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

13 In the Matter of the Statement of Issues  
Against:  
14 **TIFFANY CHERIE HALL**  
15 **Pharmacy Technician License Applicant**  
16 Respondent.  
17

Case No. 7540

**STATEMENT OF ISSUES**

18  
19 **PARTIES**

20 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about August 1, 2022, the Board of Pharmacy, Department of Consumer  
23 Affairs received an application for a Pharmacy Technician License from Tiffany Cherie Hall  
24 (Respondent). On or about July 28, 2022, Tiffany Cherie Hall certified under penalty of perjury  
25 to the truthfulness of all statements, answers, and representations in the application. The Board  
26 denied the application on April 28, 2023.

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1 **JURISDICTION**

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

5 **STATUTORY PROVISIONS**

6 4. Section 480 of the Code states:

7 (a) Notwithstanding any other provision of this code, a board may deny a  
8 license regulated by this code on the grounds that the applicant has been convicted of  
9 a crime or has been subject to formal discipline only if either of the following  
10 conditions are met:

11 . . .

12 (2) The applicant has been subjected to formal discipline by a licensing board in  
13 or outside California within the preceding seven years from the date of application  
14 based on professional misconduct that would have been cause for discipline before  
15 the board for which the present application is made and that is substantially related to  
16 the qualifications, functions, or duties of the business or profession for which the  
17 present application is made. However, prior disciplinary action by a licensing board  
18 within the preceding seven years shall not be the basis for denial of a license if the  
19 basis for that disciplinary action was a conviction that has been dismissed pursuant to  
20 Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a  
21 comparable dismissal or expungement.

22 5. Section 822 of the Code states:

23 If a licensing agency determines that its licentiate's ability to practice his or her  
24 profession safely is impaired because the licentiate is mentally ill, or physically ill  
25 affecting competency, the licensing agency may take action by any one of the  
26 following methods:

27 (a) Revoking the licentiate's certificate or license.

28 (b) Suspending the licentiate's right to practice.

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency  
in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or  
license until it has received competent evidence of the absence or control of the  
condition which caused its action and until it is satisfied that with due regard for the  
public health and safety the person's right to practice his or her profession may be  
safely reinstated.

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

. . . .

1 (c) The board may refuse a license to any applicant guilty of unprofessional  
2 conduct. The board may, in its sole discretion, issue a probationary license to any  
3 applicant for a license who is guilty of unprofessional conduct and who has met all  
4 other requirements for licensure.

5 7. 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  
7 unprofessional conduct or whose license has been issued by mistake. Unprofessional  
8 conduct shall include, but is not limited to, any of the following:

9 . . . .

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

### 11 **REGULATORY PROVISIONS**

12 8. California Code of Regulations, title 16, section 1769 states in relevant part:

13 (a) Examination of applicant by medical professionals to assess competency. In  
14 addition to any other requirements for licensure, when considering the approval of an  
15 application, the board or its designee may require an applicant to be examined by one or  
16 more physicians and surgeons or psychologists designated by the board if it appears that the  
17 applicant may be unable to safely practice due to mental illness or physical illness affecting  
18 competency. An applicant's failure to comply with the examination requirement shall render  
19 his or her application incomplete. The board shall pay the full cost of such examination.  
20 The board shall seek that the evaluation be conducted within 60 days of the date the  
21 applicant is advised that an examination is required. The board shall receive the examiner's  
22 evaluation within 60 days of the date the examination is completed. The report of the  
23 examiner shall be made available to the applicant.

24 If after receiving the report of the evaluation, the board determines that the applicant  
25 is unable to safely practice, the board may deny the application.

26 . . . .

27 9. California Code of Regulations, title 16, section 1770 states in relevant part:

28 (a) For the purpose of denial, suspension, or revocation of a personal or facility  
license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the  
Business and Professions Code, a crime, professional misconduct, or act shall be  
considered substantially related to the qualifications, functions or duties of the  
practice, profession, or occupation that may be performed under the license type  
sought or held if to a substantial degree it evidences present or potential unfitness of  
an applicant or licensee to perform the functions authorized by the license in a  
manner consistent with the public health, safety, or welfare.

. . . .

(c) For purposes of subdivision (a), substantially related crimes, professional  
misconduct, or acts shall include, but are not limited to, those which:



1 The adjudication of insanity or mental illness, or the voluntary commitment  
2 or admission to any hospital for a mental illness of any certificate holder, shall  
3 operate as an immediate suspension of the right of the certificate holder to  
4 practice pharmacy in this State, and such suspension shall continue until  
5 restoration to or declaration of sanity or mental competence.

6 **SECOND CAUSE FOR DENIAL OF APPLICATION**

7 **(Illness Affecting Competency to Practice)**

8 11. Respondent's application is subject to denial under California Code of Regulations,  
9 title 16, section 1769, subdivision (a), with reference to Code section 822, in that her ability to  
10 practice safely as a pharmacy technician is impaired due to mental or physical illness affecting  
11 her competency. The circumstances are as follows: On or about February 28, 2023, pursuant to a  
12 directive from the Board, Respondent underwent a psychological evaluation by a psychologist.  
13 The psychologist determined that there is a potential for Respondent having a resurgence or  
14 relapse of a condition which could represent a threat to public trust and safety. The psychologist  
15 recommended that Respondent have on-site supervision at all times when involved in the  
16 dispensary of pharmaceuticals, and that Respondent should not work independently in or around  
17 prescription medications.

18 **THIRD CAUSE FOR DENIAL OF APPLICATION**

19 **(Acts Warranting Denial of Licensure)**

20 12. Respondent's application is subject to denial under sections 4300, subdivision (c) and  
21 4301, subdivision (p), in conjunction with California Code of Regulations, title 16, section 1770,  
22 subdivision (a), in that Respondent committed acts which if done by a licentiate would be cause  
23 for discipline. The circumstances are more fully set forth in paragraph 10, above, and are  
24 incorporated by reference.

25 **PRAYER**

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

28 1. Denying the application of Tiffany Cherie Hall for a Pharmacy Technician License;

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

DATED: 9/13/2023

Sodergren, Anne@DCA Digitally signed by Sodergren, Anne@DCA  
Date: 2023.09.13 14:12:19 -07'00'  
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ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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