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

11 In the Matter of the Accusation Against:

12 KARA SUELYNN WONG
13 5387 Camino Playa Norte
14 San Diego, CA 92124

15 Pharmacist No. RPH 46020

16 Respondent.

Case No. 2379

OAH No. L-2001100043

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
22 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
23 by Bill Lockyer, Attorney General of the State of California, by Susan Fitzgerald, Deputy
24 Attorney General.

25 2. Respondent Kara SueLYnn Wong (Respondent) is represented in this
26 proceeding by attorney Claudia H. Myles, Esq., whose address is P.O. Box 572891, Tarzana, CA
27 91357.

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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, medical device retailer or any other distributor of drugs
3 which is licensed by the Board, or any manufacturer, or where dangerous drugs, controlled
4 substances or legend drugs are maintained. Respondent shall not practice pharmacy nor do any
5 act involving drug selection, selection of stock, manufacturing, compounding, dispensing or
6 patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee
7 of the Board, or have access to or control the ordering, manufacturing or dispensing of dangerous
8 drugs or controlled substances of dangerous drugs or controlled substances. Respondent shall
9 not direct or control any aspect of the practice of pharmacy. Subject to the above restrictions,
10 Respondent may continue to own or hold an interest in any pharmacy in which she holds an
11 interest at the time this decision becomes effective.

12 2. **Obey All Laws.** Respondent shall obey all federal and state laws and
13 regulations substantially related or governing the practice of pharmacy.

14 3. **Reporting to the Board.** Respondent shall report to the Board or its
15 designee quarterly. The report shall be made either in person or in writing, as directed. If the
16 final probation report is not made as directed, probation shall be extended automatically until
17 such time as the final report is made.

18 4. **Interview with the Board.** Upon receipt of reasonable notice,
19 Respondent shall appear in person for interviews with the Board or its designee upon request at
20 various intervals at a location to be determined by the Board or its designee. Failure to appear
21 for a scheduled interview without prior notification to Board staff shall be considered a violation
22 of probation.

23 5. **Cooperation with Board Staff.** Respondent shall cooperate with the
24 Board's inspection program and in the Board's monitoring and investigation of the Respondent's
25 compliance with the terms and conditions of her probation. Failure to cooperate shall be
26 considered a violation of probation.

27 6. **Peer Review.** Respondent shall submit to peer review as deemed
28 necessary by the Board.

1 7. **Continuing Education.** Respondent shall provide evidence of efforts to
2 maintain skill and knowledge as a pharmacist as directed by the Board.

3 8. **Notice to Employers.** Respondent shall notify all present and prospective
4 employers of the decision in Accusation No. 2379 and the terms, conditions and restrictions
5 imposed on Respondent by the decision. Within thirty (30) days of the effective date of this
6 decision, and within fifteen (15) days of Respondent undertaking new employment, Respondent
7 shall cause her employer to report to the Board in writing acknowledging the employer has read
8 the decision in Accusation No. 2379.

9 If Respondent works for or is employed by or through a pharmacy employment
10 service, Respondent must notify the pharmacist-in-charge and/or owner at every pharmacy at
11 which she is to be employed or used of the fact and terms of the decision in this case in advance
12 of the Respondent commencing work at the pharmacy.

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

16 9. **No Preceptorships or Being Pharmacist-in-Charge.** Respondent shall
17 not perform any of the duties of a preceptor, and shall not be the pharmacist-in-charge of any
18 pharmacy licensed by the Board.

19 10. **Reimbursement of Board Costs.** Respondent shall pay to the Board its
20 costs of investigation and prosecution in the amount of \$4,523.00. Respondent shall make said
21 payment or payments within two years of the effective date of the decision herein and may do so
22 on a quarterly schedule. If Respondent fails to pay the costs as specified by the Board and on or
23 before the date determined by the Board, the Board shall, without affording the Respondent
24 notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that
25 was stayed. In any event, probation shall not terminate unless and until the full amount of cost
26 recovery has been received by the Board.

27 11. **Probation Monitoring Costs.** Respondent shall pay the costs associated
28 with probation monitoring as determined by the Board each and every year of probation. Such

1 costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs
2 shall be considered a violation of probation.

3 12. **Status of License.** Respondent shall, at all times while on probation,
4 maintain an active current license with the Board, including any period during which suspension
5 or probation is tolled. If Respondent's license expires by operation of law or otherwise, upon
6 renewal or reapplication, Respondent's license shall be subject to all terms of this probation not
7 previously satisfied.

8 13. **Notification of Employment/Mailing Address Change.** Within ten (10)
9 days of a change in employment -- either leaving or commencing employment -- Respondent
10 shall so notify the Board in writing, including the address of the new employer; within ten (10)
11 days of a change of mailing address, Respondent shall notify the Board in writing. If
12 Respondent works for or is employed through a pharmacy employment service, Respondent
13 shall, as requested, provide to the Board or its designee with a work schedule, indicating dates
14 and location of employment.

15 14. **Tolling of Probation.** If Respondent leaves California to reside or
16 practice outside this state, Respondent must notify the Board in writing of the dates of departure
17 and return within ten (10) days of departure or return. Periods of residency, except such periods
18 where the Respondent is actively practicing pharmacy within California, or practice outside
19 California shall not apply to reduction of the probationary period.

20 Should Respondent, regardless of residency, for any reason cease practicing
21 pharmacy in California, Respondent must notify the Board in writing within ten (10) days of
22 cessation of the practice of pharmacy or resuming the practice of pharmacy. "Cessation of
23 practice" means any period of time exceeding thirty (30) days in which Respondent is not
24 engaged in the practice of pharmacy as defined in section 4052 of the Business and Professions
25 Code.

26 It is a violation of probation for Respondent's probation to remain tolled pursuant
27 to the provisions of this condition for a period exceeding a consecutive period of [three] years.

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Decision and Order of the Board of Pharmacy.

DATED: Feb. 15, 2002.


KARA SUELYNN WONG
Respondent

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I have read and fully discussed with Respondent Kara Suelynn Wong the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: Feb 15, 2002.


CLAUDIA H. MYLES, ESQ.
Attorney for 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: Feb. 15, 2002.

BILL LOCKYER, Attorney General
of the State of California


SUSAN FITZGERALD
Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against:

KARA SUELYNN WONG
5387 Camino Playa Norte
San Diego, CA 92124

Pharmacist No. RPH 46020

Respondent.

Case No. 2379

OAH No. L-2001100043

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 April 28, 2002.

It is so ORDERED March 29, 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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10 **BEFORE THE**
BOARD OF PHARMACY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:
13
14 KARA SUELYNN WONG
5387 Camino Playa Norte
San Diego, CA 92124
15
16 Pharmacist License No. RPH 46020
Respondent.

Case No. 2379
A C C U S A T I O N

17
18 Complainant alleges:

19 PARTIES

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

23 2. On or about March 10, 1993, the Board of Pharmacy issued Pharmacist
24 License Number RPH 46020 to Kara Suelynn Wong ("Respondent"). The Pharmacist License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 November 30, 2002, unless renewed.

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JURISDICTION

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

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

8 ...

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

12 (g) Knowingly making or signing any certificate or other document that falsely
13 represents the existence or nonexistence of a state of facts.

14 ...

15 (l) The conviction of a crime substantially related to the qualifications, functions,
16 and duties of a licensee under Chapter 9 (commencing with Section 4000) of the Business
17 and Professions Code. The record of conviction of a violation of Chapter 13
18 (commencing with Section 801) of Title 21 of the United States Code regulating
19 controlled substances or of a violation of the statutes of this state regulating controlled
20 substances or dangerous drugs shall be conclusive evidence of unprofessional conduct.
21 (emphasis added).

22 ...

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

28 ...

1 Court case of *People v. Kara Suelynn Wong, aka Suelynn Wong*, Case No. CD 158748,
2 respondent was convicted on a guilty plea to a misdemeanor violation of Health and Safety Code
3 section 11368 (forging a prescription for a narcotic drug).

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct - Forging Prescriptions)**

6 14. Respondent is subject to disciplinary action under section 4301(g) for
7 forging prescriptions for dangerous drugs. The circumstances are as alleged in paragraph 8
8 above, which is incorporated herein by reference.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct - False Insurance Claims)**

11 15. Respondent is subject to disciplinary action under section 4301(g) for
12 knowingly making or signing false insurance claims. The circumstances are as alleged in
13 paragraphs 8, 9, 10, and 12 above, which are incorporated herein by reference.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct - Moral Turpitude, Dishonesty, Fraud, Deceit re Prescriptions)**

16 16. Respondent is subject to disciplinary action under section 4301(f) in that
17 she committed acts of moral turpitude, dishonesty and fraud in her forging of prescriptions and
18 her diversion of drugs from her employer, as alleged above in paragraphs 7, 8, 9 and 11 and
19 which are incorporated herein by reference.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct - Moral Turpitude, Dishonesty, Fraud,
22 Deceit re Insurance Claims)**

23 17. Respondent is subject to disciplinary action under section 4301(f) in that
24 she committed acts of moral turpitude, dishonesty and fraud in her creation of false insurance
25 claims, as alleged above in paragraphs 9, 10 and 12 and which are incorporated herein by
26 reference.

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1 SIXTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct -Violation of Bus. & Prof. Code §4059)

3 18. Respondent is subject to disciplinary action under section 4301(o) in
4 conjunction with section 4059 for illegally furnishing dangerous drugs. The circumstances are
5 that during the time period alleged above, respondent furnished a variety of dangerous drugs to,
6 at least, her mother and father, which drugs she had illegally diverted from her employer.

7 PRAYER

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

- 10
- 11 1. Revoking or suspending Pharmacist License Number RPH 46020, issued
12 to Kara Suelynn Wong;
- 13 2. Ordering Kara Suelynn Wong to pay the Board of Pharmacy the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 8/24/01.

18

19

20 P. F. Harris
21 PATRICIA F. HARRIS
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant
27
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