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

In the Matter of the Statement of Issues Against:

JASBINDAR KAUR BOLA AKA JASBINDAR KAUR Case No. 6703

OAH No. 2019070919

Pharmacy Technician Registration Applicant

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reproval 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 January 23, 2020.

It is so ORDERED on December 24, 2019.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

Dr. Line

By

Greg Lippe Board President

| 1 | XAVIER BECERRA | |
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| 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) 210-6112 | |
| 7 | Facsimile: (916) 327-8643 E-mail: Stephanie.AlamoLatif@doj.ca.gov | |
| 8 | Attorneys for Complainant | |
| 9 | BEFOR | |
| 10 | BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS | |
| 11 | STATE OF CA | ALIFORNIA |
| 12 | | |
| 13 | In the Matter of the Statement of Issues Against: | Case No. 6703 |
| 14 | JASBINDAR KAUR BOLA | OAH No. 2019070919 |
| 15 | AKA JASBINDAR KAUR | STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC |
| 16 | Pharmacy Technician Registration Applicant | REPROVAL |
| 17 | Respondent. | [Bus. & Prof. Code § 495] |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above- | |
| 22 | entitled proceedings that the following matters are true: | |
| 23 | PART | |
| 24 | 1. Anne Sodergren (Complainant) is the Interim Executive Officer of the Board of | |
| 25 | Pharmacy (Board), Department of Consumer Affairs. She brought this action solely in her | |
| 26 | official capacity and is represented in this matter by Xavier Becerra, Attorney General of the | |
| 27 | State of California, by Stephanie Alamo-Latif, De | puty Attorney General. |
| 28 | | |
| | | 1 C ORDER FOR PUBLIC REPROVAL (Case No. 6703) |

| 1 | 2. Jasbindar Kaur Bola, aka Jasbinder Kaur (Respondent) is represented in this | |
|----|--|--|
| 2 | proceeding by attorney Jonathan C. Turner. | |
| 3 | JURISDICTION | |
| 4 | 3. On or about October 23, 2018, the Board received an application for a Pharmacy | |
| 5 | Technician Registration from Respondent. The Board denied the application on March 20, 2019. | |
| 6 | Respondent timely requested a hearing with respect to the denial. | |
| 7 | 4. Statement of Issues No. 6703 was filed before the Board and is currently pending | |
| 8 | against Respondent. The Statement of Issues and all other statutorily required documents were | |
| 9 | properly served on Respondent on July 10, 2019. A copy of Statement of Issues No. 6703 is | |
| 10 | attached as exhibit A and incorporated herein by reference. | |
| 11 | ADVISEMENT AND WAIVERS | |
| 12 | 5. Respondent has carefully read, fully discussed with counsel, and understands the | |
| 13 | charges and allegations in Statement of Issues No. 6703. Respondent has also carefully read, | |
| 14 | fully discussed with counsel, and understands the effects of this Stipulated Settlement and | |
| 15 | Disciplinary Order for Public Reproval. | |
| 16 | 6. Respondent is fully aware of her legal rights in this matter, including the right to a | |
| 17 | hearing on the charges and allegations in the Statement of Issues; the right to be represented by | |
| 18 | counsel at her own expense; the right to confront and cross-examine the witnesses against her; the | |
| 19 | right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas | |
| 20 | to compel the attendance of witnesses and the production of documents; the right to | |
| 21 | reconsideration and court review of an adverse decision; and all other rights accorded by the | |
| 22 | California Administrative Procedure Act and other applicable laws. | |
| 23 | 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and | |
| 24 | every right set forth above. | |
| 25 | CULPABILITY | |
| 26 | 8. Respondent admits the truth of each and every charge and allegation in Statement of | |
| 27 | Issues No. 6703. | |
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| | STIP SETTLEMENT & DISC ORDER FOR PUBLIC REPROVAL (Case No. 6703) | |

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9. Respondent agrees that her Pharmacy Technician Registration Application is subject to denial, and she agrees to be bound by the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly 5 with the Board regarding this stipulation and settlement, without notice to or participation by 6 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that 7 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board 8 9 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force or 10 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, 11 and the Board shall not be disqualified from further action by having considered this matter. 12

13 11. The parties understand and agree that Portable Document Format (PDF), facsimile
14 and/or electronic copies of this Stipulated Settlement and Disciplinary Order for Public Reproval,
15 including PDF, facsimile and/or electronic signatures thereto, shall have the same force and effect
16 as the originals.

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

supplemented, or otherwise changed except by a writing executed by an authorized r
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
Disciplinary Order:

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| 1 | DISCIPLINARY ORDER | |
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| 2 | IT IS HEREBY ORDERED that the Application for Licensure of Respondent Jasbindar | |
| 3 | Kaur Bola aka Jasbinder Kaur is hereby granted. Upon successful completion of the licensure | |
| 4 | examination and all other licensing requirements, a license shall be issued to Respondent. Said | |
| 5 | license shall be publicly reproved by the Board of Pharmacy under Business and Professions | |
| 6 | Code section 495 in resolution of Statement of Issues No. 6703, attached as exhibit A. | |
| 7 | ACCEPTANCE | |
| 8 | I have carefully read the above Stipulated Settlement and Disciplinary Order for Public | |
| 9 | Reproval and have fully discussed it with my attorney, Jonathan Turner. I understand the | |
| 10 | stipulation and the effect it will have on my Pharmacy Technician Registration Application. I | |
| 11 | enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, | |
| 12 | knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of | |
| 13 | Pharmacy. | |
| 14 | April 1 | |
| 15 | DATED: 10/2/2014 JASBINDAR KAUR BOLA | |
| 16 | JASBINDAR KAUR BOLA Respondent | |
| 17 | I have read and fully discussed with Respondent Jasbindar Kaur Bola the terms and | |
| 18 | conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order | |
| 19 | for Public Reproval. I approve its form and content. | |
| 20 | DATED: 10-2-19 Nr C. IN | |
| 21 | JONATHAN C TURNER Attorney for Respondent | |
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| | STIP SETTLEMENT & DISC ORDER FOR PUBLIC REPROVAL (Case No. 6703) | |

| 1 | | ENDORSEMENT |
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| 2 | The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby | |
| 3 | respectfully submitted for considerati | ion by the Board of Pharmacy of the Department of |
| 4 | Consumer Affairs. | |
| 5 | DATED 10/7/2010 | |
| 6 | DATED: 10/7/2019 | |
| 7 | | XAVIER BECERRA Attorney General of California |
| 8 | | KENT D. HARRIS |
| 9 | | Stouplay to the |
| 0 | | STEPHANIE ALAMO-LATIF |
| 1 | | Deputy Attorney General Attorneys for Complainant |
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| | | 5 CMENT & DISC ORDER FOR PUBLIC REPROVAL (Case No. 6703 |

Exhibit A

Statement of Issues No. 6703

| 1 2 3 4 5 6 7 8 9 | XAVIER BECERRA Attorney General of California KENT D. HARRIS Supervising Deputy Attorney General STEPHANIE ALAMO-LATIF Deputy Attorney General State Bar No. 283580 1300 I Street, Suite 125 P.O. Box 944255 Sacramento, CA 94244-2550 Telephone: (916) 210-6112 Facsimile: (916) 327-8643 Attorneys for Complainant BEFOR BOARD OF P | |
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| 10 | DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA | |
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| 13 | In the Matter of the Statement of Issues Against: | Case No. 6703 |
| 14 | JASBINDAR KAUR BOLA | |
| 15 | AKA JASBINDAR KAUR | FIRST AMENDED STATEMENT OF ISSUES |
| 16 | Pharmacy Technician Registration Applicant | |
| 17 | Respondent. | |
| 18 | | |
| 19 | DADZ | |
| 20 | PART | |
| 21 | | ngs this Statement of Issues solely in her official |
| 22 | capacity as the Interim Executive Officer of the Board of Pharmacy ("Board"), Department of | |
| 23 | Consumer Affairs. | |
| 24 | Pharmacy Technician Applicant | |
| 25 | 2. On or about October 23, 2018, the Bo | ard received an application for a Pharmacy |
| 26 | Technician Registration from Jasbindar Kaur Bola, also known as Jasbindar Kaur | |
| 27 | ("Respondent"). On or about October 22, 2018, Respondent certified under penalty of perjury to | |
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| | | FIRST AMENDED STATEMENT OF ISSUES |

| 1 | the truthfulness of all statements, answers, and representations in the application. The Board | |
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| 2 | denied the application on March 20, 2019. | |
| 3 | Pharmacy Technician Registration No. TCH 56435 | |
| 4 | 3. On or about May 19, 2004, the Board issued Original Pharmacy Technician | |
| 5 | Registration Number TCH 56435 to Respondent. Respondent voluntarily surrendered her | |
| 6 | pharmacy technician license on or about November 22, 2014, as more fully set forth below in | |
| 7 | paragraph 4. | |
| 8 | Prior Discipline | |
| 9 | 4. Effective October 31, 2014, pursuant to a Decision and Order in the disciplinary | |
| 10 | action entitled, In the Matter of the Accusation Against: JASBINDAR KAUR, Case No. 4274, the | |
| 11 | Board adopted a Stipulated Settlement and Disciplinary Order revoking Respondent's Pharmacy | |
| 12 | Technician License No. TCH 56435. However, the revocation was stayed and Respondent was | |
| 13 | placed on probation for a period of four (4) years with terms and conditions. Effective | |
| 14 | November 22, 2014, the Board accepted Respondent's request to voluntarily surrender her | |
| 15 | license. | |
| 16 | JURISDICTION | |
| 17 | 5. Pursuant to Business and Professions Code section 485, subdivision (b), on or about | |
| 18 | March 20, 2019, Respondent's application was denied and she was notified of the right to a | |
| 19 | hearing to appeal the denial. | |
| 20 | 6. On or about April 10, 2019, the Board received Respondent's request for a hearing to | |
| 21 | appeal the denial of her application. | |
| 22 | STATUTORY PROVISIONS | |
| 23 | 7. Code section 480 states: | |
| 24 | (a) A board may deny a license regulated by this code on the grounds that the | |
| 25 | applicant has one of the following: | |
| 26 | | |
| 27 | (3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license. | |
| 28 | (B) The board may deny a license pursuant to this subdivision only if the crime | |
| | 2 | |
| | FIRST AMENDED STATEMENT OF ISSUES | |

| 1 | or act is substantially related to the qualifications, functions, or duties of the busine or profession for which application is made | SS |
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| 2 | 8. Code section 4300 states, in pertinent part: | |
| 3 | (a) Every license issued may be suspended or revoked. | |
| 4 | (b) The board shall discipline the holder of any license issued by the board, | |
| 5 | whose default has been entered or whose case has been heard by the board and fou guilty, by any of the following methods: | 10 |
| 6 | (1) Suspending judgment. | |
| 7 | (2) Placing him or her upon probation. | |
| 8 | (3) Suspending his or her right to practice for a period not exceeding one year | r. |
| 9 | (4) Revoking his or her license. | |
| 10 | (5) Taking any other action in relation to disciplining him or her as the board in | |
| 11 | its discretion may deem proper | |
| 12 | 9. Code section 4301 states, in pertinent part: | |
| 13 | The board shall take action against any holder of a license who is guilty of | |
| 14 | unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following: | |
| 15 | | |
| 16 | (h) The administering to oneself, of any controlled substance, or the use of a dangerous drug or of alcoholic beverages to the extent or in a manner as to be | ıy |
| 17 | | |
| 18 | the person to conduct with safety to the public the practice authorized by the licens | e. |
| 19 | REGULATORY PROVISION | |
| 20 | 10. California Code of Regulations, title 16, section 1770, states: | |
| 21 | For the purpose of denial, suspension, or revocation of a personal or facility | |
| 22 | license pursuant to Division 1.5 (commencing with Section 475) of the Business ar Professions Code, a crime or act shall be considered substantially related to the | d |
| 23 | qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the | e |
| 24 | functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare. | |
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| | FIRST AMENDED STATEMENT OF | ISSU |

| 1 | CAUSE FOR DENIAL OF APPLICATION | |
|----|--|--|
| 2 | (Committed Acts which if Done by a Licentiate) | |
| 3 | 11. Respondent's application is subject to denial under Code section 480, | |
| 4 | subdivision (a)(3)(A), in that she committed acts which if done by a licentiate of the profession | |
| 5 | would constitute grounds for discipline for unprofessional conduct under Code section 4301, | |
| 6 | subdivision (h) as follows: On or about April 24, 2011 and May 11, 2011, Respondent used | |
| 7 | alcohol to the extent or in a manner as to be dangerous or injurious to herself, any other person or | |
| 8 | the public, when she drove a motor vehicle while under the influence of alcohol. | |
| 9 | PRAYER | |
| 10 | WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, | |
| 11 | and that following the hearing, the Board issue a decision: | |
| 12 | 1. Denying the application of Jasbindar Kaur Bola, also known as Jasbindar Kaur for a | |
| 13 | Pharmacy Technician Applicant; | |
| 14 | 2. Taking such other and further action as deemed necessary and proper. | |
| 15 | | |
| 16 | DATED: September 20, 2019 Once Sodergreen | |
| 17 | ANNE SODERGREN Interim Executive Officer | |
| 18 | Board of Pharmacy Department of Consumer Affairs | |
| 19 | State of California Complainant | |
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| | FIRST AMENDED STATEMENT OF ISSUES | |