

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
Deputy Attorney General  
4 State Bar No. 214663  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1299  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 4235

11 **SUN PO NG**  
12 **508 Connecticut Street**  
13 **San Francisco, CA 94107**

**A C C U S A T I O N**

14 **Pharmacist License No. RPH 44737**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1.a Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
19 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2.a On or about August 20, 1991, the Board of Pharmacy issued Pharmacist License No.a  
21 RPH 44737 to Sun Po Ng (Respondent). The License was in full force and effect at all times  
22 relevant to the charges brought herein and will expire on January 31, 2013, unless renewed.

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24 JURISDICTION

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

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1 COST RECOVERY

2 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation of the licensing  
4 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

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6 DANGEROUS DRUGS

7 10. Section 4022 of the Code states, in pertinent part:

8 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,  
9 except veterinary drugs that are labeled as such, and includes the following:

10 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
11 prescription,’ ‘Rx only,’ or words of similar import.

12 ...

13 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
14 prescription or furnished pursuant to Section 4006.”

15 11. **Viagra** is a brand name for **sildenafil**, a dangerous drug as designated by Business  
16 and Professions Code section 4022. It is an erectile-dysfunction treatment drug.

17 12. **Cialis** is a brand name for **tadalafil**, a dangerous drug as designated by Business and  
18 Professions Code section 4022. It is an erectile-dysfunction treatment drug.

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20 FACTUAL BACKGROUND

21 13. From an unknown start date until on or about May 14, 2011, Respondent worked as a  
22 pharmacist at Kaiser Outpatient Hospital Pharmacy No. 123 (PHY 40896) in Richmond, CA.

23 14. During the tenure of her employment, Respondent used the access afforded by her  
24 employment and licensure to divert/steal, or attempt to divert/steal, dangerous drugs, including  
25 **Viagra/sildenafil**, and/or **Cialis/tadalafil**. The exact number of instances of diversion/attempted  
26 diversion by Respondent, and the full quantity of drugs diverted/attempted to be diverted, are not  
27 known, but in the course of investigation(s) conducted by Kaiser and the Board of Pharmacy, the  
28 following were among the observations, admissions, and revelations reported:

1 a. In or about June 2010, the pharmacy where Respondent worked was notified by  
2 a fraud detection unit within Kaiser that unusual purchasing and dispensing variances had been  
3 detected with **Cialis/tadalafil 20mg** tablets. At the direction of this unit, supervisory staff in the  
4 pharmacy began conducting daily counts of **Cialis/tadalafil 20 mg** tablets.

5 b. In or about September 2010, additional auditing revealed that in addition to the  
6 **Cialis/tadalafil** variances, the pharmacy was also exhibiting unusual purchasing and dispensing  
7 variances in its stock of **Viagra/sildenafil 100mg** tablets. In or about November 2010, pharmacy  
8 supervisory staff began counting **Cialis/tadalafil 20 mg** tablets, **Viagra/sildenafil 50mg** tablets,  
9 and **Viagra/sildenafil 100mg** tablets two to three times a day. This continued into in or about  
10 February 2011, during which time period the variances of these drugs persisted.

11 c. Thereafter, upgraded video surveillance cameras were covertly installed in two  
12 additional locations. On or about April 23, 2011 and/or April 30, 2011, surveillance footage from  
13 these cameras showed Respondent diverting **Cialis/tadalafil** and/or **Viagra/sildenafil** products.

14 d. On or about May 14, 2011, Respondent was called to an investigatory interview  
15 with a Kaiser investigator. Prior to the start of the interview, Respondent was permitted to view  
16 the surveillance footage from April 23, 2011 and/or April 30, 2011 with a union representative.  
17 Prior to the start of the interview, Respondent resigned her position of employment with Kaiser.  
18 During the interview, the surveillance footage was again reviewed with Respondent.

19 e. On or about June 2, 2011, in accordance with Business and Professions Code  
20 section 4104, subdivision (c), the pharmacist in charge for the pharmacy sent a letter to the Board  
21 reporting theft by Respondent of **Cialis/tadalafil 20mg** tablets and **Viagra/sildenafil 100mg**  
22 tablets. That letter reported a total variance/loss between on or about April 25, 2010 and on or  
23 about May 14, 2011 of three hundred sixteen (316) tablets of **Cialis/tadalafil 20mg**, and one  
24 thousand two hundred twenty five (1,225) tablets of **Viagra/sildenafil 100mg**.

25 e. On or about September 14, 2011, Respondent participated in an interview with  
26 Board Inspector(s). When the Board Inspector(s) showed the Kaiser surveillance footage to  
27 Respondent, she gave no explanation for the footage showing her pocketing a drug container.  
28 She instead commented that character and job performance should be considered.

1 FIRST CAUSE FOR DISCIPLINE

2 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

3 15. Respondent is subject to discipline under section 4301(f) of the Code, in that  
4 Respondent, as described in paragraphs 13 and 14 above, committed acts involving moral  
5 turpitude, dishonesty, fraud, deceit, or corruption.

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7 SECOND CAUSE FOR DISCIPLINE

8 (Furnishing of Dangerous Drug(s))

9 16. Respondent is subject to discipline under section 4301(j) and/or (o) and/or section  
10 4059 of the Code, in that Respondent, as described in paragraphs 13 and 14 above, furnished to  
11 herself or another without a valid prescription, and/or conspired to furnish, and/or assisted or  
12 abetted furnishing of, one or more dangerous drug(s).

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14 THIRD CAUSE FOR DISCIPLINE

15 (Unprofessional Conduct)

16 17. Respondent is subject to discipline under section 4301 of the Code in that  
17 Respondent, as described in paragraphs 13 to 16 above, engaged in unprofessional conduct.

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22 PRAYER

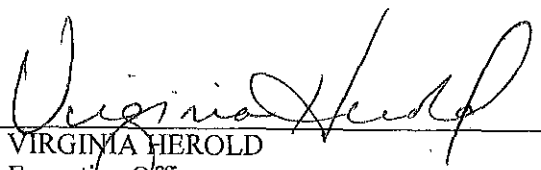
23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Board of Pharmacy issue a decision:

- 25 1. Revoking or suspending Pharmacist License No. RPH 44737, issued to Sun Po Ng  
26 (Respondent);  
27 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
28 enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 11/8/12



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

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BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS