

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

In the Matter of the First Amended Accusation
Against:

**Jagdip Singh Jaspal
P.O. Box 126
Kerman, CA 93630**

Pharmacist License No. RPH 55129

Respondent.

Case No. 4922

OAH No. 2013120453

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

DECISION AND ORDER

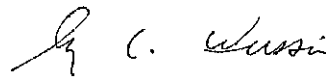
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on December 24, 2014.

It is so ORDERED on December 17, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STAN C. WEISSER, Board President

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

11 In the Matter of the First Amended Accusation
Against:

12 **JAGDIP SINGH JASPAL**
13 **P.O. Box 126**
14 **Kerman, California 93630**
15 **Pharmacist License No. RPH 55129**

16 Respondent.

Case No. 4922

OAH No. 2013120453

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

19 PARTIES

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

24 2. Respondent Jagdip Singh Jaspal ("Respondent") is represented in this proceeding by
25 attorney Edgardo Gonzalez, Esq., whose address is: 1300 Clay Street, Suite 600, Oakland, CA
26 94612.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. 4922.

4 10. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
5 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

6 RESERVATION

7 11. The admissions made by Respondent herein are only for the purposes of this
8 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
9 licensing agency is involved, and shall not be admissible in any other criminal or civil
10 proceeding.

11 CONTINGENCY

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

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

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

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacist License No. RPH 55129 issued to Respondent
8 Jagdip Singh Jaspal (Respondent) is revoked. However, the revocation is stayed and Respondent
9 is placed on probation for five (5) years on the following terms and conditions.

10 **1. Obey All Laws**

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

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

- 14 • an arrest or issuance of a criminal complaint for violation of any provision of the
15 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
16 substances laws
- 17 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
18 criminal complaint, information or indictment
- 19 • a conviction of any crime
- 20 • discipline, citation, or other administrative action filed by any state or federal agency
21 which involves respondent's pharmacist license or which is related to the practice of
22 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
23 for any drug, device or controlled substance.

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

25 **2. Report to the Board**

26 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
27 designee. The report shall be made either in person or in writing, as directed. Among other
28 requirements, respondent shall state in each report under penalty of perjury whether there has

1 been compliance with all the terms and conditions of probation. Failure to submit timely reports
2 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
3 in submission of reports as directed may be added to the total period of probation. Moreover, if
4 the final probation report is not made as directed, probation shall be automatically extended until
5 such time as the final report is made and accepted by the board.

6 **3. Interview with the Board**

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

12 **4. Cooperate with Board Staff**

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

16 **5. Continuing Education**

17 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
18 pharmacist as directed by the board or its designee.

19 **6. Notice to Employers**

20 During the period of probation, respondent shall notify all present and prospective
21 employers of the decision in case number 4922 and the terms, conditions and restrictions imposed
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
24 respondent undertaking any new employment, respondent shall cause his direct supervisor,
25 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
26 tenure of employment) and owner to report to the board in writing acknowledging that the listed
27 individual(s) has/have read the decision in case number 4922, and terms and conditions imposed
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1 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
2 submit timely acknowledgment(s) to the board.

3 If respondent works for or is employed by or through a pharmacy employment service,
4 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
5 licensed by the board of the terms and conditions of the decision in case number 4922 in advance
6 of the respondent commencing work at each licensed entity. A record of this notification must be
7 provided to the board upon request.

8 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
9 (15) days of respondent undertaking any new employment by or through a pharmacy employment
10 service, respondent shall cause his direct supervisor with the pharmacy employment service to
11 report to the board in writing acknowledging that he has read the decision in case number 4922
12 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
13 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

21 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
22 **Designated Representative-in-Charge, or Serving as a Consultant**

23 During the period of probation, respondent shall not supervise any intern pharmacist, be the
24 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board
25 nor serve as a consultant unless otherwise specified in this order. Assumption of any such
26 unauthorized supervision responsibilities shall be considered a violation of probation.

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1 **8. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, respondent shall pay to the
3 board its costs of investigation and prosecution in the amount of \$3,300.00. Respondent shall
4 make said payments on a payment plan approved by the Board.

5 There shall be no deviation from this schedule absent prior written approval by the board or
6 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
7 probation.

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

10 **9. Probation Monitoring Costs**

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

15 **10. Status of License**

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

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

23 **11. License Surrender While on Probation/Suspension**

24 Following the effective date of this decision, should respondent cease practice due to
25 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
26 respondent may tender his license to the board for surrender. The board or its designee shall have
27 the discretion whether to grant the request for surrender or take any other action it deems
28 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent

1 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
2 record of discipline and shall become a part of the respondent's license history with the board.

3 Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to
4 the board within ten (10) days of notification by the board that the surrender is accepted.
5 Respondent may not reapply for any license from the board for three (3) years from the effective
6 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
7 of the date the application for that license is submitted to the board, including any outstanding
8 costs.

9 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
10 **Employment**

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

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

18 **13. Tolling of Probation**

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

25 Should respondent, regardless of residency, for any reason (including vacation) cease
26 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
27 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
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1 must further notify the board in writing within ten (10) days of the resumption of practice. Any
2 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.

6 "Cessation of practice" means any calendar month during which respondent is
7 not practicing as a pharmacist for at least 40 hours, as defined by Business and
8 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
9 month during which respondent is practicing as a pharmacist for at least 40 hours as a
10 pharmacist as defined by Business and Professions Code section 4000 et seq.

11 **14. Violation of Probation**

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

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

24 **15. Completion of Probation**

25 Upon written notice by the board or its designee indicating successful completion of
26 probation, respondent's license will be fully restored.

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16. Pharmacists Recovery Program (PRP)

Within thirty (30) days of the effective date of this decision, respondent shall contact the Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll, successfully participate in, and complete the treatment contract and any subsequent addendums as recommended and provided by the PRP and as approved by the board or its designee. The costs for PRP participation shall be borne by the respondent.

If respondent is currently enrolled in the PRP, said participation is now mandatory and as of the effective date of this decision is no longer considered a self-referral under Business and Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete his current contract and any subsequent addendums with the PRP.

Failure to timely contact or enroll in the PRP, or successfully participate in and complete the treatment contract and/or any addendums, shall be considered a violation of probation.

Probation shall be automatically extended until respondent successfully completes the PRP. Any person terminated from the PRP program shall be automatically suspended by the board. Respondent may not resume the practice of pharmacy until notified by the board in writing.

Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall result in the automatic suspension of practice by respondent and shall be considered a violation of probation.

Respondent may not resume the practice of pharmacy until notified by the board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

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1 During suspension, respondent shall not engage in any activity that requires the
2 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
3 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
4 designated representative for any entity licensed by the board.

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

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

9 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
10 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid
11 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

12 17. Random Drug Screening

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

1 During suspension, respondent shall not enter any pharmacy area or any portion of the
2 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
3 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
4 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
5 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
6 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
7 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
8 and controlled substances. Respondent shall not resume practice until notified by the board.

9 During suspension, respondent shall not engage in any activity that requires the
10 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
11 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
12 designated representative for any entity licensed by the board.

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

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

17 **18. Abstain from Drugs and Alcohol Use**

18 Respondent shall completely abstain from the possession or use of alcohol, controlled
19 substances, dangerous drugs and their associated paraphernalia except when the drugs are
20 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
21 request of the board or its designee, respondent shall provide documentation from the licensed
22 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
23 treatment of the respondent. Failure to timely provide such documentation shall be considered a
24 violation of probation. Respondent shall ensure that he is not in the same physical location as
25 individuals who are using illicit substances even if respondent is not personally ingesting the
26 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
27 not supported by the documentation timely provided, and/or any physical proximity to persons
28 using illicit substances, shall be considered a violation of probation.

1 **19. Prescription Coordination and Monitoring of Prescription Use**

2 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
3 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
4 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
5 history with the use of alcohol and who will coordinate and monitor any prescriptions for
6 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
7 practitioner shall be provided with a copy of the board's First Amended Accusation and decision.
8 A record of this notification must be provided to the board upon request. Respondent shall sign a
9 release authorizing the practitioner to communicate with the board about respondent's
10 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist
11 shall report to the board on a quarterly basis for the duration of probation regarding respondent's
12 compliance with this condition. If any substances considered addictive have been prescribed, the
13 report shall identify a program for the time limited use of any such substances. The board may
14 require that the single coordinating physician, nurse practitioner, physician assistant or
15 psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.
16 Should respondent, for any reason, cease supervision by the approved practitioner, respondent
17 shall notify the board immediately and, within thirty (30) days of ceasing treatment, submit the
18 name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of
19 respondent's choice to the board or its designee for its prior approval. Failure to timely submit
20 the selected practitioner or replacement practitioner to the board for approval, or to ensure the
21 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

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

27 During suspension, respondent shall not enter any pharmacy area or any portion of the
28 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of

1 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
2 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
3 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
4 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
5 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
6 and controlled substances. Respondent shall not resume practice until notified by the board.

7 During suspension, respondent shall not engage in any activity that requires the
8 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
9 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
10 designated representative for any entity licensed by the board.

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

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

15 **20. Supervised Practice**

16 During the period of probation, respondent shall practice only under the supervision of a
17 licensed pharmacist not on probation with the board. Upon and after the effective date of this
18 decision, respondent shall not practice pharmacy and his license shall be automatically suspended
19 until a supervisor is approved by the board or its designee. The supervision shall be, as required
20 by the board or its designee, either:

21 Continuous – At least 75% of a work week

22 Substantial - At least 50% of a work week

23 Partial - At least 25% of a work week

24 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

25 Within thirty (30) days of the effective date of this decision, respondent shall have his
26 supervisor submit notification to the board in writing stating that the supervisor has read the
27 decision in case number 4922 and is familiar with the required level of supervision as determined
28 by the board or its designee. It shall be the respondent's responsibility to ensure that his

1 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
2 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
3 acknowledgements to the board shall be considered a violation of probation.

4 If respondent changes employment, it shall be the respondent's responsibility to ensure that
5 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
6 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment
7 commences, submit notification to the board in writing stating the direct supervisor and
8 pharmacist-in-charge have read the decision in case number 4922 and is familiar with the level of
9 supervision as determined by the board. Respondent shall not practice pharmacy and his license
10 shall be automatically suspended until the board or its designee approves a new supervisor.
11 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
12 acknowledgements to the board shall be considered a violation of probation.

13 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

14 During suspension, respondent shall not enter any pharmacy area or any portion of the
15 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
16 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
17 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
18 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
19 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
20 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
21 and controlled substances. Respondent shall not resume practice until notified by the board.

22 During suspension, respondent shall not engage in any activity that requires the
23 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
24 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
25 designated representative for any entity licensed by the board.

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

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

2 **21. No Ownership of Licensed Premises**

3 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
4 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
5 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
6 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
7 days following the effective date of this decision and shall immediately thereafter provide written
8 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
9 documentation thereof shall be considered a violation of probation.

10 **22. Criminal Probation/Parole Reports**

11 Respondent shall provide a copy of the conditions of any criminal probation/parole to the
12 board, in writing, within ten (10) days of the issuance or modification of those conditions.
13 Respondent shall provide the name of his probation/parole officer to the board, in writing, within
14 ten (10) days after that officer is designated or a replacement for that officer is designated.
15 Respondent shall provide a copy of all criminal probation/parole reports to the board within ten
16 (10) days after respondent receives a copy of such a report. Failure to timely make any of the
17 submissions required hereby shall be considered a violation of probation.

18 **23. Ethics Course**

19 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
20 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
21 Failure to initiate the course during the first year of probation, and complete it within the second
22 year of probation, is a violation of probation.

23 Respondent shall submit a certificate of completion to the board or its designee within five
24 days after completing the course.

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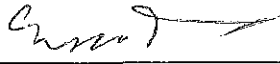
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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Edgardo Gonzalez, Esq.. I understand the stipulation and the effect
4 it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Board of Pharmacy.


7
8 DATED: 9/3/14 
9 JAGDIP SINGH JASPAL
Respondent

10
11 I have read and fully discussed with Respondent Jagdip Singh Jaspal the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14 DATED: 9/8/14 
15 Edgardo Gonzalez, Esq.
16 Attorney for Respondent

17 ENDORSEMENT

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

20 Dated: 11/16/14 Respectfully submitted,
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22 Attorney General of California
23 JANICE K. LACHMAN
24 Supervising Deputy Attorney General
25 
26 KAREN R. DENVER
27 Deputy Attorney General
28 *Attorneys for Complainant*

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Exhibit A

First Amended Accusation No. 4922

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

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 4922

13 **JAGDIP SINGH JASPAL**
14 **P.O. Box 126**
15 **Kerman, California 93630**

FIRST AMENDED ACCUSATION

16 **Pharmacist License No. RPH 55129**

Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about September 30, 2003, the Board of Pharmacy issued Pharmacist License
22 Number RPH 55129 to Jagdip Singh Jaspal (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on September
24 30, 2015, unless renewed.

25 **JURISDICTION**

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

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

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

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

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

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:

....

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

....

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

....

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(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

1 fix the degree of discipline or, in the case of a conviction not involving controlled
2 substances or dangerous drugs, to determine if the conviction is of an offense
3 substantially related to the qualifications, functions, and duties of a licensee under this
4 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
5 contendere is deemed to be a conviction within the meaning of this provision. The
6 board may take action when the time for appeal has elapsed, or the judgment of
7 conviction has been affirmed on appeal or when an order granting probation is made
8 suspending the imposition of sentence, irrespective of a subsequent order under
9 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
10 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
11 dismissing the accusation, information, or indictment.

12

13 6. California Code of Regulations, title 16, section 1770, states:

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

20 7. Section 4300.1 of the Code states:

21 The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
22 of law or by order or decision of the board or a court of law, the placement of a license on a
23 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
24 jurisdiction to commence or proceed with any investigation of, or action or disciplinary
25 proceeding against, the licensee or to render a decision suspending or revoking the license.

26 **COST RECOVERY**

27 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
28 administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Criminal Convictions)

3 9. Respondent is subject to disciplinary action under section 4301, subdivision (I), in
4 that he was convicted of crimes substantially related to the qualifications, functions and duties of
5 a licensed pharmacist , as set forth below:

6 a. On or about July 17, 2014, in the case of *People v. Jagdip Singh Jaspal* (Superior
7 Court of California, County of Fresno, Case No. M13931577), Respondent was convicted on his
8 plea of nolo contendere of a violation of Penal Code section 148.5 (filing a false police report), a
9 misdemeanor. The circumstances are that on or about October 14, 2012, at 7:47 a.m., Kerman
10 Police were dispatched to Respondent's residence regarding a 911 call reporting a stolen car.
11 When the officer arrived, she observed that Respondent had red, watery eyes, slurred speech, and
12 was unsteady on his feet. Respondent stated that he had been drinking "a little vodka", and
13 denied making the 911 call reporting a stolen car. The officer used her cell phone to telephone
14 the call back number provided in the 911 call, and could hear a phone ringing inside the
15 residence. Respondent continued to deny reporting a stolen car. The officer contacted the 911
16 dispatcher who stated that a male caller with an Indian accent reported his BMW stolen, and
17 identified himself as Jagdip Jaspal. Respondent eventually admitted that he did call 911 to report
18 his wife's car stolen because he was "pissed off at her" for leaving and not coming back home.
19 Respondent apologized for lying and stated that he had too much to drink and was not thinking.

20 b. On or about October 7, 2003, in the case of *People v. Jagdip Singh Jaspal* (Superior
21 Court of California, County of Alameda, Case No. 487443), Respondent was convicted on his
22 plea of nolo contendere of violations of Vehicle Code sections 23153(b) (causing injury while
23 driving with a blood alcohol content of .08 percent or more) and 23152(b) (driving with a blood
24 alcohol content of .08 percent or more), both misdemeanors. Respondent was sentenced to thirty
25 days in the County jail and three years of probation.

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1 c. On or about October 4, 2000, in the case of *People v. Jagdip Singh Jaspal* (Superior
2 Court of California, County of Yolo, Case No. CRM000002643), Respondent was convicted on
3 his plea of nolo contendere of a violation of Vehicle Code section 23103/23103.5 (reckless
4 driving involving the consumption of alcohol), a misdemeanor.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Dishonest Acts)**

7 10. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
8 that he committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption, by
9 filing a false police report, as set forth in paragraph 9 subdivision (a), above, and incorporated
10 herein by reference.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Use of Alcohol to an Extent Dangerous to Self or Others)**

13 11. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
14 that he used alcohol to the extent or in a manner as to be dangerous or injurious to himself or
15 others as set forth in paragraph 9, subdivisions (a), (b) and (c), and incorporated herein by
16 reference, and as follows:

17 12. On or about May 1, 2013, at 7:35 a.m., Kerman Police Officer James Nevis was
18 dispatched to a call regarding a hit and run traffic collision. Upon arrival the officer observed a
19 silver Lincoln Navigator in the roadway, and the Respondent standing next to it. While speaking
20 to another witness, Officer Nevis observed the Navigator pulling into the garage of a house that
21 turned out to be Respondent's residence. Respondent appeared very unsteady on his feet and had
22 a strong odor of an alcoholic beverage emitting from his breath. Respondent stated that he
23 "accidentally hit that car" while backing his vehicle out of the garage to move another vehicle
24 inside. Respondent had very slurred speech and had to be redirected multiple times on questions
25 he was being asked. When asked if he had been drinking Respondent said "I won't lie, I had
26 about six beers." Respondent was unable to perform the field sobriety tests and his chemical
27 breath test showed his blood alcohol content was .18 percent.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Multiple Criminal Convictions Involving the Use of Alcohol)**

3 13. Respondent is subject to disciplinary action under section 4301, subdivision (k), in
4 that he was convicted of more than one misdemeanor involving the use of alcohol, as follows:

5 a. On or about October 7, 2003, Respondent was convicted of violations of Vehicle
6 Code sections 23153(b) (causing injury while driving with a blood alcohol content of .08 percent
7 or more) and 23152(b) (driving with a blood alcohol content of .08 percent or more), as set forth
8 above in paragraph 9, subdivision (b), and incorporated herein by reference.

9 b. On or about October 4, 2000, in the case of *People v. Jagdip Singh Jaspal* (Superior
10 Court of California, County of Yolo, Case No. CRM000002643), Respondent was convicted on
11 his plea of nolo contendere of a violation of Vehicle Code section 23103/23103.5 (reckless
12 driving involving the consumption of alcohol), as set forth above in paragraph 9, subdivision (c),
13 and incorporated herein by reference.

14 **OTHER MATTERS**

15 14. To determine the degree of discipline, if any, to be imposed on Respondent,
16 Complainant alleges that on or about August 24, 2004, the Board issued Citation No. CI 2003
17 27321 to Respondent for violation of California Code of Regulations, title 16, sections 1714 and
18 1711 and imposed a fine of \$375. The basis for the violation of section 1714, subdivision (d) was
19 that on or about May 24, 2004, Respondent allowed a non-pharmacist to have possession of the
20 key and unsupervised access to the licensed area of the pharmacy where dangerous drugs were
21 being stored. The basis for the violation of section 1711, subdivision (c), Respondent failed to
22 ensure the prescriber of a prescription was notified of a dispensing error that occurred on or about
23 April 1, 2004, as required by law.

24 **PRAYER**

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

27 1. Revoking or suspending Pharmacist License Number RPH 55129, issued to Jagdip
28 Singh Jaspal

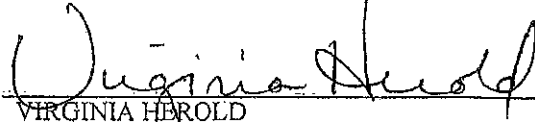
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2. Ordering Jagdip Singh Jaspal to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED:

8/13/14



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