

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 322-5524
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant.

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

11 In the Matter of the Accusation Against:
12 WILLIAM QUOCTHONG HOANG
9467 Cote Dor Drive
13 Elk Grove, CA 95624
14 Pharmacist License RPh 54742
15 Respondent.

Case No. 3091

A C C U S A T I O N

17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about September 3, 2003, the Board of Pharmacy issued Pharmacist
22 License Number Rph 54742 to William Quocthong Hoang (Respondent). The Pharmacist
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on November 30, 2010, unless renewed.

25 JURISDICTION

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

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

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

5. Section 4300 of the Code states:

"(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.
"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:
"(1) Medical or psychiatric evaluation.
"(2) Continuing medical or psychiatric treatment.
"(3) Restriction of type or circumstances of practice.
"(4) Continuing participation in a board-approved rehabilitation program.
"(5) Abstention from the use of alcohol or drugs.
"(6) Random fluid testing for alcohol or drugs.
"(7) Compliance with laws and regulations governing the practice of pharmacy.
"(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.
"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

6. Section 820 of the Code states:

"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."

1 paragraph a, above, are not under adequate control because respondent has rejected psychiatric
2 medication and treatment.

3 d. Respondent requires psychotherapy and psychotropic medication in order to
4 conduct the practice of pharmacy safely.

5 CAUSE FOR DISCIPLINE

6 (Mental Illness Affecting Competency)

7 11. Respondent is subject to disciplinary action under Code section 822, in
8 that his ability to practice his profession as a Pharmacist safely is impaired due to mental illness
9 affecting his competency, as more particularly set forth in paragraph 10, above, subparagraphs a
10 through d, above.

11 PRAYER

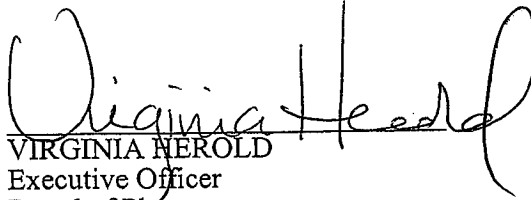
12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

14 A. Revoking or suspending Pharmacist License Number Rph 54742, issued to
15 William Quochthong Hoang.

16 B. Ordering William Quochthong Hoang to pay the Board of Pharmacy the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3;

19 C. Taking such other and further action as deemed necessary and proper.

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21 DATED: 12/8/08

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24 VIRGINIA HEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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