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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 Statement of Issues  
Against:

Case No. 7419

13 **NUSRAT KHAN**

**STATEMENT OF ISSUES**

14 Pharmacy Technician Registration Applicant

15 Respondent.  
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18 **PARTIES**

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

22 2. On or about August 10, 2022, the Board received an application for a Pharmacy  
23 Technician Registration from Nusrat Khan (Respondent). On or about August 5, 2022,  
24 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application. The Board denied the application on November 8, 2022.

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- 1 (3) Restriction of type or circumstances of practice.
- 2 (4) Continuing participation in a board-approved rehabilitation program.
- 3 (5) Abstention from the use of alcohol or drugs.
- 4 (6) Random fluid testing for alcohol or drugs.

5 **REGULATORY PROVISIONS**

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

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

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

- 17 (1) The nature and gravity of the offense;
- 18 (2) The number of years elapsed since the date of the offense; and
- 19 (3) The nature and duties of the practice, profession, or occupation that may be  
20 performed under the license type sought or held.

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

- 23 (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
24 conspire to violate, any provision of law of this state, or any other jurisdiction,  
25 governing the practice of pharmacy.
- 26 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
27 conspire to violate, any provision of Chapter 13 (commencing with Section 801 ) of  
28 Title 21 of the United States Code regulating controlled substances or any law of this  
state, or any other jurisdiction, relating to controlled substances or dangerous drugs.
- (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
conspire to violate, any provision of law of this state, or any other jurisdiction,  
relating to government provided or government supported healthcare.
- (4) Involve dishonesty, fraud, deceit, or corruption related to money, items,  
documents, or personal information.
- (5) Involve a conviction for driving under the influence of drugs or alcohol.

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1 **CAUSE FOR DENIAL OF APPLICATION**

2 **(Disciplinary Action by Board of Pharmacy)**

3 8. Respondent's application is subject to denial under Code sections 480, subdivision  
4 (a)(2) and 4300 (c), in conjunction with California Code of Regulations, title 16, section 1770, in  
5 that Respondent was previously disciplined by the Board of Pharmacy, as follows: On or about  
6 May 3, 2019, in a disciplinary action titled *In the Matter of Accusation Against: Nusrat Khan*,  
7 Case No. 6362, the Board of Pharmacy issued a decision and order, effective June 3, 2019, in  
8 which Respondent's Pharmacy Technician Registration No. TCH 93587 was revoked. However,  
9 the revocation was stayed and Respondent's registration was placed on probation for a period of  
10 three years with certain terms and conditions. Respondent subsequently voluntarily surrendered  
11 her registration on July 22, 2019. The circumstances surrounding the discipline are that on or  
12 about December 1, 2017, Respondent was convicted of one (1) misdemeanor count of violating  
13 Vehicle Code section 23103.5, subdivision (a) [ingestion or administration of a drug] in the  
14 criminal proceeding entitled: *The People of the State of California v. Nusrat Khan* (Super. Ct.  
15 Kern County, 2017, No. BM912111A.)

16 **PRAYER**

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

- 19 1. Denying the application of Nusrat Khan for a Pharmacy Technician Registration;  
20 2. Taking such other and further action as deemed necessary and proper.

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22 DATED: 1/20/2023

Sodergren,  
Anne@DCA

Digitally signed by Sodergren,  
Anne@DCA  
Date: 2023.01.20 06:36:44 -08'00'

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

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