

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

In the Matter of the Accusation Against:

KAREN KA YIN HO
4654 La Rica Ave.
Baldwin Park, CA 91706

**Pharmacy Technician Registration No. TCH
39556**

Respondent.

Case No. 5564

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 at 5:00 p.m. on November 4, 2016.

It is so ORDERED on October 5, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
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Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 5564

11 **KAREN KA YIN HO**
12 4654 La Rica Ave.
13 Baldwin Park, CA 91706

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician Registration No. TCH
39556**

15 Respondent.

16
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 Christine J. Lee, Deputy Attorney
23 General.

24 2. Karen Ka Yin Ho (Respondent) is representing herself in this proceeding and has
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about May 8, 2002, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 39556 to Karen Ka Yin Ho (Respondent). The Pharmacy Technician
28 Registration will expire on July 31, 2017, unless renewed.

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JURISDICTION

4. Accusation No. 5564 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on June 15, 2016. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 5564 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 5564. 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. 5564, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration No. TCH 39556 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.

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CONTINGENCY

1
2 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and surrender, without notice to or
5 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
6 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
7 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
8 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

11 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
12 copies of this Stipulated Surrender of License and Order, including Portable Document Format
13 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

ORDER

22
23 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 39556, issued
24 to Respondent Karen Ka Yin Ho, is surrendered and accepted by the Board of Pharmacy.

25 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
26 of the surrendered license by the Board shall constitute the imposition of discipline against
27 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
28 Respondent's license history with the Board of Pharmacy.

1 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
2 as of the effective date of the Board's Decision and Order.

3 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
4 issued, her wall certificate on or before the effective date of the Decision and Order.

5 4. If she ever applies for licensure or petitions for reinstatement in the State of
6 California, the Board shall treat it as a new application for licensure. Respondent must comply
7 with all the laws, regulations and procedures for licensure in effect at the time the application or
8 petition is filed, and all of the charges and allegations contained in Accusation No. 5564 shall be
9 deemed to be true, correct and admitted by Respondent when the Board determines whether to
10 grant or deny the application or petition.

11 5. Respondent shall pay the agency its costs of investigation and enforcement in the
12 amount of \$2,210.00 prior to issuance of a new or reinstated license.

13 6. If Respondent should ever apply or reapply for a new license or certification, or
14 petition for reinstatement of a license, by any other health care licensing agency in the State of
15 California, all of the charges and allegations contained in Accusation, No. 5564 shall be deemed
16 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
17 other proceeding seeking to deny or restrict licensure.

18 7. Respondent may not apply for any license, permit, or registration from the board for
19 three (3) years from the effective date of this decision. Respondent stipulates that should she
20 apply for any license from the board on or after the effective date of this decision, all allegations
21 set forth in the accusation shall be deemed to be true, correct and admitted by respondent when
22 the board determines whether to grant or deny the application.

23 8. Respondent shall satisfy all requirements applicable to that license as of the date the
24 application is submitted to the board, including, but not limited to certification by a nationally
25 recognized body prior to the issuance of a new license. Respondent is required to report this
26 surrender as disciplinary action.

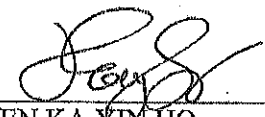
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ACCEPTANCE

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.

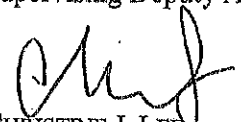
DATED: 8-16-16 
KAREN KA YIN HO
Respondent

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: 8/22/16

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General


CHRISTINE J. LEE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5564

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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300 So. Spring Street, Suite 1702
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **KAREN KA YIN HO**
4654 La Rica Ave.
13 Baldwin Park, CA 91706
14 c/o Central California Women's Facility
INMATE No. WF2602
15 PO Box 1508
Chowchilla, CA 93610
16 **Pharmacy Technician Registration No. TCH 39556**
17 **Respondent.**

Case No. 5564

ACCUSATION

19
20 Complainant alleges:

21 **PARTIES**

- 22 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs ("Board").
24 2. On or about May 8, 2002, the Board issued Pharmacy Technician Registration No.
25 TCH 39556 to Karen Ka Yin Ho, aka Ka Yin Ho ("Respondent"). Pursuant to Business and
26 Professions Code section 4311, subdivision (a), effective September 18, 2015, the Pharmacy
27 Technician Registration is automatically suspended. The Pharmacy Technician Registration will
28 expire on July 31, 2017, unless renewed.

1 JURISDICTION

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
4 indicated.

5 4. Section 4300.1 of the Code states:

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

11 5. Section 4011 of the Code provides that "[t]he board shall administer and enforce this
12 chapter [Pharmacy Law, (Business and Professions Code, Sec 4000 et seq.)] and the Uniform
13 Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and
14 Safety Code)."

15 6. Section 4300, subdivision (a), of the Code states, in pertinent part, that "[e]very
16 license issued may be suspended or revoked."

17 STATUTORY PROVISIONS

18 7. Section 4060 of the Code states, in pertinent part:

19 "No person shall possess any controlled substance, except that furnished to a person upon
20 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
21 doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
22 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
23 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
24 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
25 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
26 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
27 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
28 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly

1 labeled with the name and address of the supplier or producer.

2 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
3 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs
4 and devices."

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

6 "The board shall take action against any holder of a license who is guilty of unprofessional
7 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

8 Unprofessional conduct shall include, but is not limited to, any of the following:

9

10 "(c) Gross negligence.

11

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

17

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

21 "(l) The conviction of a crime substantially related to the qualifications, functions, and
22 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
23 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
24 substances or of a violation of the statutes of this state regulating controlled substances or
25 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
26 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
27 The board may inquire into the circumstances surrounding the commission of the crime, in order
28 to fix the degree of discipline or, in the case of a conviction not involving controlled substances

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

10

11 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
12 violation of or conspiring to violate any provision or term of this chapter or of the applicable
13 federal and state laws and regulations governing pharmacy, including regulations established by
14 the board or by any other state or federal regulatory agency.

15 "(p) Actions or conduct that would have warranted denial of a license. . . ."

16 **REGULATORY PROVISIONS**

17 9. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

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1 eyes, and slurred speech. Respondent's blood alcohol concentration was 0.28%. The
2 Respondent's collision caused a laceration to the left eye of the first victim. He received 15
3 stitches. A second victim sustained injuries to her back.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Dangerous Use of Alcohol)**

6 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
7 on the grounds of unprofessional conduct, in that Respondent used alcoholic beverages to the
8 extent or in a manner as to be dangerous or injurious to herself or others.

9 a. Complainant refers to, and by this reference incorporates, the allegations set forth in
10 paragraph 11, subparagraph b, inclusive, as though set forth fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(More Than One Conviction Involving Alcohol)**

13 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (k),
14 on the grounds of unprofessional conduction, in that Respondent has three convictions involving
15 consumption of alcohol, as follows:

16 a. On or about September 24, 2001, after pleading guilty, Respondent was convicted of
17 one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under
18 the influence of alcohol], in the criminal proceeding entitled *The People of the State of California*
19 *v. Ka Yin Ho* (Super. Ct. L.A. County, 2001, No. 1RH04961). The court placed Respondent on
20 three year probation with terms and conditions, and ordered her to complete a 3-month first-
21 offender alcohol and other drug education and counseling program.

22 b. On or about February 19, 2013, after pleading nolo contendere, Respondent was
23 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
24 [driving while having 0.08% and more, by weight, of BAC], and one misdemeanor count of
25 violating Vehicle Code section 20002, subdivision (a) [hit and run],], in the criminal proceeding
26 entitled *The People of the State of California v. Karen Ka Yin Ho* (Super. Ct. L.A. County, 2013,
27 No. 3JB00361). The court placed Respondent on 36 months probation with terms and conditions,
28 ordered her to complete a 6-month first-offender alcohol and other drug education and counseling

1 program, attend a Mothers Against Drunk Driving program, perform 10 days of community
2 service, and pay restitution to a victim.

3 c. On or about June 17, 2015, after pleading nolo contendere, Respondent convicted of
4 one felony count of violating Vehicle Code sections 23153, subdivision (b), and 23560 [driving
5 with a 0.08% or higher blood alcohol content ("BAC") causing injury, within 10 years of another
6 driving under the influence offense], with a further allegation of violating Penal Code section
7 12022.7, subdivision (a) [inflicting great bodily injury], in the criminal proceeding entitled *The*
8 *People of the State of California v. Karen Ka Yin Ho* (Super. Ct. L.A. County, 2015, No.
9 KA109412). Complainant refers to and by this reference incorporates the allegations set for
10 above paragraph 11, as though set forth fully.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Violate Pharmacy Law / Acts Warranting Denial of Licensure)**

13 14. Respondent is subject to disciplinary action under Code section 4301, subdivisions
14 (o) and (p), in that Respondent violated federal and state law and regulations governing
15 pharmacy, and committed acts of unprofessional conduct that would have warranted a denial of a
16 license. Complainant refers to and by this reference incorporates that allegations set for above in
17 paragraphs 11 through 13, inclusive, as though set forth fully.

18 **DISCIPLINE CONSIDERATIONS**

19 15. To determine the degree of discipline, Complaint alleges that:

20 a. On or about May 31, 2013, the Board issued a citation and \$3,000.00 fine to
21 Respondent (case no. CI 2012 54733) for her February 19, 2013 criminal conviction.
22 Complainant refers to and by this reference incorporates that allegations set for above in
23 paragraph 13 (b) inclusive, as though set forth fully.

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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 39556, issued to Karen Ka Yin Ho;
2. Ordering Karen Ka Yin Ho to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/7/16 Virginia Herold
VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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