

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

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

**JASMIN ELAINE NIETO,**

**Pharmacy Technician Registration No. TCH 182076,**

**Respondent.**

**Agency Case No. 7268**

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on January 4, 2023.

It is so ORDERED on December 5, 2022.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

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

Seung W. Oh, Pharm D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 KIM KASRELIOVICH  
Supervising Deputy Attorney General  
3 ARTIN DEROHANIAN  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7268

13 **JASMIN ELAINE NIETO**  
17925 Renault Street  
14 La Puente, CA 91744

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **Pharmacy Technician Registration No.**  
16 **TCH 182076**

Respondent.

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

21 **PARTIES**

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

26 2. Jasmin Elaine Nieto (Respondent) is representing herself in this proceeding and has  
27 chosen not to exercise her right to be represented by counsel.

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3. On or about May 4, 2021, the Board issued Pharmacy Technician Registration No. TCH 182076 to Jasmin Elaine Nieto (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7268 and will expire on October 31, 2022, unless renewed.

## JURISDICTION

4. Accusation No. 7268 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 1, 2022. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 7268 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 7268. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

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

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

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 7268, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician Registration No. TCH 182076 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

## 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 with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

## ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 182076,  
issued to Respondent Jasmin Elaine Nieto, is surrendered and accepted by the Board.

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

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

5           3.     Respondent may not reapply for any license from the Board for (3) three years from  
6 the effective date of the Board's Decision and Order. Respondent shall meet all requirements  
7 applicable to the license sought as of the date the application for that license is submitted to the  
8 Board, including any outstanding costs. If Respondent applies for licensure or petitions for  
9 reinstatement in the State of California, the Board shall treat it as a new application for licensure.  
10 Respondent must comply with all the laws, regulations and procedures for licensure in effect at  
11 the time the application or petition is filed, and all of the charges and allegations contained in  
12 Accusation No. 7268 shall be deemed to be true, correct, and admitted by Respondent when the  
13 Board determines whether to grant or deny the application or petition.

14          4.     Respondent shall pay the Board its costs of investigation and enforcement in the  
15 amount of \$7,530.25 prior to issuance of a new or reinstated license.

16          5.     If Respondent should ever apply or reapply for a new license or certification, or  
17 petition for reinstatement of a license, for any other health care licensing agency in the State of  
18 California, all of the charges and allegations contained in Accusation, No. 7268 shall be deemed  
19 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
20 other proceeding seeking to deny or restrict licensure.

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1 **ACCEPTANCE**

2 I have carefully read the Stipulated Surrender of License and Order. I understand the  
3 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this  
4 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
5 be bound by the Decision and Order of the Board of Pharmacy.

6  
7 DATED: \_\_\_\_\_ JASMIN ELAINE NIETO  
8 Respondent

9  
10 **ENDORSEMENT**

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
12 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

13 DATED: \_\_\_\_\_ Respectfully submitted,  
14 ROB BONTA  
15 Attorney General of California  
16 KIM KASRELIOVICH  
17 Supervising Deputy Attorney General

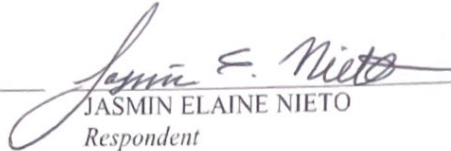
18 ARTIN DEROHANIAN  
19 Deputy Attorney General  
20 Attorneys for Complainant

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1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand the  
3 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this  
4 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
5 be bound by the Decision and Order of the Board of Pharmacy.

6  
7 DATED: 10/20/2022

  
JASMIN ELAINE NIETO  
Respondent


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9  
10 ENDORSEMENT

11 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
12 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

13 DATED: 10/21/2022

Respectfully submitted,

14 ROB BONIA  
Attorney General of California  
15 KIM KASRELIOVICH  
Supervising Deputy Attorney General

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17   
18 ARTIN DEROHANIAN  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 7268**



1 ROB BONTA  
Attorney General of California  
2 KIM KASRELIOVICH  
Supervising Deputy Attorney General  
3 ARTIN DEROHANIAN  
Deputy Attorney General  
4 State Bar No. 266131  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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12 In the Matter of the Accusation Against:

Case Number 7268

13 **JASMIN ELAINE NIETO**  
17925 Renault Street  
14 La Puente, CA 91744

**ACCUSATION**

15 **Pharmacy Technician Registration**  
16 **Number TCH 182076**

Respondent.

17  
18  
19  
20 **PARTIES**

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

23 2. On or about May 4, 2021, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 182076 to Jasmin Elaine Nieto (Respondent). The Pharmacy  
25 Technician Registration was in full force and effect at all times relevant to the charges brought  
26 herein and will expire on October 31, 2022, unless renewed.

27 ///

28 ///

**JURISDICTION**

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

4. Business and Professions Code (“Code”) section 4300 states, in pertinent part:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

5. Code section 4300.1 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 a decision suspending or revoking the license.

**STATUTORY PROVISIONS**

6. 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.

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

7. California Civil Code section 51.10(a) states, in pertinent part, “a provider of health care, health care service plan, or contractor shall not disclose medical information regarding a patient of the provider of health care or an enrollee or subscriber of a health care service plan without first obtaining an authorization, except as provided in subdivision (b) or (c).”

### **COST RECOVERY**

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

### **FACTUAL ALLEGATIONS**

9. At all times relevant in this matter, Respondent was a licensed pharmacy technician employed at El Monte Comprehensive Health Center Pharmacy.

10. Pharmacists at El Monte Comprehensive Health Center Pharmacy reported receiving calls that Respondent was disclosing patient Protected Health Information (PHI) by posting on various social media platforms.

11. Respondent made the following posts, disclosing PHI of patients without authorization:

- Social media posting a photograph depicting a “Pending Pickup Report” which shows the PHI of patients, including patient names, prescription numbers, medical record numbers, dates of birth, phone numbers, along with the caption “Clerical at it’s finest 100”;
- Social media posting of a video showing PHI of patients, including pharmacy labels affixed to documents containing prescription numbers, patient names, medication names and directions, with the caption “100 100 100”. The video also

shows bubble packs of drugs to be filled, pharmacy labels with patient names, prescription numbers, names of prescribers, and medication names.

12. Respondent made other social media posts as follows:

- Social media video posting showing patient medications in baskets and a pharmacy computer program display, with a caption “It’s Slow” with crying and hand over face emojis;
- Social media video posting showing containers of medications and blister packs of medications, with the captions “jasmin’s friday” and “Certified drug lord” with a pill emoji; and
- Social media video posting showing graduation garments, along with the captions “CLASS OF 2021” and “GRADUATING AS A PROFESSIONAL DRUG LORD” with a pill and other emojis.

#### **FIRST CAUSE FOR DISCIPLINE**

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

13. Respondent is subject to disciplinary action under Code section 4301(f) by committing acts of moral turpitude and unprofessional conduct, in that Respondent made postings on various social media platforms which violate the standards of the health care provider community. Paragraphs 9 through 12, inclusive, are hereby incorporated by this reference.

#### **SECOND CAUSE FOR DISCIPLINE**

(Violation of Applicable Federal or State Laws)

14. Respondent is subject to disciplinary action under Code section 4301(o) by committing acts of unprofessional conduct, in that Respondent disclosed PHI of pharmacy patients on various social media platform, which were unauthorized disclosures and violations of California Civil Code section 56.10(a). Paragraphs 9 through 12, inclusive, are hereby incorporated by this reference.

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1 **PRAYER**

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

4 1. Revoking or suspending Pharmacy Technician Registration Number TCH 182076,  
5 issued to Respondent Jasmin Elaine Nieto;

6 2. Ordering Respondent Jasmin Elaine Nieto to pay the Board of Pharmacy the  
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
8 Professions Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.  
10

11  
12 DATED: 8/31/2022

Signature on File

13 ANNE SODERGREN  
14 Executive Officer  
15 Board of Pharmacy  
16 Department of Consumer Affairs  
17 State of California  
18 *Complainant*

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