



California State Board of Pharmacy
 2720 Gateway Oaks Drive, Suite 100
 Sacramento, CA 95833
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 www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency
 Department of Consumer Affairs
 Gavin Newsom, Governor



APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES:

Name of Licensee: Kelly Scott-Harmon	Case No. AC 7776
Address of Record: 4153 CAMINO ISLAY SAN DIEGO, CA 92122	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC 7776, I hereby request to surrender my pharmacy technician license, License No. 12258. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Kelly Scott-Harmon

Applicant's Signature

3.11.2025

Date

Kelly Scott - Harmon

Applicant's Printed Name

12258

Applicant's License Number

Executive Officer's Approval

Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 518-3100, 2720 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

KELLY ANN SCOTT; aka KELLY ANN SCOTT-HARMON, Respondent

Pharmacy Technician No. TCH 12258

Agency Case No. 7776

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 March 5, 2025.

It is so ORDERED on February 3, 2025.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:
13 **KELLY ANN SCOTT; AKA KELLY ANN**
14 **SCOTT-HARMON**
15 **4153 Camino Islay**
San Diego, CA 92122
16 **Pharmacy Technician No. TCH 12258**
17 Respondent.

Case No. 7776

OAH No.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 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 Craig S. Menchin, Deputy Attorney
26 General.

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 7776.

4 10. Respondent agrees that her Pharmacy Technician License is subject to discipline and
5 she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
6 below.

7 **CONTINGENCY**

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

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

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

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

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician No. TCH 12258 issued to
3 Respondent Kelly Ann Scott; aka Kelly Ann Scott-Harmon is revoked. However, the revocation
4 is stayed and Respondent is placed on probation for four (4) years on the following terms and
5 conditions:

6 **STANDARD CONDITIONS OF PROBATIONS**

7 **1. Obey All Laws**

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

9 Respondent shall report any of the following occurrences to the board, in writing, within
10 seventy- two (72) hours of such occurrence:

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

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

23 **2. Report to the Board**

24 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
25 designee. The report shall be made either in person or in writing, as directed. Among other
26 requirements, respondent shall state in each report under penalty of perjury whether there has
27 been compliance with all the terms and conditions of probation.
28

1 Failure to submit timely reports in a form as directed shall be considered a violation of
2 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
3 total period of probation. Moreover, if the final probation report is not made as directed,
4 probation shall be automatically extended until such time as the final report is made and accepted
5 by the board.

6 **3. Interview with the Board**

7 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
8 with the board or its designee, at such intervals and locations as are determined by the board or its
9 designee. Failure to appear for any scheduled interview without prior notification to board staff,
10 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
11 the period of probation, shall be considered a violation of probation.

12 **4. Cooperate with Board Staff**

13 Respondent shall timely cooperate with the board's inspection program and with the board's
14 monitoring and investigation of respondent's compliance with the terms and conditions of her
15 probation, including but not limited to: timely responses to requests for information by board
16 staff; timely compliance with directives from board staff regarding requirements of any term or
17 condition of probation; and timely completion of documentation pertaining to a term or condition
18 of probation. Failure to timely cooperate shall be considered a violation of probation.

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

20 During the period of probation, respondent shall notify all present and prospective
21 employers of the decision in case number 7776 and the terms, conditions and restrictions imposed
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
24 undertaking any new employment, respondent shall report to the board in writing the name,
25 physical address, and mailing address of each of her employer(s), and the name(s) and telephone
26 number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-in-charge, designated
27 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
28 schedule, if known. Respondent shall also include the reason(s) for leaving the prior

1 employment. Respondent shall sign and return to the board a written consent authorizing the
2 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and
3 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
4 concerning respondent's work status, performance, and monitoring. Failure to comply with the
5 requirements or deadlines of this condition shall be considered a violation of probation.

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
7 respondent undertaking any new employment, respondent shall cause (a) her direct supervisor, (b)
8 her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
9 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the
10 board in writing acknowledging that the listed individual(s) has/have read the decision in case
11 number 7776, and terms and conditions imposed thereby. If one person serves in more than one
12 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
13 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
14 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
15 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
16 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
17 in case number 7776, and the terms and conditions imposed thereby.

18 If respondent works for or is employed by or through an employment service, respondent
19 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
20 of the decision in case number 7776, and the terms and conditions imposed thereby in advance of
21 respondent commencing work at such licensed entity. A record of this notification must be
22 provided to the board upon request.

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

1 Failure to timely notify present or prospective employer(s) or failure to cause the identified
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,
5 temporary, relief, or employment/management service position as a Pharmacy Technician, or any
6 position for which a Pharmacy Technician is a requirement or criterion for employment, whether
7 the respondent is an employee, independent contractor or volunteer.

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

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

11 Failure to timely notify the board of any change in employer, name, address, or phone
12 number shall be considered a violation of probation.

13 **7. Reimbursement of Board Costs**

14 As a condition precedent to successful completion of probation, respondent shall pay to the
15 board its costs of investigation and prosecution in the amount of \$2,956.00. Respondent shall
16 make said payments as follows:

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

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

23 **8. Probation Monitoring Costs**

24 Respondent shall pay any costs associated with probation monitoring as determined by the
25 board each and every year of probation. Such costs shall be payable to the board on a schedule as
26 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
27 be considered a violation of probation.

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1 **9. Status of License**

2 Respondent shall, at all times while on probation, maintain an active, current Pharmacy
3 Technician License with the board, including any period during which suspension or probation is
4 tolled. Failure to maintain an active, current Pharmacy Technician License shall be considered a
5 violation of probation.

6 If respondent's Pharmacy Technician License expires or is cancelled by operation of law or
7 otherwise at any time during the period of probation, including any extensions thereof due to
8 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
9 terms and conditions of this probation not previously satisfied.

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

11 Following the effective date of this decision, should respondent cease practice due to
12 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
13 respondent may relinquish her license, including any indicia of licensure issued by the board,
14 along with a request to surrender the license. The board or its designee shall have the discretion
15 whether to accept the surrender or take any other action it deems appropriate and reasonable.
16 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
17 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
18 become a part of the respondent's license history with the board.

19 Upon acceptance of the surrender, respondent shall relinquish her pocket and/or wall
20 license, including any indicia of licensure not previously provided to the board within ten (10)
21 days of notification by the board that the surrender is accepted if not already provided.
22 Respondent may not reapply for any license from the board for three (3) years from the effective
23 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
24 of the date the application for that license is submitted to the board, including any outstanding
25 costs.

26 **11. Certification Prior to Resuming Work**

27 Respondent shall be suspended, and shall not work as a pharmacy technician, until she has
28 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has

1 submitted proof of certification to the board, and has been notified by the board or its designee
2 that she may begin work. Failure to achieve certification within six (6) months of the effective
3 date shall be considered a violation of probation.

4 During suspension, respondent shall not enter any pharmacy area or any portion of any
5 other board licensed premises of a wholesaler, third-party logistics provider, veterinary food-
6 animal drug retailer or any other distributor of drugs which is licensed by the board, or any
7 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled
8 substances are maintained.

9 Respondent shall not do any act involving drug selection, selection of stock, manufacturing,
10 compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the
11 board. Respondent shall not have access to or control the ordering, distributing, manufacturing or
12 dispensing of dangerous drugs and/or dangerous devices or controlled substances.

13 During this suspension, respondent shall not engage in any activity that requires licensure
14 as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of
15 pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or
16 dangerous devices, or controlled substances.

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

18 12. Practice Requirement – Extension of Probation

19 Except during periods of suspension, respondent shall, at all times while on probation, be
20 employed as a Pharmacy Technician in California for a minimum of 80 hours per calendar month.
21 Any month during which this minimum is not met shall extend the period of probation by one
22 month. During any such period of insufficient employment, respondent must nonetheless comply
23 with all terms and conditions of probation, unless respondent receives a waiver in writing from
24 the board or its designee.

25 If respondent does not practice as a Pharmacy Technician in California for the minimum
26 number of hours in any calendar month, for any reason (including vacation), respondent shall
27 notify the board in writing within ten (10) days of the conclusion of that calendar month. This
28 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)

1 for the interruption or reduction in practice; and the anticipated date(s) on which respondent will
2 resume practice at the required level. Respondent shall further notify the board in writing within
3 ten (10) days following the next calendar month during which respondent practices as a Pharmacy
4 Technician in California for the minimum of hours. Any failure to timely provide such
5 notification(s) shall be considered a violation of probation.

6 It is a violation of probation for respondent's probation to be extended pursuant to the
7 provisions of this condition for a total period, counting consecutive and non-consecutive months,
8 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
9 probation period on its website.

10 13. **Violation of Probation**

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

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

24 14. **Completion of Probation**

25 Upon written notice by the board or its designee indicating successful completion of
26 probation, respondent's license will be fully restored.

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1 **15. Drug and Alcohol Testing**

2 Respondent, at her own expense, shall participate in testing as directed by the board or its
3 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
4 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
5 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its
6 designee. All testing must be pursuant to an observed testing protocol, unless respondent is
7 informed otherwise in writing by the board or its designee. Respondent may be required to
8 participate in testing for the entire probation period and frequency of testing will be determined
9 by the board or its designee.

10 By no later than thirty (30) days after the effective date of this decision, respondent shall
11 have completed all of the following tasks: enrolled and registered with an approved drug and
12 alcohol testing vendor; provided that vendor with any documentation, and any information
13 necessary for payment by respondent; commenced testing protocols, including all required
14 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,
15 respondent shall fully cooperate with the testing vendor, and with the board or its designee, with
16 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to
17 cooperate timely shall be considered a violation of probation.

18 Respondent may be required to test on any day, including weekends and holidays.
19 Respondent is required to make daily contact with the testing vendor to determine if a test is
20 required, and if a test is required must submit to testing on the same day.

21 Prior to any vacation or other period of absence from the area where the approved testing
22 vendor provides services, respondent shall seek and receive approval from the board or its
23 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,
24 respondent shall enroll and register with the approved alternate drug testing vendor, provide to
25 that alternate vendor any documentation required by the vendor, including any necessary payment
26 by respondent. During the period of absence of the area, respondent shall commence testing
27 protocols with the alternate vendor, including required daily contacts with the testing vendor to
28 determine if testing is required, and required testing. Any failure to timely seek or receive

1 approval from the board or its designee, or to timely enroll and register with, timely commence
2 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
3 considered a violation of probation.

4 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its
5 designee may require respondent to timely provide documentation from a licensed practitioner
6 authorized to prescribe the detected substance demonstrating that the substance was administered
7 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such
8 documentation shall be provided by respondent within ten (10) days of being requested.

9 Any of the following shall be considered a violation of probation and shall result in
10 respondent being immediately suspended from practice as a Pharmacy Technician until notified
11 by the board in writing that she may resume practice: failure to timely complete all of the steps
12 required for enrollment/registration with the drug testing vendor, including making arrangements
13 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing
14 vendor as required to determine testing date(s); failure to test as required; failure to timely supply
15 documentation demonstrating that a detected substance was taken pursuant to a legitimate
16 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
17 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
18 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
19 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
20 controlled substance or dangerous drug absent documentation that the detected substance was
21 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee
22 shall inform respondent of the suspension and inform her to immediately leave work, and shall
23 notify respondent's employer(s) and work site monitor(s) of the suspension.

24 During any such suspension, respondent shall not enter any pharmacy area or any portion of
25 the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal drug
26 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or
27 any area where dangerous drugs and/or dangerous devices or controlled substances are
28 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,

1 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
2 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
3 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
4 dangerous devices and controlled substances.

5 During any such suspension, respondent shall not engage in any activity that requires the
6 professional judgment of and/or licensure as a Pharmacy Technician. Respondent shall not direct
7 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,
8 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

9 Failure to comply with any such suspension shall be considered a violation of probation.
10 Failure to comply with any requirement or deadline stated by this term shall be considered a
11 violation of probation.

12 16. **Notification of Departure**

13 Prior to leaving the probationary geographic area designated by the board or its designee for
14 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
15 writing of the dates of departure and return. Failure to comply with this provision shall be
16 considered a violation of probation.

17 17. **Abstain from Drugs and Alcohol**

18 Respondent shall completely abstain from the possession or use of alcohol, controlled
19 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
20 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
21 necessary part of treatment. Respondent shall ensure that she is not in the same physical location
22 as individuals who are using illicit substances even if respondent is not personally ingesting the
23 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled
24 substances, or their associated paraphernalia for which a legitimate prescription has not been
25 issued as a necessary part of treatment, or any physical proximity to persons using illicit
26 substances, shall be considered a violation of probation.

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1 **18. Prescription Coordination and Monitoring of Prescription Use**

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

23 If at any time an approved practitioner determines that respondent is unable to practice
24 safely or independently as a Pharmacy Technician, the practitioner shall notify the board or its
25 designee immediately by telephone and follow up by written letter within three (3) working days.
26 Upon notification from the board or its designee of this determination, respondent shall be
27 automatically suspended and shall not resume practice as a Pharmacy Technician until notified by
28 the board or its designee that practice may be resumed.

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

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

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

17 **19. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

18 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
19 attendance at a recognized and established substance abuse recovery support group in California
20 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
21 or its designee. Respondent must attend the number of group meetings per week or month
22 directed by the board or its designee, which shall typically be at least one per week. Respondent
23 shall continue regular attendance and submit signed and dated documentation confirming
24 attendance with each quarterly report for the duration of probation. Failure to attend or submit
25 documentation thereof shall be considered a violation of probation.

26 Where respondent is enrolled in the PRP, participation as required in a recovery group
27 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any
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1 deviation from participation requirements for the PRP-approved group shall be considered a
2 violation of probation.

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

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

11 **ACCEPTANCE**

12 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
13 stipulation and the effect it will have on my Pharmacy Technician. I enter into this Stipulated
14 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
15 bound by the Decision and Order of the Board of Pharmacy.

16
17 DATED: _____

18 _____
19 KELLY ANN SCOTT; AKA KELLY ANN SCOTT-
HARMON
20 *Respondent*

1 deviation from participation requirements for the PRP-approved group shall be considered a
2 violation of probation.

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

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

11 **ACCEPTANCE**

12 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
13 stipulation and the effect it will have on my Pharmacy Technician. I enter into this Stipulated
14 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
15 bound by the Decision and Order of the Board of Pharmacy.

16
17 DATED: 10.29.24

Kelly Scott Harmon

18 KELLY ANN SCOTT; AKA KELLY ANN SCOTT-
19 HARMON
20 Respondent

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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
GREGORY J. SALUTE
Supervising Deputy Attorney General

CRAIG S. MENCHIN
Deputy Attorney General
Attorneys for Complainant

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Stipulated Settlement and Disciplinary Order - LIC.docx

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ENDORSEMENT

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

DATED: 12/6/24

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



CRAIG S. MENCHIN
Deputy Attorney General
Attorneys for Complainant

SD2024800929
Stipulated Settlement and Disciplinary Order - LIC.docx

Exhibit A

Accusation No. 7776

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 CRAIG S. MENCHIN
Deputy Attorney General
4 State Bar No. 286124
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9437
7 Facsimile: (619) 645-2061
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. 7776

14 **KELLY ANN SCOTT;**
15 **AKA KELLY ANN SCOTT-HARMON**
16 **4153 Camino Islay**
17 **San Diego, CA 92122**

ACCUSATION

18 **Pharmacy Technician Registration No. TCH**
19 **12258**

Respondent.

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 (Board), Department of Consumer Affairs.

23 2. On or about March 18, 1994, the Board issued Pharmacy Technician Registration
24 Number TCH 12258 to Kelly Ann Scott; also known as Kelly Ann Scott-Harmon (Respondent).
25 The Pharmacy Technician Registration was in full force and effect at all times relevant to the
26 charges brought herein and will expire on August 31, 2025, unless renewed.

27 ///

28 ///

1 **JURISDICTION**

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

5 4. Code section 4300, subdivision (a), states, "Every license issued may be suspended or
6 revoked."

7 5. Code section 4300.1 states:

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

12 **STATUTORY PROVISIONS**

13 6. Code section 482 states:

14 (a) Each board under this code shall develop criteria to evaluate the rehabilitation
15 of a person when doing either of the following:

16 (1) Considering the denial of a license by the board under Section 480.

17 (2) Considering suspension or revocation of a license under Section 490.

18 (b) Each board shall consider whether an applicant or licensee has made a
19 showing of rehabilitation if either of the following are met:

20 (1) The applicant or licensee has completed the criminal sentence at issue
21 without a violation of parole or probation.

22 (2) The board, applying its criteria for rehabilitation, finds that the applicant
23 is rehabilitated.

24

25 7. Code section 490 provides, in pertinent part, that a board may suspend or revoke a
26 license on the ground that the licensee has been convicted of a crime substantially related to the
27 qualifications, functions, or duties of the business or profession for which the license was issued.

28 8. Code section 493 states:

(a) Notwithstanding any other 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

1 license, upon the ground that the applicant or the licensee has been convicted of a crime
2 substantially related to the qualifications, functions, and duties of the licensee in
3 question, the record of conviction of the crime shall be conclusive evidence of the fact
4 that the conviction occurred, but only of that fact.

5 (b) (1) Criteria for determining whether a crime is substantially related to the
6 qualifications, functions, or duties of the business or profession the board regulates
7 shall include all of the following:

8 (A) The nature and gravity of the offense.

9 (B) The number of years elapsed since the date of the offense.

10 (C) The nature and duties of the profession.

11 (2) A board shall not categorically bar an applicant based solely on the type
12 of conviction without considering evidence of rehabilitation.

13 (c) As used in this section, “license” includes “certificate,” “permit,” “authority,”
14 and “registration.”

15

16 9. Code section 4301 states:

17 The board shall take action against any holder of a license who is guilty of
18 unprofessional conduct or whose license has been issued by mistake. Unprofessional
19 conduct shall include, but is not limited to, any of the following:

20 ...

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

26 ...

27 (i) The conviction of a crime substantially related to the qualifications, functions,
28 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,

1 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the
2 person to withdraw their 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.

3

4 10. Code section 4307 states:

5 (a) Any person who has been denied a license or whose license has been
6 revoked or is under suspension, or who has failed to renew his or her license while it
7 was under suspension, or who has been a manager, administrator, owner, member,
8 officer, director, associate, partner, or any other person with management or control
9 of any partnership, corporation, trust, firm, or association whose application for a
10 license has been denied or revoked, is under suspension or has been placed on
11 probation, and while acting as the manager, administrator, owner, member, officer,
director, associate, partner, or any other person with management or control had
knowledge of or knowingly participated in any conduct for which the license was
denied, revoked, suspended, or placed on probation, shall be prohibited from
serving as a manager, administrator, owner, member, officer, director, associate,
partner, or in any other position with management or control of a licensee as
follows:

12 (1) Where a probationary license is issued or where an existing license is
13 placed on probation, this prohibition shall remain in effect for a period not to exceed
five years.

14 (2) Where the license is denied or revoked, the prohibition shall continue
15 until the license is issued or reinstated.

16 (b) "Manager, administrator, owner, member, officer, director, associate,
17 partner, or any other person with management or control of a license" as used in this
section and Section 4308, may refer to a pharmacist or to any other person who
serves in such capacity in or for a licensee.

18 (c) The provisions of subdivision (a) may be alleged in any pleading filed
19 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
the Government Code. However, no order may be issued in that case except as to a
20 person who is named in the caption, as to whom the pleading alleges the
applicability of this section, and where the person has been given notice of the
21 proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of
Division 3 of the Government Code. The authority to proceed as provided by this
22 subdivision shall be in addition to the board's authority to proceed under Section
4339 or any other provision of law.

23 **REGULATORY PROVISIONS**

24 11. California Code of Regulations, title 16, section 1769, subdivision (c), states:

25 When considering the suspension or revocation of a facility or a personal
26 license on the ground that the licensee has been convicted of a crime, the board will
27 consider whether the licensee made a showing of rehabilitation and is presently fit for
a license, if the licensee completed the criminal sentence at issue without a violation
of parole or probation. In making this determination, the board will consider the
28 criteria in subdivisions (b)(1)(A) through (E). If the licensee has not completed the
criminal sentence at issue without a violation of parole or probation or the board

1 determines that the licensee did not make the showing of rehabilitation based on the
2 criteria in subdivisions (b)(1)(A) through (E), the board will apply the following
3 criteria in evaluating the licensee's rehabilitation:

4 (1) Nature and gravity of the act(s) or offenses.

5 (2) Total criminal record.

6 (3) The time that has elapsed since commission of the act(s) or offenses.

7 (4) Whether the licensee has complied with all terms of parole, probation,
8 restitution or any other sanctions lawfully imposed against the licensee.

9 (5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

10 (6) Evidence, if any, of rehabilitation submitted by the licensee, including as
11 provided in the board's Disciplinary Guidelines, identified in section 1760.

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

13 (a) For the purpose of denial, suspension, or revocation of a personal or facility
14 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
15 Business and Professions Code, a crime, professional misconduct, or act shall be
16 considered substantially related to the qualifications, functions or duties of the
17 practice, profession, or occupation that may be performed under the license type
18 sought or held if to a substantial degree it evidences present or potential unfitness of
19 an applicant or licensee to perform the functions authorized by the license in a
20 manner consistent with the public health, safety, or welfare.

21 (b) In making the substantial relationship determination required under
22 subdivision (a) for a crime, the board will consider the following criteria:

23 (1) The nature and gravity of the offense;

24 (2) The number of years elapsed since the date of the offense; and

25 (3) The nature and duties of the practice, profession, or occupation that
26 may be performed under the license type sought or held.

27 (c) For purposes of subdivision (a), substantially related crimes, professional
28 misconduct, or acts shall include, but are not limited to, those which:

...

(5) Involve a conviction for driving under the influence of drugs or
alcohol.

COST RECOVERY

13. Code section 125.3 provides, 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

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(September 6, 2023 Criminal Conviction for DUI on April 21, 2023)**

7 14. Respondent has subjected her Pharmacy Technician Registration to disciplinary
8 action under Code sections 490 and 4301, subdivision (I), because she was convicted of a crime
9 substantially related to the qualifications, functions, and duties of a pharmacy technician. On
10 September 6, 2023, in a criminal proceeding entitled *The People of the State of California v. Kelly*
11 *Harmon Scott*, in San Diego County Superior Court, Case Number M287479, Respondent was
12 convicted of driving a vehicle while having a blood alcohol concentration (BAC) of 0.08 percent
13 and more (Veh. Code, § 23152, subd. (b)), a misdemeanor. The court certified Respondent had a
14 BAC of .25 percent. The court placed Respondent on summary probation for sixty (60) months,
15 with certain terms and conditions, including an enhanced nine-month First-Offender Impaired
16 Driver Program, installation of an ignition interlock device on her vehicle for six months, and to
17 pay various court fines in the amount of \$1,796.00. Respondent was also ordered to complete
18 five days of litter removal in lieu of restitution payment.

19 15. The circumstances that led to the conviction are that on April 21, 2023, at about 11:42
20 p.m., a California Highway Patrol (CHP) officer was dispatched to assist with a vehicle collision
21 on I-15 freeway in the City of San Diego. Upon arrival, the officer located Respondent at the side
22 of her vehicle, which had significant front-end damage. Respondent was identified as the driver
23 of the vehicle. The officer observed Respondent with red and watery eyes, a strong odor of
24 alcohol, unsteady gait, and slurred speech. Respondent attempted to perform field sobriety tests,
25 but was unable to successfully complete them. Respondent submitted preliminary alcohol
26 screening, with a BAC of .231 percent. Respondent was subsequently arrested for DUI. The
27 officer concluded that Respondent was driving north on the southbound lanes on I-15 when she
28

1 collided with another vehicle, causing a third vehicle to collide. During processing, Respondent
2 provided a blood sample at about 12:27 a.m., which later returned a BAC result of .254%.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol on April 21, 2023)**

5 16. Respondent has further subjected her Pharmacy Technician Registration to
6 disciplinary action under Code section 4301, subdivision (h), because she used alcohol in a
7 manner dangerous to himself and others by operating a vehicle while having a BAC of .254%,
8 over three times the legal limit, as set forth above in paragraphs 14 and 15 above, incorporated
9 herein by reference.

10 **OTHER MATTERS**

11 17. Pursuant to Code section 4307, if discipline is imposed in the Accusation against
12 Pharmacy Technician Registration Number TCH 12258 issued to Kelly Ann Scott; aka Kelly Ann
13 Scott-Harmon, then Kelly Ann Scott shall be prohibited from serving as a manager, administrator,
14 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
15 Technician Registration Number TCH 12258 is placed on probation or until Pharmacy
16 Technician Registration Number TCH 12258 is reinstated if it is revoked.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
19 and that following the hearing, the Board issue a decision:

20 1. Revoking or suspending Pharmacy Technician Number TCH 12258, issued to Kelly
21 Ann Scott; aka Kelly Ann Scott-Harmon;

22 2. Prohibiting Kelly Ann Scott from serving as a manager, administrator, owner,
23 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician
24 Registration Number TCH 12258 is placed on probation or until Pharmacy Technician
25 Registration Number TCH 12258 is reinstated if it is revoked;

26 3. Ordering Kelly Ann Scott to pay the Board the reasonable costs of the investigation
27 and enforcement of this case, pursuant to Code section 125.3; and, if placed on probation, the
28 costs of probation monitoring; and,

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4. Taking such other and further action as deemed necessary and proper.

DATED: 08/16/2024

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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