

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

**In the Matter of the Accusation Against:**

**KRISTINE CASSAN DEGUIA BONCATO, Respondent.**

**Original Pharmacy Technician Registration No. TCH 85595**

**Agency Case No. 7112**

**OAH No. 2021090037**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary 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 May 11, 2022.

It is so ORDERED on April 11, 2022.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large initial "S" and "O".

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 JULIANNE MOSSLER  
Deputy Attorney General  
4 State Bar No. 243749  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-1349  
Facsimile: (510) 622-2270  
7 E-mail: Julianne.Mossler@doj.ca.gov  
*Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:  
14 **KRISTINE CASSAN DEGUIA BONCATO**  
15 **11 Water Fern Court**  
16 **American Canyon, CA 94503**  
17 **Original Pharmacy Technician Registration**  
18 **No. TCH 85595**  
19  
20 Respondent.

Case No. 7112  
OAH No. 2021090037  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
24 (Board). She brought this action solely in her official capacity and is represented in this matter by  
25 Rob Bonta, Attorney General of the State of California, by Julianne Mossler, Deputy Attorney  
26 General.

27 2. Respondent Kristine Cassan Deguia Boncato (Respondent) is represented in this  
28 proceeding by attorney Michael Geller, The Geller Firm, 50 California Street, Suite 1500, San

1 Francisco, CA 94111.

2 3. On or about September 29, 2008, the Board issued Original Pharmacy Technician  
3 Registration No. TCH 85595 to Respondent. The Original Pharmacy Technician Registration  
4 was in full force and effect at all times relevant to the charges brought in Accusation No. 7112,  
5 and will expire on July 31, 2022, unless renewed.

6 **JURISDICTION**

7 4. Accusation No. 7112 was filed before the Board, and is currently pending against  
8 Respondent. The Accusation and all other statutorily required documents were properly served  
9 on Respondent on June 4, 2021. Respondent timely filed her Notice of Defense contesting the  
10 Accusation.

11 5. A copy of Accusation No. 7112 is attached as exhibit A and incorporated by  
12 reference.

13 **ADVISEMENT AND WAIVERS**

14 6. Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Accusation No. 7112. Respondent has also carefully read, fully  
16 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
17 Order.

18 7. Respondent is fully aware of her legal rights in this matter, including the right to a  
19 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
20 the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
21 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
22 documents; the right to reconsideration and court review of an adverse decision; and all other  
23 rights accorded by the California Administrative Procedure Act and other applicable laws.

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25 every right set forth above.

26 **CULPABILITY**

27 9. Respondent admits the truth of each and every charge and allegation in Accusation  
28 No. 7112.



1 revocations are stayed and Respondent is placed on probation for three (3) years on the following  
2 terms and conditions.

3 **1. Obey All Laws**

4 Respondent shall obey all state and federal laws and regulations.

5 Respondent shall report any of the following occurrences to the Board, in writing, within  
6 seventy- two (72) hours of such occurrence:

- 7 • an arrest or issuance of a criminal complaint for violation of any provision of the  
8 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
substances laws
- 9 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal  
10 criminal proceeding to any criminal complaint, information or indictment
- 11 • a conviction of any crime
- 12 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another  
13 administrative action filed by any state or federal agency which involves  
14 Respondent's license or which is related to the practice of pharmacy or the  
manufacturing, obtaining, handling, distributing, billing, or charging for any drug,  
device or controlled substance.

15 Failure to timely report such occurrence shall be considered a violation of probation.

16 **2. Report to the Board**

17 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its  
18 designee. The report shall be made either in person or in writing, as directed. Among other  
19 requirements, Respondent shall state in each report under penalty of perjury whether there has  
20 been compliance with all the terms and conditions of probation.

21 Failure to submit timely reports in a form as directed shall be considered a violation of  
22 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
23 total period of probation. Moreover, if the final probation report is not made as directed,  
24 probation shall be automatically extended until such time as the final report is made and accepted  
25 by the Board.

26 **3. Interview with the Board**

27 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
28 with the Board or its designee, at such intervals and locations as are determined by the Board or

1 its designee. Failure to appear for any scheduled interview without prior notification to Board  
2 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee  
3 during the period of probation, shall be considered a violation of probation.

4 **4. Cooperate with Board Staff**

5 Respondent shall timely cooperate with the Board's inspection program and with the  
6 Board's monitoring and investigation of Respondent's compliance with the terms and conditions  
7 of her probation, including but not limited to: timely responses to requests for information by  
8 Board staff; timely compliance with directives from Board staff regarding requirements of any  
9 term or condition of probation; and timely completion of documentation pertaining to a term or  
10 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

11 **5. Reporting of Employment and Notice to Employers**

12 During the period of probation, Respondent shall notify all present and prospective  
13 employers of the decision in case number 7112 and the terms, conditions and restrictions imposed  
14 on Respondent by the decision, as follows:

15 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
16 undertaking any new employment, Respondent shall report to the Board in writing the name,  
17 physical address, and mailing address of each of her employer(s), and the name(s) and telephone  
18 number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-in-charge, designated  
19 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
20 schedule, if known. Respondent shall also include the reason(s) for leaving the prior  
21 employment. Respondent shall sign and return to the Board a written consent authorizing the  
22 Board or its designee to communicate with all of Respondent's employer(s) and supervisor(s),  
23 and authorizing those employer(s) or supervisor(s) to communicate with the Board or its  
24 designee, concerning Respondent's work status, performance, and monitoring. Failure to comply  
25 with the requirements or deadlines of this condition shall be considered a violation of probation.

26 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
27 Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor,  
28 (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other

1 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the  
2 Board in writing acknowledging that the listed individual(s) has/have read the decision in case  
3 number 7112, and terms and conditions imposed thereby. If one person serves in more than one  
4 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's  
5 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the  
6 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
7 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in  
8 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
9 in case number 7112, and the terms and conditions imposed thereby.

10 If Respondent works for or is employed by or through an employment service, Respondent  
11 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board  
12 of the decision in case number 7112, and the terms and conditions imposed thereby in advance of  
13 Respondent commencing work at such licensed entity. A record of this notification must be  
14 provided to the Board upon request.

15 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
16 (15) days of Respondent undertaking any new employment by or through an employment service,  
17 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment  
18 service to report to the Board in writing acknowledging that he or she has read the decision in  
19 case number, and the terms and conditions imposed thereby. It shall be Respondent's  
20 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

21 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
22 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board  
23 shall be considered a violation of probation.

24 "Employment" within the meaning of this provision includes any full-time, part-time,  
25 temporary, relief, or employment/management service position as a Pharmacy Technician, or any  
26 position for which a Pharmacy Technician is a requirement or criterion for employment, whether  
27 the Respondent is an employee, independent contractor or volunteer.

28 ///

1           **6. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

2           Respondent shall further notify the Board in writing within ten (10) days of any change in  
3 name, residence address, mailing address, e-mail address or phone number.

4           Failure to timely notify the Board of any change in employer, name, address, or phone  
5 number shall be considered a violation of probation.

6           **7. Reimbursement of Board Costs**

7           As a condition precedent to successful completion of probation, Respondent shall pay to the  
8 Board its costs of investigation and prosecution in the amount of \$4,163.00. Respondent shall  
9 make said payments as follows:

10           There shall be no deviation from this schedule absent prior written approval by the Board or  
11 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
12 probation.

13           Respondent shall be permitted to pay these costs in a payment plan approved by the Board  
14 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
15 date of probation.

16           **8. Probation Monitoring Costs**

17           Respondent shall pay any costs associated with probation monitoring as determined by the  
18 Board each and every year of probation. Such costs shall be payable to the Board on a schedule  
19 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
20 shall be considered a violation of probation.

21           **9. Status of License**

22           Respondent shall, at all times while on probation, maintain an active, current Original  
23 Pharmacy Technician Registration with the Board, including any period during which suspension  
24 or probation is tolled. Failure to maintain an active, current Original Pharmacy Technician  
25 Registration shall be considered a violation of probation.

26           If Respondent's Original Pharmacy Technician Registration expires or is cancelled by  
27 operation of law or otherwise at any time during the period of probation, including any extensions  
28 thereof due to tolling or otherwise, upon renewal or reapplication Respondent's license shall be

1 subject to all terms and conditions of this probation not previously satisfied.

2 **10. License Surrender While on Probation/Suspension**

3 Following the effective date of this decision, should Respondent cease practice due to  
4 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
5 Respondent may relinquish her license, including any indicia of licensure issued by the Board,  
6 along with a request to surrender the license. The Board or its designee shall have the discretion  
7 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
8 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to  
9 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
10 become a part of the Respondent's license history with the Board.

11 Upon acceptance of the surrender, Respondent shall relinquish her pocket and/or wall  
12 license, including any indicia of licensure not previously provided to the Board within ten (10)  
13 days of notification by the Board that the surrender is accepted if not already provided.  
14 Respondent may not reapply for any license from the Board for three (3) years from the effective  
15 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
16 of the date the application for that license is submitted to the Board, including any outstanding  
17 costs.

18 **11. Pharmacy Technician Certification**

19 Respondent shall have one year from the effective date of this decision to achieve  
20 certification pursuant to Business and Professions Code section 4202, subdivision (a)(4). If  
21 Respondent fails to obtain certification within one year after the effective date of this decision,  
22 she will be suspended, and shall not work as a pharmacy technician, until she has been certified as  
23 defined by Business and Professions Code section 4202, subdivision (a)(4), has submitted proof  
24 of certification to the Board, and has been notified by the Board or its designee that she may  
25 begin work. Failure to achieve certification within one year of the effective date shall be  
26 considered a violation of probation.

27 During suspension, Respondent shall not enter any pharmacy area or any portion of any  
28 other Board licensed premises of a wholesaler, third-party logistics provider, veterinary food

1 animal drug retailer or any other distributor of drugs which is licensed by the Board, or any  
2 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled  
3 substances are maintained.

4 During suspension, Respondent shall not do any act involving drug selection, selection of  
5 stock, manufacturing, compounding or dispensing; nor shall Respondent manage, administer, or  
6 assist any licensee of the Board. Respondent shall not have access to or control the ordering,  
7 distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices or  
8 controlled substances.

9 During suspension, Respondent shall not engage in any activity that requires licensure as a  
10 pharmacy technician. Respondent shall not direct or control any aspect of the practice of  
11 pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or  
12 dangerous devices, or controlled substances.

13 Failure to comply with any such suspension shall be considered a violation of probation.

14 **12. Practice Requirement – Extension of Probation**

15 Except during periods of suspension, Respondent shall, at all times while on probation, be  
16 employed as a Pharmacy Technician in California for a minimum of 120 hours per calendar  
17 month. Any month during which this minimum is not met shall extend the period of probation by  
18 one month. During any such period of insufficient employment, Respondent must nonetheless  
19 comply with all terms and conditions of probation, unless Respondent receives a waiver in  
20 writing from the Board or its designee.

21 If Respondent does not practice as a Pharmacy Technician in California for the minimum  
22 number of hours in any calendar month, for any reason (including vacation), Respondent shall  
23 notify the Board in writing within ten (10) days of the conclusion of that calendar month. This  
24 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)  
25 for the interruption or reduction in practice; and the anticipated date(s) on which Respondent will  
26 resume practice at the required level. Respondent shall further notify the Board in writing within  
27 ten (10) days following the next calendar month during which Respondent practices as a  
28 Pharmacy Technician in California for the minimum of hours. Any failure to timely provide such

1 notification(s) shall be considered a violation of probation.

2 It is a violation of probation for Respondent's probation to be extended pursuant to the  
3 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
4 exceeding thirty-six (36) months. The Board or its designee may post a notice of the extended  
5 probation period on its website.

6 **13. Violation of Probation**

7 If Respondent has not complied with any term or condition of probation, the Board shall  
8 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent  
9 that probation shall automatically be extended, until all terms and conditions have been satisfied  
10 or the Board has taken other action as deemed appropriate to treat the failure to comply as a  
11 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
12 Board or its designee may post a notice of the extended probation period on its website.

13 If Respondent violates probation in any respect, the Board, after giving Respondent notice  
14 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
15 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
16 probation, or the preparation of an accusation or petition to revoke probation is requested from  
17 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of  
18 probation shall be automatically extended until the petition to revoke probation or accusation is  
19 heard and decided.

20 **14. Completion of Probation**

21 Upon written notice by the Board or its designee indicating successful completion of  
22 probation, Respondent's license will be fully restored.

23 **15. Clinical Diagnostic Evaluation**

24 Within thirty (30) days of the effective date of this decision, and on a periodic basis  
25 thereafter if required by the Board or its designee, Respondent shall undergo, at her own expense,  
26 clinical diagnostic evaluation(s) by a practitioner selected or approved prior to the evaluation by  
27 the Board or its designee. The approved evaluator shall be provided with a copy of the Board's  
28 Accusation and Decision. Respondent shall sign a release authorizing the evaluator to furnish the

1 Board with a current diagnosis and a written report regarding the Respondent's judgment and  
2 ability to function independently as a Pharmacy Technician with safety to the public. If the  
3 evaluator recommends restrictions or conditions on Respondent's practice, including but not  
4 limited to other terms and conditions listed in these guidelines (e.g., required psychotherapy,  
5 inpatient treatment, prescription coordination and monitoring, restricted practice), the Board or its  
6 designee may by written notice to Respondent adopt any such restrictions or conditions as  
7 additional probation terms and conditions, violation of which shall be considered a violation of  
8 probation. Failure to comply with any requirement or deadline stated by this paragraph shall be  
9 considered a violation of probation.

10 If at any time the approved evaluator or therapist determines that Respondent is unable to  
11 practice safely or independently, the licensed mental health practitioner shall notify the Board  
12 immediately by telephone and follow up by written letter within three (3) working days. Upon  
13 notification from the Board or its designee of this determination, Respondent shall be  
14 automatically suspended and shall not resume practice until notified by the Board or its designee  
15 that practice may resume.

16 During any suspension, Respondent shall not enter any pharmacy area or any portion of the  
17 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
18 retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
19 any area where dangerous drugs and/or dangerous devices or controlled substances are  
20 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
21 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
22 respondent manage, administer, or be a consultant to any licensee of the Board, or have access to  
23 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
24 dangerous devices or controlled substances.

25 During any suspension, Respondent shall not engage in any activity that requires the  
26 professional judgment of and/or licensure as a Pharmacy Technician. Respondent shall not direct  
27 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
28 wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

1 Failure to comply with any requirement, including any suspension or deadline stated by this  
2 term shall be considered a violation of probation.

3 **16. Prescription Coordination and Monitoring of Prescription Use**

4 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
5 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
6 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the  
7 Respondent's history with the use of controlled substances, and/or dangerous drugs, and who will  
8 coordinate and monitor any prescriptions for Respondent for dangerous drugs and/or dangerous  
9 devices, controlled substances or mood-altering drugs. The approved practitioner shall be  
10 provided with a copy of the Board's Accusation and Decision. A record of this notification must  
11 be provided to the Board or its designee upon request. Respondent shall sign a release  
12 authorizing the practitioner to communicate with the Board or its designee about Respondent's  
13 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist  
14 shall report to the Board on a quarterly basis for the duration of probation regarding Respondent's  
15 compliance with this condition. If any substances considered addictive have been prescribed, the  
16 report shall identify a program for the time limited use of any such substances. The Board or its  
17 designee may require that the single coordinating physician, nurse practitioner, physician assistant  
18 or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.  
19 Should Respondent, for any reason, cease supervision by the approved practitioner, Respondent  
20 shall notify the Board or its designee immediately and, within thirty (30) days of ceasing  
21 supervision, submit the name of a replacement physician, nurse practitioner, physician assistant,  
22 or psychiatrist of Respondent's choice to the Board or its designee for its prior approval. Failure  
23 to timely submit the selected practitioner or replacement practitioner to the Board or its designee  
24 for approval, or to ensure the required quarterly reporting thereby, shall be considered a violation  
25 of probation.

26 If at any time an approved practitioner determines that Respondent is unable to practice  
27 safely or independently as a Pharmacy Technician, the practitioner shall notify the Board or its  
28 designee immediately by telephone and follow up by written letter within three (3) working days.

1 Upon notification from the Board or its designee of this determination, Respondent shall be  
2 automatically suspended and shall not resume practice as a Pharmacy Technician until notified by  
3 the Board or its designee that practice may be resumed.

4 During any suspension, Respondent shall not enter any pharmacy area or any portion of the  
5 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
6 retailer, or any other distributor of drugs which is licensed by the Board, or any manufacturer, or  
7 any area where dangerous drugs and/or dangerous devices or controlled substances are  
8 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
9 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
10 Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to  
11 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
12 dangerous devices and controlled substances. Respondent shall not resume practice until notified  
13 by the Board.

14 During any suspension, Respondent shall not engage in any activity that requires the  
15 professional judgment and/or licensure as a Pharmacy Technician. Respondent shall not direct or  
16 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,  
17 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

18 Failure to comply with any requirement or deadline stated by this term shall be considered a  
19 violation of probation.

20 **17. No Ownership or Management of Licensed Premises**

21 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
22 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
23 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell  
24 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)  
25 days following the effective date of this decision and shall immediately thereafter provide written  
26 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide  
27 documentation thereof shall be considered a violation of probation.

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael Geller. I understand the stipulation and the effect it will have on my Original Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_  
KRISTINE CASSAN DEGUIA BONCATO  
*Respondent*

I have read and fully discussed with Respondent Kristine Cassan Deguia Boncato the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_  
MICHAEL GELLER  
*Attorney for Respondent*

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: \_\_\_\_\_

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General

JULIANNE MOSSLER  
Deputy Attorney General  
*Attorneys for Complainant*

OK2021900075  
91470598.docx

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael Geller. I understand the stipulation and the effect it will have on my Original Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 2022-03-04 *Kristine Boucato*  
KRISTINE CASSAN DEGUIA BONCATO  
*Respondent*

I have read and fully discussed with Respondent Kristine Cassan Deguia Boncato the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2022-03-04 *M. Geller*  
MICHAEL GELLER  
*Attorney for Respondent*

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: March 4, 2022 Respectfully submitted,  
ROB BONTA  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General  
*Julianne Mossler*  
JULIANNE MOSSLER  
Deputy Attorney General  
*Attorneys for Complainant*

OK2021900075  
91470598.docx

**Exhibit A**

**Accusation No. 7112**

1 ROB BONTA  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 JULIANNE MOSSLER  
Deputy Attorney General  
4 State Bar No. 243749  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-1349  
Facsimile: (510) 622-2270  
7 E-mail: Julianne.Mossler@doj.ca.gov  
*Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 7112

14 **KRISTINE CASSAN DEGUIA BONCATO**  
15 **11 Water Fern Court**  
**American Canyon, CA 94503**

**ACCUSATION**

16 **Pharmacy Technician License No. TCH**  
17 **85595**

Respondent.

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 (Board), Department of Consumer Affairs.

22 2. On or about September 29, 2008, the Board issued Original Pharmacy Technician  
23 Registration Number TCH 85595 to Kristine Cassan Deguia Boncato (Respondent). The Original  
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
25 in this Accusation, and will expire on July 31, 2022, 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 (Code) unless otherwise

1 indicated.

2 4. Section 118, subdivision (b), of the Code, states:

3 The suspension, expiration, or forfeiture by operation of law of a license issued  
4 by a board in the department, or its suspension, forfeiture, or cancellation by order of  
5 the board or by order of a court of law, or its surrender without the written consent of  
6 the board, shall not, during any period in which it may be renewed, restored, reissued,  
7 or reinstated, deprive the board of its authority to institute or continue a disciplinary  
8 proceeding against the licensee upon any ground provided by law or to enter an order  
9 suspending or revoking the license or otherwise taking disciplinary action against the  
10 licensee on any such ground.

11 5. Section 4011 of the Business and Professions Code (Code) states, in pertinent part:

12 “The board shall administer and enforce this chapter and the Uniform Controlled Substances Act  
13 (Division 10 (commencing with Section 11000) of the Health and Safety Code).”

14 6. Section 4300 of the Code states in relevant part:

15 (a) Every license issued may be suspended or revoked.

16 (b) The board shall discipline the holder of any license issued by the board,  
17 whose default has been entered or whose case has been heard by the board and found  
18 guilty, by any of the following methods:

19 (1) Suspending judgment.

20 (2) Placing him or her upon probation.

21 (3) Suspending his or her right to practice for a period not exceeding one year.

22 (4) Revoking his or her license.

23 (5) Taking any other action in relation to disciplining him or her as the board in  
24 its discretion may deem proper.

25 ...

26 (e) The proceedings under this article shall be conducted in accordance with  
27 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
28 Government Code, and the board shall have all the powers granted therein. The  
action shall be final, except that the propriety of the action is subject to review by the  
superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

7. Section 4300.1 of the Code states:

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

1 a decision suspending or revoking the license.

2 **STATUTORY PROVISIONS**

3 8. Section 490 of the Code states:

4 (a) In addition to any other action that a board is permitted to take against a  
5 licensee, a board may suspend or revoke a license on the ground that the licensee has  
6 been convicted of a crime, if the crime is substantially related to the qualifications,  
7 functions, or duties of the business or profession for which the license was issued.

8 (b) Notwithstanding any other provision of law, a board may exercise any  
9 authority to discipline a licensee for conviction of a crime that is independent of the  
10 authority granted under subdivision (a) only if the crime is substantially related to the  
11 qualifications, functions, or duties of the business or profession for which the  
12 licensee's license was issued.

13 (c) A conviction within the meaning of this section means a plea or verdict of  
14 guilty or a conviction following a plea of nolo contendere. Any action that a board is  
15 permitted to take following the establishment of a conviction may be taken when the  
16 time for appeal has elapsed, or the judgment of conviction has been affirmed on  
17 appeal, or when an order granting probation is made suspending the imposition of  
18 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of  
19 the Penal Code.

20 (d) The Legislature hereby finds and declares that the application of this section  
21 has been made unclear by the holding in *Petropoulos v. Department of Real Estate*  
22 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant  
23 number of statutes and regulations in question, resulting in potential harm to the  
24 consumers of California from licensees who have been convicted of crimes.  
25 Therefore, the Legislature finds and declares that this section establishes an  
26 independent basis for a board to impose discipline upon a licensee, and that the  
27 amendments to this section made by Chapter 33 of the Statutes of 2008 do not  
28 constitute a change to, but rather are declaratory of, existing law.

9. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a  
board within the department pursuant to law to deny an application for a license or to  
suspend or revoke a license or otherwise take disciplinary action against a person who  
holds a license, upon the ground that the applicant or the licensee has been convicted  
of a crime substantially related to the qualifications, functions, and duties of the  
licensee in question, the record of conviction of the crime shall be conclusive  
evidence of the fact that the conviction occurred, but only of that fact, and the board  
may inquire into the circumstances surrounding the commission of the crime in order  
to fix the degree of discipline or to determine if the conviction is substantially related  
to the qualifications, functions, and duties of the licensee in question.

As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
'registration.'

10. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of

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

...

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

...

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

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

...

11. Section 4021 of the Code states:

“Controlled substance” means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

### **REGULATORY PROVISIONS**

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

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the 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

1 functions authorized by his license or registration in a manner consistent with the  
2 public health, safety, or welfare.

3 **COST RECOVERY**

4 13. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case.

8 **DRUGS**

9 14. Section 4022 of the Code states:

10 Dangerous drug or dangerous device means any drug or device unsafe for  
11 self-use in humans or animals, and includes the following:

12 (a) Any drug that bears the legend: Caution: federal law prohibits dispensing  
13 without prescription, Rx only, or words of similar import.

14 (b) Any device that bears the statement: Caution: federal law restricts this  
15 device to sale by or on the order of a \_\_\_\_\_, Rx only, or words of similar  
16 import, the blank to be filled in with the designation of the practitioner licensed to use  
17 or order use of the device.

18 (c) Any other drug or device that by federal or state law can be lawfully  
19 dispensed only on prescription or furnished pursuant to Section 4006.

20 15. Zolpidem Tartrate is the generic form of Ambien. It is a depressant used to  
21 treat insomnia. It is a Schedule IV controlled substance under Health and Safety Code  
22 section 11057, and a dangerous drug under Business and Professions Code section 4022.

23 16. Escitalopram Oxalate is the generic form of Lexapro. It is a selective  
24 serotonin reuptake inhibitor used to treat major depressive disorders and anxiety. It is a  
25 dangerous drug under Business and Professions Code section 4022.

26 17. Phentermine is the generic form of Adipex-P. It is a stimulant used to treat  
27 obesity. It is a Schedule IV controlled substance under Health and Safety Code section  
28 11057, and a dangerous drug under Business and Professions Code section 4022.

18 Alprazolam is the generic form of Xanax. It is a depressant used to treat  
19 anxiety. It is a Schedule IV controlled substance under Health and Safety Code section  
20 11057, and a dangerous drug under Business and Professions Code section 4022.

21 ///

**FACTUAL ALLEGATIONS**

1  
2           19. On August 7, 2019, the Napa County Sheriff’s Office received a report that a vehicle  
3 was swerving, then went off the road and collided with a pole. The reporting party (RP) was a  
4 passenger in the vehicle. She identified Respondent as the driver. A nine-year old boy was also a  
5 passenger in the vehicle.

6           20. Deputies arrived on the scene at about 11:24 p.m. When they arrived, deputies found  
7 a white Toyota SUV with major front-end damage. Respondent, RP, and the child were standing  
8 on the shoulder of the road. Respondent was identified by her California driver’s license. RP  
9 identified herself to the deputies, and said that the child was Respondent’s son.

10           21. Deputies noted that Respondent could not stand on her own, her speech was slurred,  
11 and she continued to close her eyes as if she were falling asleep. Deputies asked Respondent and  
12 the child if they were injured. Respondent answered that her abdomen hurt, and the child said  
13 that his leg and abdomen hurt. Deputies tried to get both Respondent and the child to walk to the  
14 patrol car which was parked about 20 feet away, but Respondent was unable to walk so they sat  
15 on the ground while they waited for an ambulance to arrive.

16           22. Deputies asked Respondent if she had anything to drink or if she was on any drugs.  
17 Respondent denied drinking. But she admitted she had a prescription for Ambien which she took  
18 three hours before. Deputies could not perform Field Sobriety Tests on Respondent because of  
19 her medical condition and the recommendation of medical personnel on the scene.

20           23. Respondent was taken to Queen of the Valley Hospital, and her son was taken by  
21 helicopter to UC Davis for further evaluation.

22           24. Based on the deputies’ observations, Respondent was arrested and charged with  
23 violating Vehicle Code section 23153, subdivision (a) [Driving Under the Influence of a Drug  
24 Causing Injury], a felony.

25           25. A search of Respondent’s vehicle produced:

- 26           • a prescription bottle of Zolpidem Tartrate 12.5 mg (generic for Ambien);
- 27           • a prescription bottle of Escitalopram Oxalate 20 mg (generic for Lexapro);
- 28           • an empty prescription bottle of Phentermine 37.5 mg (generic for Adipex-P);

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

and

- a prescription bottle of Alprazolam 1 mg (generic for Xanax).

26. Deputies interviewed a witness who reported seeing Respondent’s vehicle swerving in traffic. The witness also reported observing Respondent using a cellphone while driving, and running a red light shortly before the crash. The father of Respondent’s son also spoke with a deputy and stated his belief that Respondent is addicted to prescription medication.

27. On September 27, 2019, the Napa County District Attorney’s Office filed a complaint against Respondent for violation of Vehicle Code section 23153, subdivision (a) [Driving Under the Influence of a Drug Causing Injury], a felony, and 273a, subdivision (a) [Child Abuse], a felony, with a special allegation of violation of Vehicle Code section 23572 [Passenger Under 14 Years Old].

28. On September 30, 2020, Respondent entered a plea of no contest and was convicted of violation of Vehicle Code section 23153, subdivision (a) [Driving Under the Influence of a Drug Causing Injury], a felony, and 273a, subdivision (a) [Child Abuse], a felony, with a special allegation of violation of Vehicle Code section 23572 [Passenger Under 14 Years Old]. Respondent was sentenced to four years of probation, 45 days in jail, plus fees, fines, and restitution.

**FIRST CAUSE FOR DISCIPLINE**

(Unprofessional Conduct - Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

29. Respondent is subject to disciplinary action under Code section 4301, subdivision (f) in that she demonstrated unprofessional conduct by committing acts of moral turpitude. The circumstances are set forth in paragraphs 19 through 28, above.

**SECOND CAUSE FOR DISCIPLINE**

(Unprofessional Conduct - Dangerous Use of Drugs)

30. Respondent is subject to disciplinary action under Code section 4301, subdivision (h) in that she demonstrated unprofessional conduct she used drugs in a dangerous way by willfully abusing prescription medication to the extent or in a manner as to be dangerous or injurious to herself and others. The circumstances are set forth in paragraphs 19 through 28, above.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**THIRD CAUSE FOR DISCIPLINE**

(Unprofessional Conduct - Conviction of Substantially Related Crime)

31. Respondent is subject to disciplinary action under Code sections 490, 493, and 4301, subdivision (l), and California Code of Regulations, title 16, section 1770, in that she demonstrated unprofessional conduct when she was convicted of a crime substantially related to the qualifications, functions, and duties of a licensee. The circumstances are set forth in paragraphs 19 through 28, above.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 1. Revoking or suspending Original Pharmacy Technician Registration Number TCH 85595, issued to Kristine Cassan Deguia Boncato;
- 2. Ordering Kristine Cassan Deguia Boncato to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 6/2/2021

Signature on File

ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

OK2021900075  
91369544.docx