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of the State of California
2 CHRISTINA M. THOMAS, State Bar No. 171168
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3 California Department of Justice
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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2368

12 GILBERT JEENHWAR YI
26311 Pines Estates
13 Harbor City, CA 90710

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Pharmacist License No. RPH 47494

15 Respondent.

16
17 In the interest of a prompt and speedy settlement of this matter, consistent with
18 the public interest and the responsibility of the Board of Pharmacy of the Department of
19 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
20 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
21 disposition of the Accusation with respect to Gilbert Jeenwar Yi.

22 PARTIES

23 1. Patricia F. Harris ("Complainant") is the Executive Officer of the Board of
24 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
25 by Bill Lockyer, Attorney General of the State of California, by Christina M. Thomas, Deputy
26 Attorney General.

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1 During suspension, Respondent shall not enter any pharmacy area or any portion
2 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other
3 distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous
4 drugs and devices of controlled substances are maintained. Respondent shall not practice
5 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,
6 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or
7 be a consultant to any licensee of the Board, or have access to or control the ordering,
8 manufacturing or dispensing of dangerous drugs and devices or controlled substances.

9 Respondent shall not engage in any activity that requires the professional judgment of a
10 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.
11 Respondent shall not perform the duties of a pharmacy technician or an exemptee for any entity
12 licensed by the Board. Subject to the above restrictions, Respondent may continue to own or
13 hold an interest in any pharmacy in which he holds an interest at the time this decision becomes
14 effective unless otherwise specified in this order.

15 **2. Rehabilitation Program - Pharmacists Recovery Program (PRP).**

16 Within 30 days of the effective date of this decision, Respondent shall contact the
17 Pharmacists Recovery Program for evaluation and shall successfully participate in and complete
18 the treatment contract and any subsequent addendums as recommended and provided by the PRP
19 and as approved by the Board. The costs for PRP participation shall be borne by Respondent.

20 If Respondent is currently enrolled in the PRP, said participation is now
21 mandatory and is no longer considered a self-referral under Business and Professions Code
22 section 4363, as of the effective date of this decision. Respondent shall successfully participate
23 in and complete his current contract and any subsequent addendums with the PRP. Probation
24 shall be automatically extended until Respondent successfully completes his treatment contract.
25 Any person terminated from the program shall be automatically suspended upon notice by the
26 Board. Respondent may not resume the practice of pharmacy until notified by the Board in
27 writing. The Board shall retain jurisdiction to institute action to terminate probation for any
28 violation of this term.

1 3. **Supervised Practice.** Respondent shall practice only under the
2 supervision of a pharmacist not on probation with the Board. Respondent shall not practice until
3 the supervisor is approved by the Board. The supervision shall be, as required by the Board:

4 Daily Review - Supervisor's review of probationer's daily activities within 24
5 hours.

6 Within 30 days of the effective date of this decision, Respondent shall have his
7 supervisor submit notification to the Board in writing stating the supervisor has read the decision
8 in case number 2368 and is familiar with the level of supervision as determined by the Board.

9 If Respondent changes employment, Respondent shall have his supervisor, within
10 15 days after employment commences, submit notification to the Board in writing stating the
11 direct supervisor and pharmacist-in-charge have read the decision in case number 2368 and is
12 familiar with the level of supervision as determined by the Board.

13 Within ten days of leaving employment, Respondent shall notify the Board in
14 writing.

15 4. **Obey All Laws.** Respondent shall obey all state and federal laws and
16 regulations substantially related to or governing the practice of pharmacy.

17 Respondent shall report any of the following occurrences to the Board, in writing,
18 within 72 hours of such occurrence:

19 a. An arrest or issuance of a criminal complaint for violation of any
20 provision of the Pharmacy Law, state and federal food and drug laws, or state and federal
21 controlled substances laws;

22 b. A plea of guilty or nolo contendere in any state or federal criminal
23 proceeding to any criminal complaint, information or indictment;

24 c. A conviction of any crime;

25 d. Discipline, citation, or other administrative action filed by any state and
26 federal agency which involves Respondent's Original Pharmacy License or which is
27 related to the practice of pharmacy or the manufacturing, obtaining, handling or
28 distribution or billing or charging for any drug, device or controlled substance.

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

6 6. **Interview with the Board.** Upon receipt of reasonable notice,
7 Respondent shall appear in person for interviews with the Board upon request at various intervals
8 at a location to be determined by the Board. Failure to appear for a scheduled interview without
9 prior notification to Board staff shall be considered a violation of probation.

10 7. **Cooperation with Board Staff.** Respondent shall cooperate with the
11 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
12 compliance with the terms and conditions of his probation. Failure to comply shall be
13 considered a violation of probation.

14 8. **Continuing Education.** Respondent shall provide evidence of efforts to
15 maintain skill and knowledge as a pharmacist as directed by the Board.

16 9. **Notice to Employers.** Respondent shall notify all present and prospective
17 employers of the decision in Case No. 2368 and the terms, conditions and restrictions imposed
18 on Respondent by the decision. Within 30 days of the effective date of this decision, and within
19 15 days of Respondent undertaking new employment, Respondent shall cause his direct
20 supervisor, pharmacist-in-charge and/or owner to report to the Board in writing acknowledging
21 the employer has read the decision in Case No. 2368.

22 If Respondent works for or is employed by or through a pharmacy employment
23 service, Respondent must notify the direct supervisor, pharmacist-in-charge and/or owner at
24 every pharmacy of the terms and conditions of the decision in Case No. 2368 in advance of
25 Respondent commencing work at each pharmacy.

26 "Employment" within the meaning of this provision shall include any full-time,
27 part-time, temporary or relief or pharmacy management service as a pharmacist, whether the
28 Respondent is considered an employee or independent contractor.

1 10. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
2 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
3 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the pharmacist-
4 in-charge of any entity licensed by the Board unless otherwise specified in this Order.

5 11. **Reimbursement of Board Costs.** Respondent shall pay to the Board its
6 costs of investigation and prosecution in the amount of \$10,000.00. Respondent shall make said
7 payments according to a payment plan to be approved by the Board and as follows: Payment in
8 full to be completed within the first four (4) years of probation.

9 The filing of bankruptcy by Respondent shall not relieve Respondent of his
10 responsibility to reimburse the Board its costs of investigation and prosecution.

11 12. **Probation Monitoring Costs.** Respondent shall pay the costs associated
12 with probation monitoring as determined by the Board each and every year of probation. Such
13 costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs
14 shall be considered a violation of probation.

15 13. **Status of License.** Respondent shall, at all times while on probation,
16 maintain an active current license with the Board, including any period during which suspension
17 or probation is tolled.

18 If Respondent's license expires or is canceled by operation of law or otherwise,
19 upon renewal or reapplication, Respondent's license shall be subject to all terms of this probation
20 not previously satisfied.

21 14. **License Surrender while on Probation/Suspension.** Following the
22 effective date of this Decision, should Respondent cease practice due to retirement or health, or
23 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender his
24 license to the Board for surrender. The Board shall have the discretion whether to grant the
25 request for surrender or take any other action it deems appropriate and reasonable. Upon formal
26 acceptance of the surrender of the license, Respondent will no longer be subject to the terms and
27 conditions of probation.

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1 Upon acceptance of the surrender, Respondent shall relinquish his pocket license
2 to the Board within ten days of notification by the Board that the surrender is accepted.
3 Respondent may not reapply for any license from the Board for three years from the effective
4 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
5 of the date the application for that license is submitted to the Board.

6 **15. Notification of Employment/Mailing Address Change.** Respondent
7 shall notify the Board in writing within ten days of any change of employment. Said notification
8 shall include the reasons for leaving and/or the address of the new employer, supervisor or owner
9 and work schedule if known. Respondent shall notify the Board in writing within ten days of a
10 change in name, mailing address or phone number.

11 **16. Tolling of Probation.** Respondent shall work at least 40 hours in each
12 calendar month as a pharmacist and at least an average of 80 hours per month in any six
13 consecutive months. Failure to do so will be a violation of probation. If Respondent has not
14 complied with this condition during the probationary term, and Respondent has presented
15 sufficient documentation of his good faith efforts to comply with this condition, and if no other
16 conditions have been violated, the Board, in its discretion, may grant an extension of
17 Respondent's probation period up to one year without further hearing in order to comply with
18 this condition.

19 **17. Violation of Probation.** If Respondent violates probation in any respect,
20 the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation
21 and carry out the disciplinary order which was stayed. If a petition to revoke probation or an
22 accusation is filed against Respondent during probation, the Board shall have continuing
23 jurisdiction and the period of probation shall be extended, until the petition to revoke probation
24 or accusation is heard and decided.

25 If Respondent has not complied with any term or condition of probation, the
26 Board shall have continuing jurisdiction over Respondent, and probation shall automatically be
27 extended until all terms and conditions have been satisfied or the Board has taken other action as

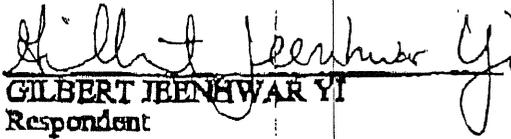
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Original Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: April 9, 2002.

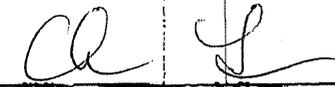

GILBERT JEENUWAR YI
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 4/19/02.

BILL LOCKYER, Attorney General
of the State of California

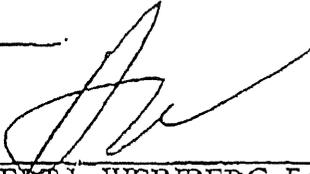

CHRISTINA M. THOMAS
Deputy Attorney General
Attorneys for Complainant

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I have read and discussed the within Stipulation with my client, Gilbert Yi, and am satisfied that he understands its terms and agrees to be bound thereby.

DATED: 4/11/02



HERBERT L. WEINBERG, Esq.
Attorney for Respondent
Van Etten Suzumoto & Becket LLP
1620 26th Street, Suite 6000 North
Santa Monica, California 90404

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2368

GILBERT JEENHWAR YI
26311 Pines Estates
Harbor City, CA 90710

Pharmacist License No. RPH 47494

Respondent.

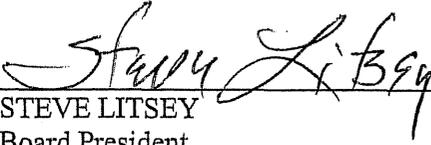
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 4, 2002.

It is so ORDERED June 4, 2002.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By: 
STEVE LITSEY
Board President

1 BILL LOCKYER, Attorney General
of the State of California
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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 Accusation Against:
12 GILBERT JEENHWAR YI
822 Redondo Beach Blvd.
13 Gardena, CA 90247
14 Pharmacy License No. RPH 47494
15 Respondent.

Case No. 2368
ACCUSATION

16
17 Complainant alleges:

18 **PARTIES**

19 1. Patricia F. Harris ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
21 Affairs.

22 2. On or about August 10, 1994, the Board of Pharmacy issued Pharmacy
23 License Number RPH 47494 to Gilbert Jeenhwari Yi ("Respondent"). The Pharmacy License
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 March 31, 2002, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Pharmacy ("Board"), under
3 the authority of the following sections of the Business and Professions Code ("Code").

4 4. Section 4300 permits the Board to take disciplinary action to suspend or
5 revoke a license or permit.

6 5. Section 4301 states that the Board shall take action against any holder of
7 a license who is guilty of unprofessional conduct or whose license has been procured by fraud
8 or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not
9 limited to, any of the following:

10 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
11 deceit, or corruption, whether the act is committed in the course of relations as a
12 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

13 (j) The violation of any of the statutes of this state or of the United States
14 regulating controlled substances and dangerous drugs.

15 (l) The conviction of a crime substantially related to the qualifications, functions,
16 and duties of a licensee under this chapter. The record of conviction of shall be
17 conclusive evidence only of the fact that the conviction occurred.

18 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
19 abetting the violation of or conspiring to violate any provision or term of Chapter 9
20 (commencing with Section 4000) of the Business and Professions Code or of the
21 applicable federal and state laws and regulations governing pharmacy, including
22 regulations established by the board.

23 6. Section 4022 defines "Dangerous Drugs" as any drug that is unsafe for
24 self-medication and which by federal or state law can be lawfully dispensed only on
25 prescription.

26 7. Section 4060 states that no person shall possess any controlled
27 substance, except that furnished to a person upon the prescription of a physician or furnished
28 pursuant to a drug order issued by a physician assistant pursuant or a nurse.

1 8. Section 4081(a) states, in pertinent part, that records of manufacture and
2 of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all
3 times during business hours open to inspection by authorized officers of the law, and shall be
4 preserved for at least three years from the date of making. A current inventory shall be kept
5 by every pharmacy, or establishment holding a currently valid and unrevoked certificate,
6 license, permit, registration who maintains a stock of dangerous drugs or dangerous devices.

7 9. Section 4081(b) states that the owner, officer, and partner of any
8 pharmacy, wholesaler, veterinary food-animal drug retailer, or medical device retailer shall be
9 jointly responsible, with the pharmacist-in-charge or exemptee, for maintaining the records and
10 inventory described in this section.

11 10. Section 4113(b) states that the pharmacist-in-charge shall be responsible
12 for a pharmacy's compliance with all state and federal laws and regulations pertaining to the
13 practice of pharmacy.

14 11. Section 490 states that a board may suspend or revoke a license on the
15 ground that the licensee has been convicted of a crime, if the crime is substantially related to
16 the qualifications, functions, or duties of the business or profession for which the license was
17 issued. A conviction within the meaning of this section means a plea or verdict of guilty or a
18 conviction following a plea of nolo contendere.

19 12. Section 118(b) states that the suspension, expiration, or forfeiture by
20 operation of law of a license issued by a board in the department, or its suspension, forfeiture,
21 or cancellation by order of the board or by order of a court of law, or its surrender without the
22 written consent of the board, shall not, during any period in which it may be renewed, restored,
23 reissued, or reinstated.

24 13. Health and Safety Code section 11170 states that no person shall
25 prescribe, administer, or furnish a controlled substance for himself.

26 14. Health and Safety Code section 11171 states that no person shall
27 prescribe, administer, or furnish a controlled substance except under the conditions and in the
28 manner provided by this division.

1 contained the pharmacy label and a patient's name, and a number on the vial. In addition,
2 officers recovered over 45 various types of drugs and medications, including but not limited to,
3 dangerous drugs.

4 29. Respondent has subjected his license to discipline pursuant to
5 sections 4300 as defined in section 4301(o) for unprofessional conduct and section 4113(b)
6 and 4081(a) and (b) in conjunction with Title 16, California Code of Regulations sections
7 1709.1 and 1718 in that Respondent, while pharmacist-in-charge of Friendly Hills Pharmacy
8 Culver City, also known as Fox Hills Pharmacy, failed to maintain compliance and control over
9 drug inventory and accurate records of acquisitions and disposition of all dangerous drugs.

10 A. During the Respondent's employment at Friendly Hills Pharmacy
11 Culver City, in an eighteen-month period, an audit was conducted. The audit revealed that
12 Respondent did not maintain accurate records of acquisition and disposition of dangerous
13 drugs as follows:

14 a. 3,350 tablets of Adalat CC 60mg amounts of overage were unaccounted
15 for by purchase.

16 b. 3,360 tables of Adalat CC 30mg amounts of overage were unaccounted
17 for by purchase.

18 c. 1,154 tablets of Claritin 10mg were unaccounted for.

19 d. 3,030 tablets of Monopril 10mg were unaccounted for.

20 e. 4,250 tablets of Pravachol 20mg were unaccounted for.

21 f. 5,841 tablets of Prilosec 20mg amounts of overage were unaccounted for
22 by purchase.

23 g. 1,460 tablets of Propulsid 10mg amounts of overage were unaccounted
24 for by purchase.

25 h. 1,820 tablets of Propulsid 20mg amounts of overage were unaccounted
26 for by purchase.

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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 or suspending Pharmacy License Number RPH 47494, issued to Gilbert Jeenhwar Yi;

2. Ordering Gilbert Jeenhwar Yi to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 9/27/01.



PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant