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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. 7565

13 **ANN DANIEL KUMAR**  
14 **7437 S. Land Park Dr. #135**  
**Sacramento, CA 95831**

**DEFAULT DECISION AND ORDER**

15 **Pharmacy Technician License No. TCH**  
16 **144940**

[Gov. Code, §11520]

17 Respondent.  
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22 **FINDINGS OF FACT**

23 1. On or about July 26, 2023, Complainant Anne Sodergren, in her official capacity as  
24 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed  
25 Accusation No. 7565 against Ann Daniel Kumar (Respondent) before the Board of Pharmacy.  
26 (Accusation attached as Exhibit A.)

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2. On or about January 22, 2015, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 144940 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7565 and will expire on March 31, 2024, unless renewed.

3. On or about July 28, 2023, Respondent was served by Certified and First Class Mail copies of the Accusation No. 7565, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is: 7437 S. Land Park Dr. #135, Sacramento, CA 95831.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505(c) and/or Business and Professions Code section 124.

5. Government Code section 11506(c) states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

6. The Board takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 7565.

7. California Government Code section 11520(a) states, in pertinent part:

(a) If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent . . . .

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation No. 7565, are separately and severally, found to be true and correct by clear and convincing evidence.

1           9.     The Board finds that the actual costs for Investigation and Enforcement are \$8,933.75  
2 as of August 16, 2023.

3                                   **DETERMINATION OF ISSUES**

4           1.     Based on the foregoing findings of fact, Respondent Ann Daniel Kumar has subjected  
5 her Pharmacy Technician License No. TCH 144940 to discipline.

6           2.     The agency has jurisdiction to adjudicate this case by default.

7           3.     The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
8 License based upon the following violations alleged in the Accusation which are supported by the  
9 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

10          a.     Respondent is subject to disciplinary action under Code section 822, in that she is  
11 unable to practice as a pharmacy technician safely because her ability to practice is impaired due  
12 to mental and/or physical illness affecting competency.

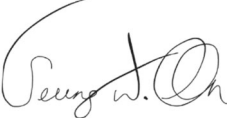
13                                   **ORDER**

14           IT IS SO ORDERED that Pharmacy Technician License No. TCH 144940, issued to  
15 Respondent Ann Daniel Kumar, is revoked.

16           Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
17 written motion requesting that the Decision be vacated and stating the grounds relied on within  
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20           This Decision shall become effective at 5:00 p.m. on October 25, 2023.

21           It is so ORDERED on September 25, 2023.

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24                                   Seung W. Oh, Pharm.D.  
25                                   Board President  
26                                   FOR THE BOARD OF PHARMACY  
27                                   DEPARTMENT OF CONSUMER AFFAIRS

26           37420345.DOCX  
27           DOJ Matter ID:SA2023303388

27           Attachment:  
28           Exhibit A: Accusation

# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 KAREN R. DENVIR  
Supervising Deputy Attorney General  
3 KATELYN E. DOCHERTY  
Deputy Attorney General  
4 State Bar No. 322028  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6277  
Facsimile: (916) 327-8643  
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. 7565

13 **ANN DANIEL KUMAR**  
14 **7437 S. Land Park Dr. #135**  
**Sacramento, CA 95831**

**ACCUSATION**

15 **Pharmacy Technician License No. TCH**  
16 **144940**

17 Respondent.

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21 **PARTIES**

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

24 2. On or about January 22, 2015, the Board of Pharmacy issued Pharmacy Technician  
25 License Number TCH 144940 to Ann Daniel Kumar (Respondent). The Pharmacy Technician  
26 License was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on March 31, 2024, unless renewed.

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**JURISDICTION**

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

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 4300, subdivision (a), of the Code states, "Every license issued may be suspended or revoked."

6. 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 a decision suspending or revoking the license.

**STATUTORY PROVISIONS**

7. Section 820 of the Code provides:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822."

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1           8.     Section 822 of the Code states:

2                    “If a licensing agency determines that its licentiate’s ability to practice his or her  
3 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
4 competency, the licensing agency may take action by any one of the following methods:

5           (a) Revoking the licentiate’s certificate or license.

6           (b) Suspending the licentiate’s right to practice.

7           (c) Placing the licentiate on probation.

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

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

#### 14                                   **COSTS**

15           9.     Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licentiate found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
19 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
20 included in a stipulated settlement.

#### 21                                   **BACKGROUND**

22           10.    On or about March 3, 2023, *In the Matter of the Petition for an Order Compelling*  
23 *Mental and/or Physical Examination of Ann Daniel Kumar*, Case No. 7306, the Board issued an  
24 order (the “Order”) to compel a psychological and/or physical examination of Respondent  
25 pursuant to Code section 820. Pursuant to the Order, Respondent presented to a psychologist for  
26 examination on or around March 28, 2023. Based on the evaluation, the examiner determined  
27 that Respondent is not presently safe to practice as a pharmacy technician. Respondent is not able  
28 to function as a pharmacy technician with all the attendant responsibilities and safety precautions

1 necessary for patient care and her ability to practice safely is impaired due to mental and/or  
2 physical illness.

3 **CAUSE FOR DISCIPLINE**

4 **(Ability to Practice is Impaired)**

5 11. Respondent is subject to disciplinary action under Code section 822, in that she is  
6 unable to practice as a pharmacy technician safely because her ability to practice is impaired due  
7 to mental and/or physical illness affecting competency, as set forth above in paragraph 9, and  
8 incorporated herein by reference.

9 **PRAYER**

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

12 1. Revoking or suspending Pharmacy Technician License Number TCH 144940, issued  
13 to Ann Daniel Kumar;

14 2. Ordering Ann Daniel Kumar to pay the Board of Pharmacy the reasonable costs of  
15 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
16 125.3; and,

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

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19  
20 DATED: 7/26/2023

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2023.07.26 06:59:42  
-07'00'

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

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