

California State Board of Pharmacy 1625 N. Market Blvd, N219, Sacramento, CA 95834... Phone: (916) 574-7900 Fax: (916) 574-8618 www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY RECEIVED BY CALIF BOARD OF PHARMACYDEPARTMENT OF CONSUMER AFFAIRS GOVERNOR EDMUND G. BROWN JR.

C 4210

2014 SFP 22 APPLICATION FOR VOLUNTARY SURRENDER OF AN ARMACY TECHNICIAN LICENSE

Case No.

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: Address of Record 6661 DEMARET

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. <u>AC 4210</u>, I hereby request to surrender my pharmacy technician license, License No. <u>58320</u>. 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.

Applicants Signature

Executive Officer's Approval

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 Bivd., 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 here by 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

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By

STANLEY C. WEISSER Board President

1 2 3 4 5 6 7 8 9	KAMALA D. HARRIS Attorney General of California JANICE K. LACHMAN Supervising Deputy Attorney General ANAHITA S. CRAWFORD Deputy Attorney General State Bar No. 209545 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 322-8311 Facsimile: (916) 327-8643 Attorneys for Complainant BEFORE T BOARD OF PHA DEPARTMENT OF CONS	ARMACY SUMER AFFAIRS	
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11	In the Matter of the Accusation Against:	Case No. 4210	
12	KATHY HER	STIPULATED SETTLEMENT AND	
13	6661 Demaret Drive Sacramento, CA 95822	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 re	epresenting herself in this proceeding and	
26	has chosen not to exercise her right to be represented by counsel.		
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	·	Stipulated Settlement and Disciplinary Order (4210)	

3. On or about September 1, 2004, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 58320 to Kathy Her (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4210 and will expire on March 31, 2012, unless renewed.

JURISDICTION

4. Accusation No. 4210 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on March 13, 2012.
Respondent timely filed her Notice of Defense contesting the Accusation.

10 5. A copy of Accusation No. 4210 is attached as exhibit A and incorporated herein by
11 reference.

ADVISEMENT AND WAIVERS

Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 4210. Respondent has also carefully read, and understands the effects of this
 Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a
hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
her own expense; the right to confront and cross-examine the witnesses against her; the right to
present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
compel the attendance of witnesses and the production of documents; the right to reconsideration
and court review of an adverse decision; and all other rights accorded by the California
Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
every right set forth above.

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CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 4210.

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10. Respondent agrees that her Pharmacy Technician Registration is subject to disciplineand she agrees to be bound by the Board's probationary terms as set forth in the DisciplinaryOrder below.

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CIRCUMSTANCES IN MITIGATION

11. Respondent Kathy Her has never been the subject of any disciplinary action. She is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 8 9 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to 10or participation by Respondent. By signing the stipulation, Respondent understands and agrees 11 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the 12Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and 13 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for 14 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall 15 not be disqualified from further action by having considered this matter. 16

17 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
18 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
19 effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
integrated writing representing the complete, final, and exclusive embodiment of their agreement.
It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that
the Board may, without further notice or formal proceeding, issue and enter the following
Disciplinary Order:

DISCIPLINARY ORDER

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

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1. Certification Prior to Resuming Work

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

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

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

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

2. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

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- an arrest or issuance of a criminal complaint for violation of any provision of the
 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
 substances laws
- a plea of guilty or nolo contendre in any state or federal criminal proceeding to any criminal complaint, information or indictment

 \Box a conviction of any crime

□ discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's Pharmacy Technician license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

3. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its 13 designee. The report shall be made either in person or in writing, as directed. Among other 14 requirements, respondent shall state in each report under penalty of perjury whether there has 15 been compliance with all the terms and conditions of probation. Failure to submit timely reports 16 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency 17in submission of reports as directed may be added to the total period of probation. Moreover, if 18 the final probation report is not made as directed, probation shall be automatically extended until 19 such time as the final report is made and accepted by the board. 20

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4. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear at two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

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5. Cooperate with Board Staff

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

6. Notice to Employers

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

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

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

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

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

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7. Reimbursement of Board Costs

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

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

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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.

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9. Status of License

Respondent shall, at all times while on probation, maintain an active, current pharmacy
technician license with the board, including any period during which suspension or probation is
tolled. Failure to maintain an active, current license shall be considered a violation of probation.
If respondent's pharmacy technician license expires or is cancelled by operation of law or
otherwise at any time during the period of probation, including any extensions thereof due to

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

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10. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender her pharmacy technician license to the board for surrender. 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, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

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

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

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

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

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12. Tolling of Probation

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

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

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

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13. Violation of Probation

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

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

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14. **Completion of Probation**

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

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15. Mental Health Examination

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

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

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

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

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

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

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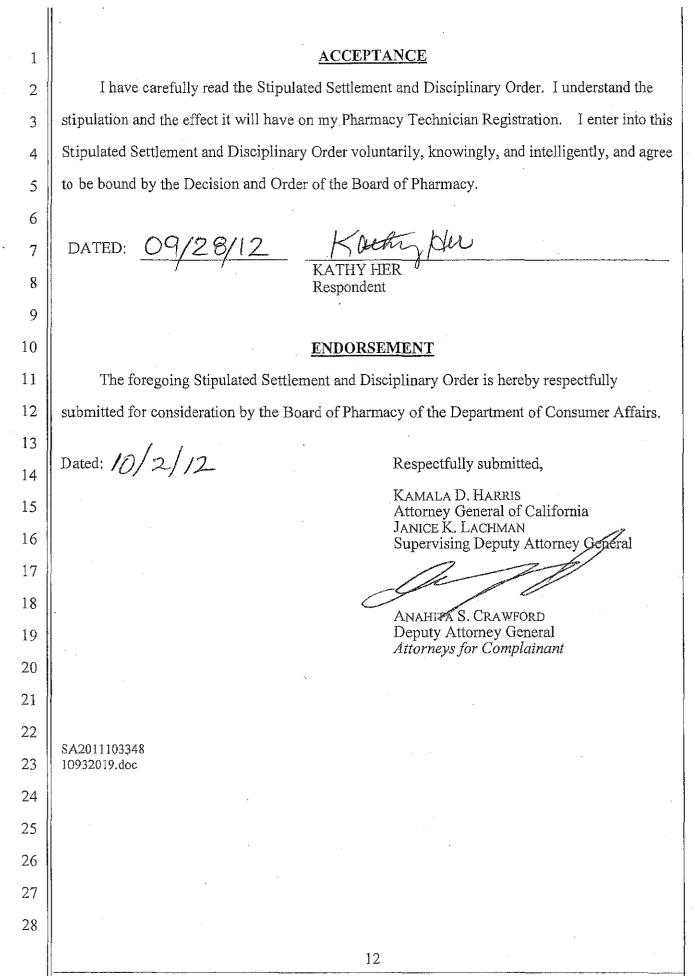
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Stipulated Settlement and Disciplinary Order (4210)



Stipulated Settlement and Disciplinary Order (4210)

Exhibit A

Accusation No. 4210

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1 2 3 4 5 6 7 8 9 10	KAMALA D. HARRIS Attorney General of California JANICE K. LACHMAN Supervising Deputy Attorney General ANAHITA S. CRAWFORD Deputy Attorney General State Bar No. 209545 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 322-8311 Facsimile: (916) 327-8643 Attorneys for Complainant BEFORE THE BOARD OF PHARM. DEPARTMENT OF CONSUM	ERAFFAIRS
11	STATE OF CALIFOR	
12	In the Matter of the Accusation Against:	Case No. 4210
13 14	KATHY HER 6661 Demaret Drive Sacramento, CA 95822	ACCUSATION
15	Pharmacy Technician Registration No. TCH 58320	
16	Respondent.	· · · · · · · · · · · · · · · · · · ·
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18	Complainant alleges:	
9	PARTIES	
0	1. Virginia Herold (Complainant) brings this Acc	susation solely in her official capacity
1	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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	JURISDICTION		
	3. This Accusation is brought before the Board of Pharmacy (Board), Department of		
Cot	Consumer Affairs, under the authority of the following laws. All section references are to the		
Bus	Business and Professions Code unless otherwise indicated.		
	4. Section 4300 of the Code authorizes the Board to suspend, revoke, or otherwise		
 disc	discipline any license issued to a holder.		
	5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,		
suri	surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with		
disc	disciplinary action during the period within which the license may be renewed, restored, reissue		
or r	or reinstated.		
	STATUTORY PROVISIONS		
	6. Section 4301 of the Code states:		
	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:		
[] .	(l) The conviction of a crime substantially related to the qualifications,		
functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United			
	States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive		
	evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may		
	inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense		
	substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo		
	contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of		
	conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under		
	Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.		
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COST RECOVERY] Section 125.3 of the Code states, in pertinent part, that the Board may request the 7. 2 administrative law judge to direct a licentiate found to have committed a violation or violations of 3 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and 4 enforcement of the case. 5 FIRST CAUSE FOR DISCIPLINE 6 (Criminal Conviction) 7 8. Respondent is subject to disciplinary action under section 4301, subsection (f) in that 8 on or about September 1, 2011, in the case of People of the State of California vs. Kathy Her, 9 Case No. 10F07862 (Sacramento County Superior Court, 2010), Respondent was convicted on 10her plea of nolo contendere to violating Penal Code section 273a(a) (child endangerment), a 11 misdemeanor. Respondent was placed on four (4) years of formal probation, sentenced to 90 12 days in jail and ordered to attend a 52 week parenting class and professional counseling. 13 The circumstances of the case are that on or about November 29, 2010, Sacramento Police 14 Department officers responded to a domestic disturbance call. Upon arrival, Respondent stated to 15 officers that she and her husband had gotten into an argument. Respondent had then gone to a 16 closet and removed a gun that was located in a box in the closet. Her husband grabbed for the 17 gun and was shot in the stomach. Respondent's minor children were in the home at the time of 18 the incident and her 6 month old baby was in the room where the gun was fired. 19 SECOND CAUSE FOR DISCIPLINE 20 (Unprofessional Conduct) 219. Respondent is subject to disciplinary action under section 4301 for unprofessional 22conduct as further described in paragraph 8, above. 23 PRAYER 24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged. 25 and that following the hearing, the Board of Pharmacy issue a decision: 26 Revoking or suspending Pharmacy Technician Registration Number TCH 58320, 1. 27issued to Kathy Her.: 28

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. 2/12 DATED: VIRGINTA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant SA2011103348 10812061.doc