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

In the Matter of the Accusation Against:

Case No. 5414

OAH No. 2015090268

RANJINA DEVI SINGH

1219 Malio Drive, Apartment 101 Clovis, CA 93612

Pharmacy Technician Registration No. TCH 108199

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 18, 2015.

It is so ORDERED on November 18, 2015.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Amy Gutierrez, Pharm.D. **Board President**

1	Kamala D. Harris	
2	Attorney General of California KENT D. HARRIS	
3	Supervising Deputy Attorney General STEPHANIE ALAMO-LATIF	
4	Deputy Attorney General State Bar No. 283580	
5	1300 I Street, Suite 125 P.O. Box 944255	
6	Sacramento, CA 94244-2550 Telephone: (916) 327-6819	
7	Facsimile: (916) 327-8643 E-mail: Stephanie. AlamoLatif@doj.ca.gov	
8	Attorneys for Complainant	
9	BEFOI	RE THE
10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
11		CALIFORNIA
12	In the Matter of the Accusation Against:	Case No. 5414
13	RANJINA DEVI SINGH	OAH No. 2015090268
14	1219 Malio Drive, Apartment 101 Clovis, California 93612	07H1 No. 2013070200
15	Pharmacy Technician Registration No. TCH 108199	STIPULATED SURRENDER OF LICENSE AND ORDER
16	Respondent.	
17	Managaria	
18		
19	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-	
20	entitled proceedings that the following matters are true:	
21	<u>PARTIES</u>	
22	1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy	
23	("Board"), Department of Consumer Affairs. She brought this action solely in her official	
- 24	capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of	
25	California, by Stephanie Alamo-Latif, Deputy Attorney General.	
26	2. Ranjina Devi Singh ("Respondent") is representing herself in this proceeding and has	
27	chosen not to exercise her right to be represented by counsel.	
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3. On or about March 8, 2011, the Board issued Pharmacy Technician Registration No. TCH 108199 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5414 and will expire on December 31, 2016, unless renewed.

JURISDICTION

4. Accusation No. 5414 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 4, 2015. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 5414 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- Respondent has carefully read, and understands the charges and allegations in Accusation No. 5414. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

--- CULPABILITY----

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 5414, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration No. TCH 108199 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

CONTINGENCY

- 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- The parties understand and agree that Portable Document Format (PDF), facsimile 11. and/or electronic copies of this Stipulated Surrender of License and Order, including PDF, facsimile and/or electronic signatures thereto, shall have the same force and effect as the originals.
- This Stipulated Surrender of License and Order is intended by the parties to be an 12. integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- --13. —In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 108199, issued to Respondent Ranjina Devi Singh, is surrendered and accepted by the Board of Pharmacy as of the effective date of this decision.

- 1. Respondent shall relinquish his or her Pharmacy Technician Registration to the board within ten (10) days of the effective date of this decision.
- 2. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This decision constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.
- 3. Respondent understands and agrees that if he or she ever files an application for licensure or a petition for reinstatement in the State of California, the board shall treat it as a new application for licensure.
- 4. Respondent may not apply for any license, permit, or registration from the board for three (3) years from the effective date of this decision. Respondent stipulates that should he or she apply for any license from the board on or after the effective date of this decision, all allegations set forth in the accusation shall be deemed to be true, correct and admitted by respondent when the board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board, including, but not limited to certification by a nationally recognized body prior to the issuance of a new license. Respondent is required to report this surrender as disciplinary action.
- 5. Respondent stipulates that should he or she apply for any license from the board on or after the effective date of this decision, investigation and prosecution costs in the amount of \$5,465 shall be paid to the board prior to issuance of the license.

ACCEPTANCE 1 I have carefully read the Stipulated Surrender of License and Order. I understand the 2 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this 3 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to 4 be bound by the Decision and Order of the Board of Pharmacy. 5 6 Oct. 12,2015 DATED: 7 Respondent 9 **ENDORSEMENT** 10 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted 11 for consideration by the Board of Pharmacy of the Department of Consumer Affairs. 12 Dated: 10/13/15 Respectfully submitted, 13 KAMALA D. HARRIS 14 Attorney General of California KENT D. HARRIS 15 Supervising Deputy Attorney General 16 17 STEPHANIE ALAMO-LATIF 18 Deputy Attorney General Attorneys for Complainant 19 20 21 SA2015101818 12013629.doc 22 23 24 25 26 27 28

Exhibit A

Accusation No. 5414

1		
1	KAMALA D. HARRIS	
2	Attorney General of California KENT D. HARRIS	
3	Supervising Deputy Attorney General STEPHANIE ALAMO-LATIF	
4	Deputy Attorney General State Bar No. 283580	
5	1300 I Street, Suite 125 P.O. Box 944255	
6	Sacramento, CA 94244-2550 Telephone: (916) 327-6819 Facsimile: (916) 327-8643	
7	Facsimile: (916) 327-8643 Attorneys for Complainant	
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9	BOARD OF PHARMACY	
·	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11	In the Matter of the Accusation Against: Case No. 5414	
12	RANJINA DEVI SINGH 1219 Malio Drive, Apartment 101	
13	Clovis, California 93612 A C C U S A T I O N	
14	Pharmacy Technician Registration No. TCH 108199	
15	Respondent.	
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
16	Tespondent.	
16 17	Virginia Herold ("Complainant") alleges:	
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17 18	Virginia Herold ("Complainant") alleges: PARTIES	
17 18 19	Virginia Herold ("Complainant") alleges: PARTIES 1. Complainant brings this Accusation solely in her official capacity as the Executive	
17 18 19 20	Virginia Herold ("Complainant") alleges: PARTIES 1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.	
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Accusation

JURISDICTION

- Business and Professions Code ("Code") section 4300 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 . . .
- Code section 4300.1 states:

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

STATUTORY PROVISIONS

Code section 4301 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:

- (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency
- Civil Code section 56.10(d) states:

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Except to the extent expressly authorized by a patient, enrollee, or subscriber, or as provided by subdivisions (b) and (c), a provider of health care, health care service plan, contractor, or corporation and its subsidiaries and affiliates shall not intentionally share, sell, use for marketing, or otherwise use medical information for a purpose not necessary to provide health care services to the patient.

BACKGROUND

- 10. At all times relevant to the events set forth below, Respondent was employed as a registered pharmacy technician at Clovis Community Hospital Pharmacy/Community Medical Center ("CMC"), located at 2755 East Herndon Avenue in Clovis, California.
 - 11. On or about March 1, 2013, Respondent acknowledged:

I will access patient information only when needed in order to do my job, and understand that retrieving/viewing/printing information (computerized or paper), on other patients such as friends, relatives, neighbors, celebrities, co-workers, or myself is a breach of confidentiality and may subject me to immediate termination of employment or association with Community Medical Centers, as well as civil sanctions and/or criminal penalties.

12. On or about March 11, 2013, Respondent attended CMC's orientation, which included training for compliance with state and federal requirements in regards to protected health information ("PHI"), including, but not limited, to, the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), and CMC's policies and procedures. CMC's policies and procedures state, in pertinent part:

The paper and electronic records of CMC, which contain PHI, are created and maintained for the purpose of providing patient care and for facilitating CMC business processes. . . . ²

Protecting the privacy of PHI means that PHI is used or disclosed only for authorized purposes 3

Protected health information is only to be accessed in relationship to an employee's or the health care provider's assigned job duties, on a business need to know basis. Accessing any patient information including but not limited to your own, your family members, or any other individual(s) without a business need to know, without authorization, for unauthorized purposes, or not within your "scope of assigned duties" is a breach of confidentiality. Access to protected health information is based on the business need to know the information in order to perform your assigned job duties. CMC may only use or disclose protected health information

² HIPAA General Rules for the Use and Disclosure of PHI, Policy & Procedure No. 12136, Section III.A.2, effective April 18, 2012.

Id., Section III.C.1.

¹ Acknowledgement of Confidentiality of Information Agreement, dated March 1, 2013, and executed by Respondent.

when the patient has given authorization unless the information is used or disclosed for treatment, payment, healthcare operations or required by law.⁴

- 13. On or about June 3, 2013, an officer with the Clovis Police Department received report of a disturbance. In the course of investigation, the officer contacted Respondent, who explained that she was engaged to be married to "J.G." Respondent told the officer that she saw "hickies" on J.G's neck after he was with D.G., and Respondent became angry. Respondent stated that she "keyed" the word "bitch" on D.G.'s vehicle. The officer observed that the word "bitch", as well as random lines, were scratched into the paint on D.G.'s vehicle.
- 14. CMC subsequently determined that on or about July 12, 2013, and July 14, 2013, Respondent accessed the personal health information of J.G. and D.G. for a purpose not necessary to provide health care services and without a business need to know. CMC terminated Respondent's employment on or about September 12, 2013.

FIRST CAUSE FOR DISCIPLINE

(Violation of Laws Governing Pharmacies)

- 15. Respondent is subject to disciplinary action pursuant to Code section 4301(o), on the grounds of unprofessional conduct, in that on or about July 12, 2013, and July 14, 2013, while on duty as a registered pharmacy technician at CMC, she violated federal and state laws, as follows:
- a. <u>Title 42 of the United States Code, section 1320d-6(a)(1)</u>: Respondent knowingly used, or caused to be used, unique health identifiers for J.G. and/or D.G. The facts and circumstances are more fully set forth above in paragraphs 10 through 14.
- b. <u>Title 42 of the United States Code, section 1320d-6)(a)(2)</u>: Respondent obtained individually identifiable health information pertaining to J.G. and/or D.G. The facts and circumstances are more fully set forth above in paragraphs 10 through 14.

^{---- &}lt;sup>4</sup> Confidentiality/Breach of Information, Policy & Procedure No. 10001, Section II.A., effective August 17, 2010.

⁵ A statement Respondent later retracted. The incident resulted in the case entitled *People v. Ranjina Devi Singh*, Superior Court of the State of California, Fresno County, Case No. M14914679, wherein on or about September 22, 2014, Respondent pled nolo contendere to Penal Code section 594(a)(2) (malicious damage to real or personal property), a misdemeanor. On or about January 26, 2015, the case was dismissed.

1	c. <u>Civil Code section 56.10(d)</u> : Respondent used the medical information of J.G. and/or	
2	D.G. without authorization for a purpose not necessary to provide health care services to the	
3	patient. The facts and circumstances are more fully set forth above in paragraphs 10 through 14.	
4	SECOND CAUSE FOR DISCIPLINE	
5	(Unprofessional Conduct)	
6	16. The allegations set forth in paragraphs 10 through 15 above are incorporated herein	
7	by reference. Respondent is subject to disciplinary action pursuant to Code section 4301, on the	
8	grounds of unprofessional conduct, in that while working as a pharmacy technician at CMC on or	
9	about July 12, 2013, and July 14, 2013, Respondent accessed the personal health information of	
ιο	J.G. and D.G. for a purpose not necessary to provide health care services and without a business	
ļ 1	need to know, in disregard of HIPAA regulations, state law, and/or CMC policies.	
12	PRAYER	
13	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged	
14	and that following the hearing, the Board of Pharmacy issue a decision:	
15	1. Revoking or suspending Pharmacy Technician Registration Number TCH 108199,	
16	issued to Ranjina Devi Singh;	
۱7	2. Ordering Ranjina Devi Singh to pay the Board of Pharmacy the reasonable costs of	
18	the investigation and enforcement of this case, pursuant to Business and Professions Code section	
19	125.3; and,	
20	3. Taking such other and further action as deemed necessary and proper.	
21		
22	DATED: 721/15 Vigina Jud	
23	VIRGINIA HEROLD Executive Officer	
24	Board of Pharmacy Department of Consumer Affairs State of California	
25	Complainant	
26	SA2015101818 11867892.doc	
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