

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

In the Matter of the Accusation Against:

SHAHID H. KHAN, Respondent

Pharmacy Technician Registration No. TCH 36048

Agency Case No. 6711

DECISION AND ORDER

The attached Stipulated Surrender of License 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 December 23, 2020.

It is so ORDERED on November 23, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
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7

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

12 In the Matter of the Accusation Against:

Case No. 6711

13 **SHAHID H. KHAN**
14 **9776 Mango Dr.**
15 **Fontana, CA 92335**

16 **Pharmacy Technician Registration No. TCH**
17 **36048**

STIPULATED SURRENDER OF
LICENSE AND ORDER

Respondent.

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

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
22 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Xavier Becerra, Attorney General of the State of California, by Nancy A. Kaiser, Deputy
24 Attorney General.

25 2. Shahid H. Khan (Respondent) is representing himself in this proceeding and has
26 chosen not to exercise his right to be represented by counsel.

27 3. On or about January 26, 2001, the Board issued Pharmacy Technician Registration
28 No. TCH 36048 to Shahid H. Khan (Respondent). The Pharmacy Technician Registration was in

1 full force and effect at all times relevant to the charges brought in Accusation No. 6711 and will
2 expire on January 31, 2021, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 6711 was filed before the Board, and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on July 13, 2020. Respondent timely filed his Notice of Defense contesting the
7 Accusation. A copy of Accusation No. 6711 is attached as Exhibit A and incorporated by
8 reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 6711. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent understands that the charges and allegations in Accusation No. 6711, if
24 proven at a hearing, constitute cause for imposing discipline upon his Pharmacy Technician
25 Registration.

26 9. For the purpose of resolving the Accusation without the expense and uncertainty of
27 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
28 basis for the charges in the Accusation and that those charges constitute cause for discipline.

1 Respondent hereby gives up his right to contest that cause for discipline exists based on those
2 charges.

3 10. Respondent understands that by signing this stipulation he enables the Board to issue
4 an order accepting the surrender of his Pharmacy Technician Registration without further process.

5 **CONTINGENCY**

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

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

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

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

26 ///

27 ///

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 36048, issued to Respondent Shahid H. Khan, is surrendered and accepted by the Board.

1. 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 stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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

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

4. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6711 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$5,616.25 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 6711 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for three years from the effective date of the Board's Decision and Order.

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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: _____
SHAHID H. KHAN
Respondent

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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: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

NANCY A. KAISER
Deputy Attorney General
Attorneys for Complainant

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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: 10/15/2020

Shahid Khan

SHAHID H. KHAN
Respondent

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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: 10/23/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

Nancy Kaiser

NANCY A. KAISER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6711

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 NANCY A. KAISER
Deputy Attorney General
4 State Bar No. 192083
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12 In the Matter of the Accusation Against:

Case No. 6711

13 **SHAHID H. KHAN**
14 **9776 Mango Dr.**
Fontana, CA 92335

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **36048**

Respondent.

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18
19 **PARTIES**

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

22 2. On or about January 26, 2001, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 36048 to Shahid H. Khan (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on January 31, 2021, unless renewed.

26 **JURISDICTION**

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

1 **STATUTORY PROVISIONS**

2 4. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or
3 revoked.”

4 5. Section 4300.1 states:

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

10 6. Section 4301 states, in pertinent part:

11 “The board shall take action against any holder of a license who is guilty of unprofessional
12 conduct or whose license has been issued by mistake. Unprofessional conduct includes, but is not
13 limited to, any of the following:

14 . . .

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

18 “(g) Knowingly making or signing any certificate or other document that falsely represents
19 the existence or nonexistence of a state of facts.”

20 **REGULATORY PROVISION**

21 7. California Code of Regulations, title 16, section 1770 states:

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

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1 **COST RECOVERY**

2 8. Section 125.3 provides that the Board may request the administrative law judge to
3 direct a licensee found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case, with
5 failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a
6 case settles, recovery of investigation and enforcement costs may be included in a stipulated
7 settlement.

8 **FACTUAL ALLEGATIONS**

9 9. On or about December 17, 1998, the Respiratory Care Board of California issued
10 Respiratory Care Practitioner License No. 20534 to Shahid H. Khan (Respondent). The
11 Respiratory Care Practitioner License will expire on March 31, 2022, unless renewed.

12 10. On or about November 2, 2018, in the disciplinary matter entitled *In the Matter of the*
13 *Accusation against Shahid H. Khan, Respiratory Care Practitioner License No. 20534*, the
14 Respiratory Care Board of California, Department of Consumer Affairs issued an order adopting
15 the Stipulated Settlement and Disciplinary Order in which Respondent was placed on probation
16 for thirty-five (35) months. Respondent's Respiratory Care Practitioner License was disciplined
17 for violating the following provisions of the Respiratory Care Practice Act (Business and
18 Professions Code section 3700, et seq.):

19 a. Section 3750, subdivision (f) (Negligence in Respondent's Practice as a Respiratory
20 Care Practitioner),

21 b. Section 3750, subdivision (k) (Falsifying or Making Grossly Incorrect, Grossly
22 Inconsistent, or Unintelligible Entries in Any Patient, Hospital, or Other Record),

23 c. Section 3755, subdivision (a), subsections (2) and (4) (General Unprofessional
24 Conduct), and

25 d. Section 3750, subdivision (g) (Violating or Attempting to Violate, Directly or
26 Indirectly, Any Provision or Provisions, or Any Term or Terms, of the [Respiratory Care Practice
27 Act]).

28 The Decision is attached hereto as Exhibit A. The matter is now final.

1 **CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 11. Respondent is subject to disciplinary action under Code sections 4301, in conjunction
4 with California Code of Regulations, title 16, section 1770, for committing unprofessional
5 conduct. Complainant refers to, and by this reference incorporates, the allegations set forth in
6 paragraph 10, above, as though set forth fully herein.

7 **PRAYER**

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

10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 36048,
11 issued to Shahid H. Khan;

12 2. Ordering Shahid H. Khan to pay the Board of Pharmacy the reasonable costs of the
13 investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and,

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

16
17
18 DATED: June 22, 2020



19 _____
20 ANNE SODERGREN
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 *Complainant*

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