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

11 In the Matter of the Psychiatric Evaluation  
Against:

Case No. 4392

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

12 **WARREN SOOYOUNG CHAE**  
13 **1817 California Street, #110**  
**San Francisco, CA 94109**

14 **Original Pharmacist License No. 58955,**

15 Respondent.  
16

17  
18 Complainant Virginia Herold alleges:

19 **PARTIES**

20 1. Complainant brings this accusation solely in her official capacity as the Executive  
21 Officer of the Board of Pharmacy (board), Department of Consumer Affairs.

22 2. On or about October 16, 2006, the board issued Original Pharmacist License No.  
23 58955 to respondent Warren Sooyoung Chae. This pharmacist license was in full force and effect  
24 at all times relevant to the charges brought in this accusation and will expire on July 31, 2018,  
25 unless renewed.

26 **JURISDICTION**

27 3. This accusation is brought before the board under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 states in part:

“(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.”

5. Section 4300.1 states:

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

## STATUTORY PROVISIONS

6. Section 820 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.”

7. Section 822 states:

"If a licensing agency determines that its licentiate's ability to practice his or her

1 profession safely is impaired because the licentiate is mentally ill, or physically ill affecting  
2 competency, the licensing agency may take action by any one of the following methods:

3 “(a) Revoking the licentiate’s certificate or license.

4 “(b) Suspending the licentiate’s right to practice.

5 “(c) Placing the licentiate on probation.

6 “(d) Taking such other action in relation to the licentiate as the licensing agency in its  
7 discretion deems proper.

8 “The licensing section shall not reinstate a revoked or suspended certificate or license  
9 until it has received competent evidence of the absence or control of the condition which caused  
10 its action and until it is satisfied that with due regard for the public health and safety the person’s  
11 right to practice his or her profession may be safely reinstated.”

#### 12 **COST RECOVERY**

13 8. Section 125.3, subdivision (a), states:

14 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary  
15 proceeding before any board within the department or before the Osteopathic Medical Board,  
16 upon request of the entity bringing the proceedings, the administrative law judge may direct a  
17 licentiate found to have committed a violation or violations of the licensing act to pay a sum not  
18 to exceed the reasonable costs of the investigation and enforcement of the case.”

#### 19 **CAUSE FOR DISCIPLINE** 20 **Illness Affecting Competency to Practice** **(Bus. & Prof. Code, § 822)**

21 9. Respondent has subjected his pharmacist license to discipline for an illness  
22 affecting his ability to practice his professions safely (Bus. & Prof. Code, § 822). On December  
23 9, 2014, respondent underwent a psychological assessment under Business and Professions Code  
24 section 820. The examining psychologist determined that he “would not consider [respondent] to  
25 be safe to perform his usual and customary duties as a pharmacist in an unrestricted manner.”

#### 26 **PRAYER**

27 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this  
28 accusation, and that following the hearing, the Board of Pharmacy issues a decision:

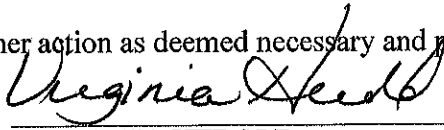
1           1.     Revoking or suspending Original Pharmacist License No. 58955 issued to  
2 respondent Warren Sooyoung Chae;

3           2.     Ordering respondent Warren Sooyoung Chae under Business and Professions  
4 Code section 125.3 to pay the Board of Pharmacy the reasonable costs of the investigation and  
5 enforcement of this case; and

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

7 DATED:

4/17/17



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

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