

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
6 Attorneys for Complainant
7

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

11 In the Matter of the Accusation/Petition to
Revoke Probation Against:

12 DOUGLAS WONG
13 3334 West Caldwell Ave, #121
14 Visalia, CA 93277

15 Pharmacist License No. RPH 50646

16 Respondent.
17

Case No. 2914

OAH No. N-2006040228

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding 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 Lorrie M. Yost, Deputy Attorney
24 General.

25 2. Douglas Wong (Respondent) is represented in this proceeding by attorney
26 Michael T. Doudna, Esq., whose address is 200 West Santa Ana Boulevard, Suite 60, Santa Ana,
27 CA 92701.

28 ///

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in
3 Accusation/Petition to Revoke Probation No. 2914, agrees that cause exists for discipline and
4 hereby surrenders his Pharmacist License No. RPH 50646 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the
6 Board to issue an order accepting the surrender of his Pharmacist License without further
7 process.

8 CONTINGENCY

9 10. This stipulation shall be subject to approval by the Board of Pharmacy.
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
11 Pharmacy may communicate directly with the Board regarding this stipulation and surrender,
12 without notice to or participation by Respondent or his counsel. By signing the stipulation,
13 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind
14 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
15 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall
16 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
17 between the parties, and the Board shall not be disqualified from further action by having
18 considered this matter.

19 11. The parties understand and agree that facsimile copies of this Stipulated
20 Surrender of License and Order, including facsimile signatures thereto, shall have the same force
21 and effect as the originals.

22 12. In consideration of the foregoing admissions and stipulations, the parties
23 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
24 following Order:

25 ORDER

26 IT IS HEREBY ORDERED that Pharmacist License No. RPH 50646, issued to
27 Respondent Douglas Wong is surrendered and accepted by the Board of Pharmacy.

28 ///

1 13. The surrender of Respondent's Pharmacist License and the acceptance of
2 the surrendered license by the Board shall constitute the imposition of discipline against
3 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
4 Respondent's license history with the Board.

5 14. Respondent shall lose all rights and privileges as a pharmacist in
6 California as of the effective date of the Board's Decision and Order.

7 15. Respondent shall cause to be delivered to the Board both his pharmacist
8 license wall and pocket license certificate on or before the effective date of the Decision and
9 Order.

10 16. Respondent fully understands and agrees that if he ever files an application
11 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
12 new application for licensure. Respondent must comply with all the laws, regulations and
13 procedures for licensure in effect at the time the application or petition is filed and must meet
14 current application requirements at the time the application is submitted. All of the charges and
15 allegations contained in Accusation/Petition to Revoke Probation No. 2914 shall be deemed to be
16 true, correct and admitted by Respondent when the Board determines whether to grant or deny
17 the application or petition. Respondent may not reapply for licensure for at least three years from
18 the effective date of this decision.

19 17. Respondent shall pay the Board its costs of investigation and enforcement
20 in this matter in the amount of \$3,000 plus remaining costs from the previous discipline in the
21 amount of \$2,787, prior to issuance of a new or reinstated license.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

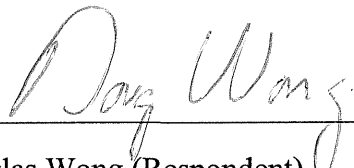
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Michael T. Doudna, Esq. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

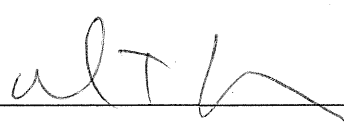
DATED: 6/26/06



Douglas Wong (Respondent)
Respondent

I have read and fully discussed with Respondent Douglas Wong the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 6/27/06



MICHAEL T. DOUDNA, ESQ.
Attorney for Respondent

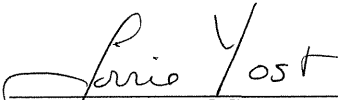
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

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

DATED: July 6, 2006.

BILL LOCKYER, Attorney General
of the State of California



LORRIE M. YOST
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: SA2005104119
Wong.S&W.10250138.wpd

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

In the Matter of the Accusation/Petition to
Revoke Probation Against:

DOUGLAS WONG
3334 West Caldwell Ave, #121
Visalia, CA 93277

Pharmacist License No. RPH 50646

Respondent.

Case No. 2914

OAH No. N-2006040228

DECISION AND ORDER


The attached Stipulated Surrender of License and 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 September 13, 2006.

It is so ORDERED August 14, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

Exhibit A

Accusation/Petition to Revoke Probation No. 2914

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 445-2271
Facsimile: (916) 327-8643

6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation and Petition to
Revoke Probation Against:

Case No. 2914

11 DOUGLAS VERNON WONG
12 2001 East Cross Avenue #91
Tulare, California 93274

**A C C U S A T I O N AND PETITION
TO REVOKE PROBATION**

13 Original Pharmacist License No. RPH 50646

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

- 18 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
19 official capacity as the Executive Director of the Board of Pharmacy.
20
21 2. On or about November 23, 1998, the Board of Pharmacy issued Original
22 Pharmacist License No. RPH 50646 to Douglas Wong (Respondent). On June 5, 2003, pursuant
23 to the Stipulation, Decision and Order adopted by the Board as its Decision in the disciplinary
24 action titled *In the Matter of the Accusation Against: Douglas Wong*, Case Number 2563, the
25 Board ordered that Respondent's pharmacist license be revoked effective July 5, 2003. The
26 revocation was stayed and Respondent was placed on probation for five (5) years on terms and
27 conditions, as more particularly set forth in paragraphs 17 and 18 below. Respondent's
28 pharmacist license will expire on July 31, 2006, unless renewed.

JURISDICTION

1
2 3. This Accusation is brought before the Board of Pharmacy (Board), under
3 the authority of the following laws. All section references are to the Business and Professions
4 Code unless otherwise indicated.

5 4. Section 4300 of the Code states in pertinent part:

6 "(a) Every license issued may be suspended or revoked.

7 "(d) The board may initiate disciplinary proceedings to revoke or suspend any
8 probationary certificate of licensure for any violation of the terms and conditions of probation.

9 "(e) The proceedings under this article shall be conducted in accordance with
10 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code,
11 and the board shall have all the powers granted therein. The action shall be final, except that the
12 propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the
13 Code of Civil Procedure."

14 5. Section 4301 of the Code states:

15 "The board shall take action against any holder of a license who is guilty of
16 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
17 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
18 following:

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

22 6. Section 4059 of the Code states in pertinent part:

23 "(a) A person may not furnish any dangerous drug, except upon the prescription of
24 a physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any
25 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or
26 veterinarian.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. Section 4060 of the Code states in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1.

8. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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

DRUGS

10. "Valium", also known as "diazepam", is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(8).

11. "Viagra", also known as "sildenafil", is a dangerous drug prescribed to treat erectile dysfunction.

12. "Seroquel", also known as "quetiapine", is a dangerous drug prescribed for the treatment of psychosis.

13. "Xenical," also known as "orlistat", is a dangerous drug prescribed to treat obesity.

ACCUSATION

FIRST CAUSE FOR DISCIPLINE

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

14. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (f) on the grounds of unprofessional conduct in that from approximately early 2005 to April 2004, he stole tablets of Valium, Viagra, Seroquel, and Xenical from his employer Walgreen while acting as a licensed pharmacist.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECOND CAUSE FOR DISCIPLINE

(Unlawful Possession)

15. Respondent is subject to disciplinary action under section 4300 in that he violated section 4060 by possessing a controlled substance, Valium, without a valid prescription. The facts and circumstances are that approximately in February 2005, Respondent stole 3 tablets of 5mg. Valium from his employer Walgreen for administration to his cat.

THIRD CAUSE FOR DISCIPLINE

(Furnishing a Dangerous Drug)

16. Respondent is subject to disciplinary action under section 4300 in that he violated section 4059 by furnishing a dangerous drug and controlled substance to an animal. The facts and circumstances are that approximately in February 2005, Respondent administered Valium to his cat without the benefit of a prescription from a veterinarian.

PETITION TO REVOKE PROBATION

FIRST CAUSE TO REVOKE PROBATION

(Failure to Obey all State Laws)

17. Condition 2 of Respondent's probation states, in pertinent part, that Respondent shall obey all federal and state laws and regulations substantially related to or governing the practice of pharmacy.

18. Respondent's probation is subject to revocation in that he failed to obey all state laws substantially related to or governing the practice of pharmacy, by and through his violations of Code sections 4301 subdivision (f), 4059 and 4060, as set forth in paragraphs 14 through 16 above.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Successfully Participate in and Complete Pharmacists Recovery Program)

19. Condition 16 of Respondent's probation states, in pertinent part, that Respondent shall successfully participate in and complete the Pharmacists Recovery Program ("PRP") for evaluation and treatment.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: 1/23/06

P. F. Harris

PATRICIA F. HARRIS
Executive Director
Board of Pharmacy
State of California
Complainant

SA2005104119

Wong.acc.pet.10202125.wpd