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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke Probation  
11 Against:

Case No. 3574

12 **LOAN NGOC CHAU**  
13 **38911 Bluegrass Court**  
**Newark, California 94560**

**PETITION TO REVOKE PROBATION**

14 **Pharmacy Technician License No. TCH 54960**

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her  
20 official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs.
- 21 2. On or about August 5, 2005, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 54960 to Loan Ngoc Chau (Respondent). The License was in effect at all  
23 times relevant to the charges brought herein and will expire on July 31, 2011, unless renewed.
- 24 3. In a disciplinary action entitled "In the Matter of the Statement of Issues Against  
25 Loan Ngoc Chau," Case No. 2826, the Board of Pharmacy issued a decision, effective August 5,  
26 2005, issuing but immediately revoking Respondent's Pharmacy Technician License. Revocation  
27 was stayed and Respondent was put on probation for a period of five (5) years with certain terms  
28 and conditions. A copy of that decision is attached as exhibit A and is incorporated by reference.

JURISDICTION

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

5       5.    Section 4011 of the Code provides that the Board shall administer and enforce both  
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
7 Act [Health & Safety Code, § 11000 et seq.].

8       6.    Section 4300(a) of the Code provides that every license issued by the Board may be  
9 suspended or revoked.

10       7.    Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,  
11 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
12 disciplinary action during the period within which the license may be renewed, restored, reissued  
13 or reinstated. Section 4402(e) of the Code provides that any non-pharmacist license issued by the  
14 Board may be canceled if not renewed within 60 days after expiration, and any license canceled  
15 in this fashion may not be reissued but will instead require a new application to seek reissuance.

FACTUAL BACKGROUND

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18       8.    Effective August 5, 2005, pursuant to a Proposed Decision and Order adopted by the  
19 Board in prior Case No. 2826, Respondent's application for a Pharmacy Technician License was  
20 granted, Respondent was issued Pharmacy Technician License No. TCH 54960, and the License  
21 was immediately revoked. Revocation was stayed, and the License was placed on probation for a  
22 period of five (5) years, subject to Terms and Conditions (T&Cs) numbering 1 to 14, including  
23 the requirements that Respondent make quarterly reports to the Board (T&C 2), that Respondent  
24 maintain a minimum number of hours per month of employment as a pharmacy technician (T&C  
25 9), and that Respondent attend at least one gambling recovery group per week (T&C 13).

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1 FIRST CAUSE TO REVOKE PROBATION

2 (Failure to Timely Report to the Board)

3 9. At all times after the effective date (August 5, 2005) of the Decision and Order  
4 imposing probation on Respondent's License, Term and Condition 2 of that Order required:

5 **2. Reporting to the Board.** Respondent shall report to the board quarterly. The report  
6 shall be made either in person or in writing, as directed. Respondent shall stated under  
7 penalty of perjury whether there has been compliance with all the terms and conditions of  
8 probation. If the final probation report is not made as directed, probation shall be extended  
9 automatically until such time as the final report is made and accepted by the board.

10 10. Respondent's probation is subject to revocation because she failed to comply with  
11 Term and Condition 2 of that probation, listed above. Respondent failed to submit timely and  
12 compliant quarterly reports to the Board; her last report of any kind was dated April 14, 2008.

13 SECOND CAUSE TO REVOKE PROBATION

14 (Failure to Secure Employment as Pharmacy Technician – Tolling of Probation)

15 11. At all times after the effective date (August 5, 2005) of the Decision and Order  
16 imposing probation on Respondent's License, Term and Condition 9 of that Order required:

17 **9. Tolling of Probation.** It is a violation of probation for respondent to work less than a  
18 specific number of hours to be determined by the Board or its designee per month as a  
19 pharmacy technician. Should respondent, regardless of residency, for any reason cease  
20 practicing as a pharmacy technician in California, respondent must notify the board in  
21 writing within 10 days of cessation of practice or the resumption of the practice. Such  
22 periods of time shall not apply to the reduction of the probation period. It is a violation of  
23 probation for respondent's probation to remain tolled pursuant to the provisions of this  
24 condition for a period exceeding three consecutive years.

25 "Cessation of practice" means any period of time exceeding 30 days in which  
26 respondent is not engaged in the practice of a pharmacy technician as defined in the  
27 Business and Professions Code.

28 12. Respondent's probation is subject to revocation because she failed to comply with  
Term and Condition 9 of that probation, listed above. Respondent failed to secure employment as  
a pharmacy technician at any point following the effective date of August 5, 2005.

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1 THIRD CAUSE TO REVOKE PROBATION

2 (Failure Attend Gambling Recovery Relapse Prevention and Support Groups)

3 13. At all times after the effective date (August 5, 2005) of the Decision and Order  
4 imposing probation on Respondent's License, Term and Condition 13 of that Order required:

5 **9. Attend Gambling Recovery . . . Support Groups.** Within 30 days of the effective  
6 date of this decision, respondent shall begin regular attendance at a board-approved  
7 recognized and established gambling abuse recovery support group in California (e.g.,  
8 Gamblers Anonymous). Respondent must attend at least one group meeting per week.  
Respondent shall continue regular attendance and submit signed and dated documentation  
confirming attendance with each quarterly report for the duration of probation.

9 14. Respondent's probation is subject to revocation because she failed to comply with  
10 Term and Condition 13 of that probation, listed above. Respondent failed to attend at least one  
11 gambling recovery group per week, and/or failed to submit signed and dated proof of attendance.

12 OTHER MATTERS – EXTENSION OF PROBATION

13 15. At all times after the effective date (August 5, 2005) of the Decision and Order  
14 imposing probation on Respondent's License, Term and Condition 10 of that Order required:

15 **10. Violation of Probation.** If respondent violates probation in any respect, the  
16 board, after giving respondent notice and an opportunity to be heard, may revoke probation  
17 and carry out the disciplinary order, which was stayed. If a petition to revoke probation or  
18 an accusation is filed against respondent during probation, the board shall have continuing  
jurisdiction, and the period of probation shall be extended, until the petition to revoke  
probation or accusation is heard and decided.

19 If a respondent has not complied with any term or condition of probation, the board  
20 shall have continuing jurisdiction over respondent, and probation shall automatically be  
21 extended until all terms and conditions have been satisfied or the board has taken other  
action as deemed appropriate to treat the failure to comply as a violation of probation, to  
terminate probation, and to impose the penalty which was stayed.

22 16. Pursuant to the operation of Term and Condition 10 of the probation order applicable  
23 to Respondent's License, probation is automatically extended by the filing hereof, and/or by  
24 Respondent's failure to comply with the terms and conditions of probation, until such time as this  
25 Petition to Revoke Probation is heard and decided, or until the Board has taken other action as  
26 deemed appropriate to treat the failure to comply as a violation of probation.

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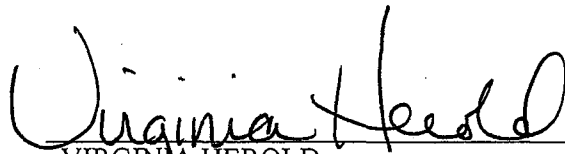
PRAYER

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

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 2826 and imposing the disciplinary order that was stayed, thereby revoking Pharmacy Technician License No. TCH 54960, issued to Loan Ngoc Chau (Respondent);

2. Taking such other and further action as is deemed necessary and proper.

DATED: 3/22/10



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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**Exhibit A**

**Decision and Order**

**Board of Pharmacy Case No. 2826**