

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

In the Matter of the Accusation Against:

RANJINA DEVI SINGH
1219 Malio Drive, Apartment 101
Clovis, CA 93612

**Pharmacy Technician Registration No.
TCH 108199**

Respondent.

Case No. 5414

OAH No. 2015090268

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

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8
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
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14 Clovis, California 93612

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15 **Pharmacy Technician Registration No. TCH**
108199

STIPULATED SURRENDER OF
LICENSE AND ORDER

16
17 Respondent.

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 PARTIES

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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ORDER

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

5 1. Respondent shall relinquish his or her Pharmacy Technician Registration to the board
6 within ten (10) days of the effective date of this decision.

7 2. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
8 of the surrendered license by the Board shall constitute the imposition of discipline against
9 Respondent. This decision constitutes a record of the discipline and shall become a part of
10 Respondent's license history with the Board of Pharmacy.

11 3. Respondent understands and agrees that if he or she ever files an application for
12 licensure or a petition for reinstatement in the State of California, the board shall treat it as a new
13 application for licensure.

14 4. Respondent may not apply for any license, permit, or registration from the board for
15 three (3) years from the effective date of this decision. Respondent stipulates that should he or
16 she apply for any license from the board on or after the effective date of this decision, all
17 allegations set forth in the accusation shall be deemed to be true, correct and admitted by
18 respondent when the board determines whether to grant or deny the application. Respondent shall
19 satisfy all requirements applicable to that license as of the date the application is submitted to the
20 board, including, but not limited to certification by a nationally recognized body prior to the
21 issuance of a new license. Respondent is required to report this surrender as disciplinary action.

22 5. Respondent stipulates that should he or she apply for any license from the board on or
23 after the effective date of this decision, investigation and prosecution costs in the amount of
24 \$5,465 shall be paid to the board prior to issuance of the license.

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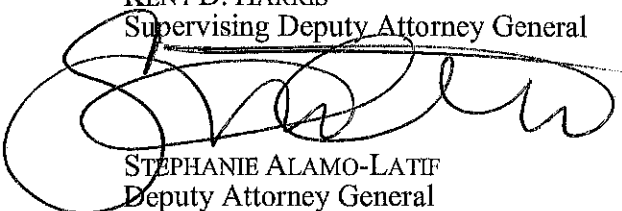
ACCEPTANCE

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

DATED: Oct. 12, 2015 
RANJINA DEVI SINGH
Respondent

ENDORSEMENT

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

Dated: 10/13/15 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General

STEPHANIE ALAMO-LATIF
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5414

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Clovis, California 93612

ACCUSATION

14 **Pharmacy Technician Registration**
15 **No. TCH 108199**

16 Respondent.

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about March 8, 2011, the Board issued Pharmacy Technician Registration
22 Number TCH 108199 to Ranjina Devi Singh ("Respondent"). The pharmacy technician
23 registration was in full force and effect at all times relevant to the charges brought herein and will
24 expire on December 31, 2016, unless renewed.

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1 7. Title 42 of the United States Code, section 1320d-6 states, in pertinent part:

2 (a) Offense. A person who knowingly and in violation of this part [42 USCS
3 §§ 1320d et seq.]—

4 (1) uses or causes to be used a unique health identifier;

5 (2) obtains individually identifiable health information relating to an
individual; or

6 (3) discloses individually identifiable health information to another person,
7 shall be punished as provided in subsection (b). For purposes of the previous
8 sentence, a person (including an employee or other individual) shall be considered to
9 have obtained or disclosed individually identifiable health information in violation of
10 this part if the information is maintained by a covered entity (as defined in the
11 HIPAA privacy regulation described in section 1180(b)(3) [42 USCS § 1320d-
12 9(b)(3)]) and the individual obtained or disclosed such information without
13 authorization.

14 8. Title 42 of the United States Code, section 1320d, defines, in pertinent part,
15 as follows for purposes of 42 USCS §§ 1320d et seq.:

16 (6) Individually identifiable health information. The term "individually
17 identifiable health information" means any information, including demographic
18 information collected from an individual, that—

19 (A) is created or received by a health care provider, health plan, employer, or
20 health care clearinghouse; and

21 (B) relates to the past, present, or future physical or mental health or condition
22 of an individual, the provision of health care to an individual, or the past, present, or
23 future payment for the provision of health care to an individual, and—(i) identifies the
24 individual; or

25 (ii) with respect to which there is a reasonable basis to believe that the
26 information can be used to identify the individual.

27 COST RECOVERY

28 9. Code section 125.3 provides, in pertinent part, that the Board may request the
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, with failure of the licentiate to comply subjecting the license to not being
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

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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:¹

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 purposes³

.....

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

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

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

³ Id., Section III.C.1.

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

3 13. On or about June 3, 2013, an officer with the Clovis Police Department received
4 report of a disturbance. In the course of investigation, the officer contacted Respondent, who
5 explained that she was engaged to be married to "J.G." Respondent told the officer that she saw
6 "hickies" on J.G.'s neck after he was with D.G., and Respondent became angry. Respondent stated
7 that she "keyed" the word "bitch" on D.G.'s vehicle.⁵ The officer observed that the word "bitch",
8 as well as random lines, were scratched into the paint on D.G.'s vehicle.

9 14. CMC subsequently determined that on or about July 12, 2013, and July 14, 2013,
10 Respondent accessed the personal health information of J.G. and D.G. for a purpose not necessary
11 to provide health care services and without a business need to know. CMC terminated
12 Respondent's employment on or about September 12, 2013.

13 **FIRST CAUSE FOR DISCIPLINE**

14 (Violation of Laws Governing Pharmacies)

15 15. Respondent is subject to disciplinary action pursuant to Code section 4301(o), on the
16 grounds of unprofessional conduct, in that on or about July 12, 2013, and July 14, 2013, while on
17 duty as a registered pharmacy technician at CMC, she violated federal and state laws, as follows:

18 a. **Title 42 of the United States Code, section 1320d-6(a)(1)**: Respondent knowingly
19 used, or caused to be used, unique health identifiers for J.G. and/or D.G. The facts and
20 circumstances are more fully set forth above in paragraphs 10 through 14.

21 b. **Title 42 of the United States Code, section 1320d-6(a)(2)**: Respondent obtained
22 individually identifiable health information pertaining to J.G. and/or D.G. The facts and
23 circumstances are more fully set forth above in paragraphs 10 through 14.

24
25 ⁴ Confidentiality/Breach of Information, Policy & Procedure No. 10001; Section II.A.,
effective August 17, 2010.

26 ⁵ A statement Respondent later retracted. The incident resulted in the case entitled *People v.*
27 *Ranjina Devi Singh*, Superior Court of the State of California, Fresno County, Case
28 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. Civil Code section 56.10(d); 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)

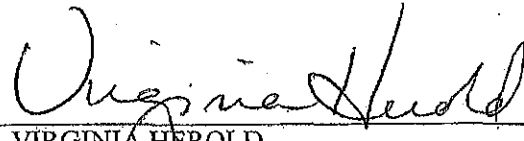
6 16. The allegations set forth in paragraphs 10 through 15 above are incorporated herein
7 by reference. Respondent is subject to disciplinary action pursuant to Code section 4301, on the
8 grounds of unprofessional conduct, in that while working as a pharmacy technician at CMC on or
9 about July 12, 2013, and July 14, 2013, Respondent accessed the personal health information of
10 J.G. and D.G. for a purpose not necessary to provide health care services and without a business
11 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;
- 17 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: 7/21/15



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

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