



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
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

| | |
|--|------------------------|
| Name: <u>Jasbinder Kaur</u> | Case No. <u>ACH274</u> |
| Address of Record: <u>8478 Ceresmus Ct</u> <u>Elk Grove CA 95624</u> | |

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. ACH274, I hereby request to surrender my pharmacy technician license, License No. TCH 56435. 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.

J. Kaur
 Applicant's Signature

11-20-2014
 Date

Amee Sudevan V.K. Herold
 Executive Officer's Approval

11/22/14
 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:

JASBINDAR KAUR
8478 Ceonethous Court
Elk Grove, CA 95624

Pharmacy Technician License No.
TCH 56435

Respondent.

Case No. 4274

OAH No. 2013100592

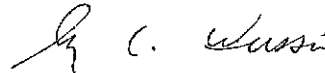
DECISION AND ORDER

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 November 7, 2014.

It is so ORDERED on October 31, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
7 E-mail: Brian.Turner@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 4274

12 **JASBINDAR KAUR**
13 **8478 Ceonethous Court**
14 **Elk Grove, CA 95624**

OAH No. 2013100592

15 **Pharmacy Technician License No. TCH**
56435

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 Respondent.

17
18 **IT IS STIPULATED AND AGREED** by and between the parties to the above-entitled
19 proceedings that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy
22 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Kamala D. Harris, Attorney General of the State of California, by Brian S. Turner, Deputy
24 Attorney General.

25 2. Respondent Jasbindar Kaur ("Respondent") is represented in this proceeding by
26 attorney Jeff Kravitz, whose address is: 6747 Fair Oaks Boulevard, Carmichael, CA 95608

27 3. On or about May 19, 2004, the Board of Pharmacy issued Pharmacy Technician
28 License No. TCH 56435 to Jasbindar Kaur (Respondent). The Pharmacy Technician License was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 4274 and
2 will expire on October 31, 2015, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 4274 was filed before the Board, Department of Consumer Affairs,
5 and is currently pending against Respondent. The Accusation and all other statutorily required
6 documents were properly served on Respondent on September 20, 2013. Respondent timely filed
7 her Notice of Defense contesting the Accusation.

8 5. A copy of Accusation No. 4274 is attached as exhibit A and incorporated herein by
9 reference.

10 **ADVISEMENT AND WAIVERS**

11 6. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 4274. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
14 Order.

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

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

24 **CULPABILITY**

25 9. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 4274.

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1 10. Respondent agrees that her Pharmacy Technician License is subject to discipline and
2 she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
3 below.

4 CONTINGENCY

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

14 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
16 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

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1 DISCIPLINARY ORDER

2 **IT IS ORDERED** that Pharmacy Technician License No. TCH 56435 issued to
3 Respondent Jasbindar Kaur (Respondent) is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for four (4) 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 he or she is certified as defined by Business and Professions Code section 4202(a)(4) and
8 provides satisfactory proof of certification to the board. Respondent shall not resume working
9 as a pharmacy technician until notified by the board. Failure to achieve certification within one
10 (1) 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 he or she holds an interest at the time this decision
22 becomes 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:

- 28 an arrest or issuance of a criminal complaint for violation of any provision of the

1 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
2 substances laws

3 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
4 criminal complaint, information or indictment

5 a conviction of any crime

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

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

11 **3. Report to the Board**

12 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
17 in 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 **4. Interview with the Board**

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

26 **5. Cooperate with Board Staff**

27 Respondent shall cooperate with the board's inspection program and with the board's
28 monitoring and investigation of respondent's compliance with the terms and conditions of her

1 probation. Failure to cooperate shall be considered a violation of probation.

2 **6. Notice to Employers**

3 During the period of probation, respondent shall notify all present and prospective
4 employers of the decision in case number 4274 and the terms, conditions and restrictions imposed
5 on respondent by the decision, as follows:

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
7 respondent undertaking any new employment, respondent shall cause her direct supervisor,
8 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
9 tenure of employment) and owner to report to the board in writing acknowledging that the listed
10 individual(s) has/have read the decision in case number 4274 and the terms and conditions
11 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
12 supervisor(s) submit timely acknowledgement(s) to the board.

13 If respondent works for or is employed by or through a pharmacy employment service,
14 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
15 of the terms and conditions of the decision in case number 4274 in advance of the respondent
16 commencing work at each pharmacy. A record of this notification must be provided to the board
17 upon request.

18 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
19 (15) days of respondent undertaking any new employment by or through a pharmacy employment
20 service, respondent shall cause her direct supervisor with the pharmacy employment service to
21 report to the board in writing acknowledging that she has read the decision in case number 4274
22 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
23 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

24 Failure to timely notify present or prospective employer(s) or to cause that/those
25 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
26 probation. "Employment" within the meaning of this provision shall include any full-time, part-
27 time, temporary or relief service or pharmacy management service as a pharmacy technician or in
28 any position for which a pharmacy technician license is a requirement or criterion for

1 employment, whether the respondent is considered an employee, independent contractor or
2 volunteer.

3 **7. Reimbursement of Board Costs**

4 As a condition precedent to successful completion of probation, respondent shall pay to the
5 board its costs of investigation and prosecution in the amount \$2,295.00. Respondent shall make
6 payments in plan approved by the Board. There shall be no deviation from this schedule absent
7 prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as
8 directed shall be considered a violation of probation.

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

11 **8. Probation Monitoring Costs**

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

16 **9. Status of License**

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

20 If respondent's pharmacy technician license expires or is cancelled by operation of law or
21 otherwise at any time during the period of probation, including any extensions thereof due to
22 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
23 terms and conditions of this probation not previously satisfied.

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

25 Following the effective date of this decision, should respondent cease work due to
26 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
27 respondent may tender her pharmacy technician license to the board for surrender. The board or
28 its designee shall have the discretion whether to grant the request for surrender or take any other

1. action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
2 license, respondent will no longer be subject to the terms and conditions of probation. This
3 surrender constitutes a record of discipline and shall become a part of the respondent's license
4 history with the board.

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

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

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

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

19 **12. Tolling of Probation**

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

26 Should respondent, regardless of residency, for any reason (including vacation) cease
27 working as a pharmacy technician for a minimum of forty (40) hours per calendar month in
28 California, respondent must notify the board in writing within ten (10) days of cessation of work

1 and must further notify the board in writing within ten (10) days of the resumption of the work.
2 Any failure to provide such notification(s) shall be considered a violation of probation.

3 It is a violation of probation for respondent's probation to remain tolled pursuant to the
4 provisions of this condition for a total period, counting consecutive and non-consecutive months,
5 exceeding thirty-six (36) months. "Cessation of work" means calendar month during which
6 respondent is not working for at least forty (40) hours as a pharmacy technician, as defined in
7 Business and Professions Code section 4115. "Resumption of work" means any calendar month
8 during which respondent is working as a pharmacy technician for at least forty (40) hours as a
9 pharmacy technician as defined by Business and Professions Code section 4115.

10 **13. Violation of Probation**

11 If a respondent fails to fully comply with any term or condition of probation, the board shall
12 have continuing jurisdiction over respondent, and probation shall be automatically extended, until
13 all terms and conditions of probation have been satisfied or the board has taken other action as
14 deemed appropriate to treat the failure to comply as a violation of probation, to terminate
15 probation, and to impose the penalty that was stayed.

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

23 **14. Completion of Probation**

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

26 **15. No Ownership of Licensed Premises**

27 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
28 administrator, member, officer, director, trustee, associate, or partner of any business, firm,

1 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
2 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
3 days following the effective date of this decision and shall immediately thereafter provide written
4 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
5 documentation thereof shall be considered a violation of probation.

6 **16. Random Drug Screening**

7 Respondent, at his or her own expense, shall participate in random testing, including but
8 not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other
9 drug screening program as directed by the board or its designee. Respondent may be required
10 to participate in testing for the entire probation period and the frequency of testing will be
11 determined by the board or its designee. At all times respondent shall fully cooperate with the
12 board or its designee, and shall, when directed, submit to such tests and samples for the
13 detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as
14 the board or its designee may direct. Failure to timely submit to testing as directed shall be
15 considered a violation of probation. Upon request of the board or its designee, respondent
16 shall provide documentation from a licensed practitioner that the prescription for a detected
17 drug was legitimately issued and is a necessary part of the treatment of the respondent.
18 Failure to timely provide such documentation shall be considered a violation of probation.
19 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed
20 practitioner as part of a documented medical treatment shall be considered a violation of
21 probation and shall result in the automatic suspension of work by respondent. Respondent
22 may not resume work as a pharmacy technician until notified by the board in writing.

23 During suspension, respondent shall not enter any pharmacy area or any portion of or any
24 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
25 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
26 devices or controlled substances are maintained. Respondent shall not do any act involving drug
27 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
28 manage, administer, or assist any licensee of the board. Respondent shall not have access to or

1 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
2 substances. Respondent shall not resume work until notified by the board.

3 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
4 Subject to the above restrictions, respondent may continue to own or hold an interest in any
5 licensed premises in which he or she holds an interest at the time this decision becomes effective
6 unless otherwise specified in this order.

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

8 **17. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

9 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
10 attendance at a recognized and established substance abuse recovery support group in California,
11 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
12 or its designee. Respondent must attend at least one group meeting per week unless otherwise
13 directed by the board or its designee. Respondent shall continue regular attendance and submit
14 signed and dated documentation confirming attendance with each quarterly report for the duration
15 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
16 probation.

17 **18. Work Site Monitor**

18 Within ten (10) days of the effective date of this decision, respondent shall identify a work
19 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
20 during working hours. Respondent shall be responsible for ensuring that the work site monitor
21 reports in writing to the board quarterly. Should the designated work site monitor determine at
22 any time during the probationary period that respondent has not maintained sobriety, she shall
23 notify the board immediately, either orally or in writing as directed. Should respondent change
24 employment, a new work site monitor must be designated, for prior approval by the board, within
25 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
26 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
27 considered a violation of probation.

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1 **19. Notification of Departure**

2 Prior to leaving the probationary geographic area designated by the board or its designee for
3 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
4 writing of the dates of departure and return. Failure to comply with this provision shall be
5 considered a violation of probation.

6 **20. Abstain from Drugs and Alcohol Use**

7 Respondent shall completely abstain from the possession or use of alcohol, controlled
8 substances, dangerous drugs and their associated paraphernalia except when the drugs are
9 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
10 request of the board or its designee, respondent shall provide documentation from the licensed
11 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
12 treatment of the respondent. Failure to timely provide such documentation shall be considered a
13 violation of probation. Respondent shall ensure that she is not in the same physical location as
14 individuals who are using illicit substances even if respondent is not personally ingesting the
15 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
16 not supported by the documentation timely provided, and/or any physical proximity to persons
17 using illicit substances, shall be considered a violation of probation.

18 **21. Prescription Coordination and Monitoring of Prescription Use**

19 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
20 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
21 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
22 history with the use of alcohol, controlled substances, and/or dangerous drugs, and who will
23 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled
24 substances or mood-altering drugs. The approved practitioner shall be provided with a copy of the
25 board's accusation and decision. A record of this notification must be provided to the board upon
26 request. Respondent shall sign a release authorizing the practitioner to communicate with the
27 board about respondent's treatment(s). The coordinating physician, nurse practitioner, physician
28 assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of probation

1 regarding respondent's compliance with this condition. If any substances considered addictive
2 have been prescribed, the report shall identify a program for the time limited use of any such
3 substances. The board may require that the single coordinating physician, nurse practitioner,
4 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in
5 addictive medicine. Should respondent, for any reason, cease supervision by the approved
6 practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing
7 treatment, submit the name of a replacement physician, nurse practitioner, physician assistant, or
8 psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to
9 timely submit the selected practitioner or replacement practitioner to the board for approval, or to
10 ensure the required reporting thereby on the quarterly reports, shall be considered a violation of
11 probation.

12 During suspension, respondent shall not enter any pharmacy area or any portion of or 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 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
21 Subject to the above restrictions, respondent may continue to own or hold an interest in any
22 licensed premises in which he or she holds an interest at the time this decision becomes effective
23 unless otherwise specified in this order. Respondent shall not do any act involving drug
24 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
25 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
26 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
27 substances. Respondent shall not resume work until notified by the board.

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If at any time an approved practitioner determines that respondent is unable to practice safely or independently as a pharmacy technician, the 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.

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

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeff Kravitz. I understand the stipulation and the effect it will have on my Pharmacy Technician License. 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: 8-13-2014 J. Kaur
JASBINDAR KAUR
Respondent

I have read and fully discussed with Respondent Jasbindar Kaur the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 8-13-2014 J. Kravitz
Jeff Kravitz
Attorney for Respondent

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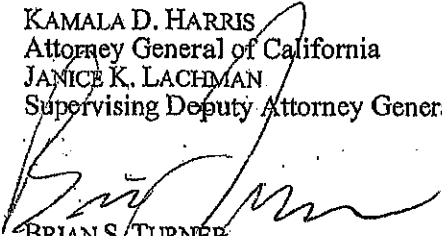
ENDORSEMENT

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

Dated:

Respectfully submitted,

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



BRIAN S. TURNER
Deputy Attorney General
Attorneys for Complainant

SA2012105192

Exhibit A

Accusation No. 4274

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
7 E-mail: Brian.Turner@doj.ca.gov
Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:
13 **JASBINDAR KAUR,**
14 **A.K.A. JASBINDAR KAUR BOLA,**
15 **A.K.A. JASBINDAR KOUR**
16 **8478 Ceonethous Court**
Elk Grove, CA 95624
17 Pharmacy Technician License No. TCH 56435
18 Respondent.

Case No. 4274
ACCUSATION

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21 Complainant alleges:

22 **PARTIES**

- 23 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
24 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
25 2. On or about May 19, 2004, the Board issued Pharmacy Technician License Number
26 TCH 56435 to Jasbindar Kaur, a.k.a. Jasbinder Kaur Bola, a.k.a. Jasbinder Kour (Respondent).
27 The Pharmacy Technician License was in full force and effect at all times relevant to the charges
28 brought herein and will expire on October 31, 2013, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board, Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY AND REGULATORY PROVISIONS

4. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

5. Section 492 of the Code provides in relevant part:

“... successful completion of any diversion program under the Penal Code, or successful completion of an alcohol and drug problem assessment program shall not prohibit any agency from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a record pertaining to an arrest.

6. Section 493 of the Code provides in relevant part:

“..... in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence 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 ...”.

7. Section 4300 provides in relevant part:

“(a) Every license issued may be suspended or revoked.”

8. Section 4301 provides in relevant part:

///

1 "The board shall take action against any holder of a license who is guilty of
2 unprofessional conduct.. Unprofessional conduct shall include, but not be limited to, any
3 of the following:

4 (h) ... use of ... alcoholic beverage to the extent or in a manner dangerous to
5 oneself ... or to others or the public.

6 (k) ... conviction of more than one misdemeanor involving use, consumption, or
7 self-administration of alcohol.

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

10 9. Soma is a brand name for Meprobamate and is a controlled substance under
11 California Health and Safety Code section 11057(d)(18). Meprobamate is a muscle relaxer and as
12 a controlled substance requires a valid prescription to possess it.

13 COST RECOVERY

14 10. Section 125.3 of the Code provides, in pertinent part, that the
15 Board/Registrar/Director may request the administrative law judge to direct a licensee found to
16 have committed a violation or violations of the licensing act to pay a sum not to exceed the
17 reasonable costs of the investigation and enforcement of the case.

18 FIRST CAUSE FOR DISCIPLINE

19 (Conviction of Crime)

20 11. Respondent has subjected her license to disciplinary action pursuant to
21 section 4301(l) in that on or about November 29, 2011 respondent was convicted by her plea of
22 no contest to violating Vehicle Code section 23152(b) Driving Under the Influence of Alcohol
23 with a blood alcohol in excess of .08% in a case captioned *People of the State of California v*
24 *Jasbinder Kaur Bola*, Sacramento County Superior Court case no. 11M03464. The
25 circumstances of the crime are as follows:

26 12. On April 24, 2011, Respondent was southbound on State Highway 99 near Elk
27 Grove when police received a report that a silver Honda Civic was weaving in the number two
28 southbound lane and impeding traffic. Police officers observed the Honda Civic in front of a

1 heavy pack of vehicles weaving to the extent the vehicle would enter the number one southbound
2 lane and then go to the number three southbound lane. Respondent subsequently failed all field
3 sobriety tests and denied having consumed any alcohol. Respondent was searched and admitted
4 to possessing Soma, a prescription muscle relaxant. Respondent did not have a prescription for
5 Soma. Respondent was subsequently tested and determined to have a blood alcohol level of .14.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Conviction of Crime)**

8 12. Respondent has subjected her license to disciplinary action pursuant to
9 section 4301(k) because Respondent was convicted on November 30, 2011 of violating Vehicle
10 Code section 23152(b) Driving Under the Influence of Alcohol above .08 with a special
11 allegation of driving with a blood alcohol level above .15 in a case captioned *People of the State*
12 *of California v Jasbindar Kaur Bola, a.k.a. Jasbindar Singh*, Stanislaus County Superior Court
13 case no. CHP 0354051111. The circumstances of the crime are as follows:

14 13. On or about May 11, 2011, Respondent was involved in a motor vehicle accident
15 on northbound state highway 99 when Respondent lost control of the vehicle she was operating
16 resulting in Respondent's vehicle leaving the roadway surface and colliding with a fence.
17 Respondent failed field sobriety tests and a subsequent blood test revealed Respondent's blood
18 measured to be .335.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Use of Alcohol to an Extent Dangerous to Self and Others)**

21 14. Respondent has subjected her license to disciplinary action pursuant to
22 section 4301(h) because Respondent used alcohol to an extent she was a danger to herself and
23 others. The circumstances are as follows:

24 15. Paragraphs 11 and 13 are incorporated herein as though set forth at length.
25 Respondent admitted consuming alcohol to amounts measured in excess of the legal limit to
26 operate a vehicle. On April 24, 2011, Respondent was observed operating her vehicle in a
27 dangerous manner in close proximity to other vehicles. On May 11, 2011 Respondent was
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1 operating her vehicle with blood alcohol measured in excess of four times the legal limit when
2 she was involved in a motor vehicle accident.

3 FOURTH CAUSE FOR DISCIPLINE

4 (Conviction Substantially Related)

5 16. Respondent has subjected her license to disciplinary action pursuant to
6 section 4301(l) because Respondent has been convicted of crimes substantially related to the
7 duties and qualifications of a Pharmacy technician. The circumstances are as follows:

8 20. Paragraphs 10 through 13 are incorporated herein as though set forth at length.
9 Respondent's convictions are substantially to the qualifications, functions, and duties of a
10 pharmacy technician.

11 PRAYER

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

14 1. Revoking or suspending Pharmacy Technician License Number TCH 56435,
15 issued to Jasbindar Kaur a.k.a. Jasbindar Kaur Bolas

16 2. Ordering Jasbindar Kaur, a.k.a. Jasbindar Kaur Bola, to pay the Board of
17 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
18 Business and Professions Code section 125.3;

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

20
21 DATED: 9/3/13

Virginia Herold
22 VIRGINIA HEROLD
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 Complainant

28 SA2010101204