the commencement of psychotherapy with the approved replacement.
5 Failure to comply with any requirement or deadline stated by this paragraph shall be considered a
6 violation of probation.

7 Upon approval of the initial or any subsequent licensed mental health practitioner,
8 respondent shall undergo and continue treatment with that therapist, at respondent's own expense,
9 until the therapist recommends in writing to the board, and the board or its designee agrees by
10 way of a written notification to respondent, that no further psychotherapy is necessary. Upon
11 receipt of such recommendation from the treating therapist, and before determining whether to
12 accept or reject said recommendation, the board or its designee may require respondent to
13 undergo, at respondent's expense, a mental health evaluation by a separate board-appointed or
14 board approved evaluator. If the approved evaluator recommends that respondent continue
15 psychotherapy, the board or its designee may require respondent to continue psychotherapy.

16 Psychotherapy shall be at least once a week unless otherwise approved by the board.
17 Respondent shall provide the therapist with a copy of the board's [accusation or petition to revoke
18 probation] and decision no later than the first therapy session. Respondent shall take all necessary
19 steps to ensure that the treating therapist submits written quarterly reports to the board concerning
20 respondent's fitness to practice, progress in treatment, and other such information as may be
21 required by the board or its designee.

22 If at any time the approved evaluator or therapist determines that respondent is unable to
23 practice safely or independently as a pharmacist, the licensed mental health practitioner shall
24 notify the board immediately by telephone and follow up by written letter within three (3)
25 working days. Upon notification from the board or its designee of this determination, respondent
26 shall be automatically suspended and shall not resume practice until notified by the board that
27 practice may be resumed.

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ACCEPTANCE

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

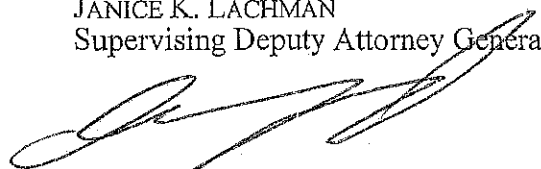
DATED: 09/28/12 Kathy Her
KATHY HER
Respondent

ENDORSEMENT

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

Dated: 10/2/12

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General


ANAHITA S. CRAWFORD
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4210

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ANAHITA S. CRAWFORD
Deputy Attorney General
4 State Bar No. 209545
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5 P.O. Box 944255
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6 Telephone: (916) 322-8311
Facsimile: (916) 327-8643

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4210

13 **KATHY HER**
6661 Demaret Drive
14 Sacramento, CA 95822

ACCUSATION

15 **Pharmacy Technician Registration No. TCH 58320**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (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 September 1, 2004, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 58320 to Kathy Her (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on March 31, 2012, unless renewed.

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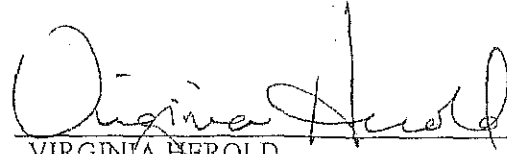
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2. Ordering Kathy Her to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

2/22/12



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

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