

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

In the Matter of the Accusation Against:

Case No. 3384

SHARON LEE CHAN
4057 Robin Hill Road
La Canada, CA 91011

Applicant for Pharmacist License

Respondent.

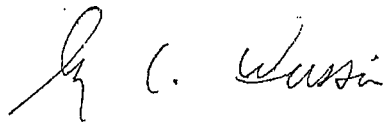
DECISION AND ORDER

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 28, 2010.

It is so ORDERED on June 28, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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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 Statement of Issues
Against:

Case No. 3384

12 **SHARON LEE CHAN**
13 **4057 Robin Hill Road**
La Canada, CA 91011
14 **Applicant for Pharmacist License**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Virginia K. Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Edmund
22 G. Brown Jr., Attorney General of the State of California, by Christina Thomas, Deputy Attorney
23 General.

24 2. Respondent Sharon Lee Chan (Respondent) is represented in this proceeding by
25 attorney Richard A. Moss, whose address is 255 South Marengo Avenue, Pasadena, CA 91101-
26 2719.

27 3. On or about October 2, 2007, Respondent filed an application dated September 12,
28 2007, with the Board to obtain a Pharmacist License.

- 1 • discipline, citation, or other administrative action filed by any state or federal agency
- 2 which involves Respondent's Pharmacist license or which is related to the practice of
- 3 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
- 4 for any drug, device or controlled substance.
- 5 • Failure to timely report such occurrence shall be considered a violation of probation.

6 **2. Report to the Board**

7 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
8 designee. The report shall be made either in person or in writing, as directed. Among other
9 requirements, Respondent shall state in each report under penalty of perjury whether there has
10 been compliance with all the terms and conditions of probation. Failure to submit timely reports
11 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
12 in submission of reports as directed may be added to the total period of probation. Moreover, if
13 the final probation report is not made as directed, probation shall be automatically extended until
14 such time as the final report is made and accepted by the board.

15 **3. Interview with the Board**

16 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
17 with the board or its designee, at such intervals and locations as are determined by the board or its
18 designee. Failure to appear for any scheduled interview without prior notification to board staff,
19 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
20 the period of probation, shall be considered a violation of probation.

21 **4. Cooperate with Board Staff**

22 Respondent shall cooperate with the board's inspection program and with the board's
23 monitoring and investigation of respondent's compliance with the terms and conditions of her
24 probation. Failure to cooperate shall be considered a violation of probation.

25 **5. Continuing Education**

26 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
27 pharmacist as directed by the board or its designee.

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1 **6. Notice to Employers**

2 During the period of probation, Respondent shall notify all present and prospective
3 employers of the decision in Case Number 3384 and the terms, conditions and restrictions
4 imposed on Respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
6 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
8 tenure of employment) and owner to report to the board in writing acknowledging that the listed
9 individual(s) has/have read the decision in case number 3384, and terms and conditions imposed
10 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or
11 supervisor(s) submit timely acknowledgment(s) to the board.

12 If Respondent works for or is employed by or through a pharmacy employment service,
13 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
14 licensed by the board of the terms and conditions of the decision in case number 3384 in advance
15 of the respondent commencing work at each licensed entity. A record of this notification must be
16 provided to the board upon request.

17 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
18 (15) days of Respondent undertaking any new employment by or through a pharmacy
19 employment service, Respondent shall cause her direct supervisor with the pharmacy
20 employment service to report to the board in writing acknowledging that she has read the decision
21 in case number 3384 and the terms and conditions imposed thereby. It shall be Respondent's
22 responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
23 acknowledgment(s) to the board.

24 Failure to timely notify present or prospective employer(s) or to cause that/those
25 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
26 probation.

27 "Employment" within the meaning of this provision shall include any full-time,
28 part-time, temporary, relief or pharmacy management service as a pharmacist or any

1 position for which a pharmacist license is a requirement or criterion for employment,
2 whether the respondent is an employee, independent contractor or volunteer.

3 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
4 **Designated Representative-in-Charge, or Serving as a Consultant**

5 During the period of probation, Respondent shall not supervise any intern pharmacist, be
6 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
7 board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
8 unauthorized supervision responsibilities shall be considered a violation of probation.

9 **8. Probation Monitoring Costs**

10 Respondent shall pay any costs associated with probation monitoring as determined by the
11 board each and every year of probation. Such costs shall be payable to the board on a schedule as
12 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
13 be considered a violation of probation.

14 **9. Status of License**

15 Respondent shall, at all times while on probation, maintain an active, current license with
16 the board, including any period during which suspension or probation is tolled. Failure to
17 maintain an active, current license shall be considered a violation of probation.

18 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
19 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
20 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this
21 probation not previously satisfied.

22 **10. License Surrender While on Probation/Suspension**

23 Following the effective date of this decision, should Respondent cease practice due to
24 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
25 Respondent may tender her license to the board for surrender. The board or its designee shall
26 have the discretion whether to grant the request for surrender or take any other action it deems
27 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent

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1 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
2 record of discipline and shall become a part of Respondent's license history with the board.

3 Upon acceptance of the surrender, Respondent shall relinquish her pocket and wall license
4 to the board within ten (10) days of notification by the board that the surrender is accepted.
5 Respondent may not reapply for any license from the board for three (3) years from the effective
6 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
7 of the date the application for that license is submitted to the board, including any outstanding
8 costs.

9 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
10 **Employment**

11 Respondent shall notify the board in writing within ten (10) days of any change of
12 employment. Said notification shall include the reasons for leaving, the address of the new
13 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
14 shall further notify the board in writing within ten (10) days of a change in name, residence
15 address, mailing address, or phone number.

16 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
17 phone number(s) shall be considered a violation of probation.

18 **12. Tolling of Probation**

19 Except during periods of suspension, Respondent shall, at all times while on probation, be
20 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
21 month during which this minimum is not met shall toll the period of probation, i.e., the period of
22 probation shall be extended by one month for each month during which this minimum is not met.
23 During any such period of tolling of probation, Respondent must nonetheless comply with all
24 terms and conditions of probation.

25 Should Respondent, regardless of residency, for any reason (including vacation) cease
26 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
27 respondent must notify the board in writing within ten (10) days of the cessation of practice, and

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1 must further notify the board in writing within ten (10) days of the resumption of practice. Any
2 failure to provide such notification(s) shall be considered a violation of probation.

3 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
4 provisions of this condition for a total period, counting consecutive and non-consecutive months,
5 exceeding thirty-six (36) months.

6 "Cessation of practice" means any calendar month during which Respondent is
7 not practicing as a pharmacist for at least 40 hours, as defined by Business and
8 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
9 month during which Respondent is practicing as a pharmacist for at least 40 hours as
10 a pharmacist as defined by Business and Professions Code section 4000 et seq.

11 **13. Violation of Probation**

12 If Respondent has not complied with any term or condition of probation, the board shall
13 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
14 all terms and conditions have been satisfied or the board has taken other action as deemed
15 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
16 to impose the penalty that was stayed.

17 If Respondent violates probation in any respect, the board, after giving respondent notice
18 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
19 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
20 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
21 a petition to revoke probation or an accusation is filed against Respondent during probation, the
22 board shall have continuing jurisdiction and the period of probation shall be automatically
23 extended until the petition to revoke probation or accusation is heard and decided.

24 **14. Completion of Probation**

25 Upon written notice by the board or its designee indicating successful completion of
26 probation, Respondent's license will be fully restored.

27 **15. Community Services Program**

28 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the

1 board or its designee, for prior approval, a community service program in which Respondent shall
2 provide free health-care related services on a regular basis to a community or charitable facility or
3 agency for at least 300 hours. Such community service is to be completed prior to the completion
4 of probation.

5 **16. No Ownership of Licensed Premises**

6 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
7 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
8 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
9 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
10 days following the effective date of this decision and shall immediately thereafter provide written
11 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
12 documentation thereof shall be considered a violation of probation.

13 **17. Ethics Course**

14 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
15 in a course in ethics, at Respondent's expense, approved in advance by the board or its designee.
16 Failure to initiate the course during the first year of probation, and complete it within the second
17 year of probation, is a violation of probation.

18 Respondent shall submit a certificate of completion to the board or its designee within five
19 days after completing the course.

20 ACCEPTANCE

21 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
22 discussed it with my attorney, Richard A. Moss. I understand the stipulation and the effect it will
23 have on my Applicant for Pharmacist License. I enter into this Stipulated Settlement and
24 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
25 Decision and Order of the Board.

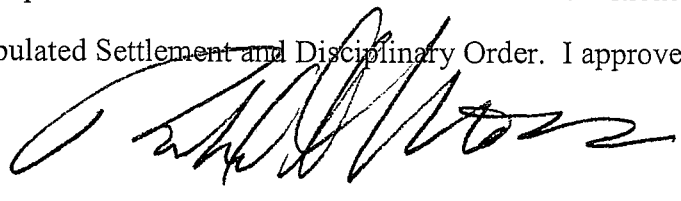
26 DATED: 4/19/10

27 
28 SHARON LEE CHAN
Respondent

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

DATED: 4/19/10



RICHARD A. MOSS
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board.

Dated: 4/23/10

Respectfully Submitted,
EDMUND G. BROWN JR.
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



CHRISTINA THOMAS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 3384

1 EDMUND G. BROWN JR.
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2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 CHRISTINA THOMAS
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7 *Attorneys for Complainant*

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9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. 3384

13 SHARON LEE CHAN
14 4057 Robin Hill Road
La Canada, CA 91011

STATEMENT OF ISSUES

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about October 2, 2007, the Board of Pharmacy (Board) received an
21 Application for Pharmacist Licensure and Examination from Sharon Lee Chan (Respondent). On
22 or about September 12, 2007, Respondent certified under penalty of perjury to the truthfulness of
23 all statements, answers, and representations in the application. The Board denied the application
24 on March 27, 2009.

25 3. In a disciplinary action entitled "*In the Matter of the Accusation Against: Sharon Lee*
26 *Chan,*" Case No. 2662, the Board issued a decision, effective April 25, 2004, in which
27 Respondent's Pharmacist License was surrendered. A copy of that decision is attached as Exhibit
28 A and is incorporated by reference.

1 JURISDICTION

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

5 STATUTORY PROVISIONS

6 5. Section 480 states, in pertinent part:

7 "(a) A board may deny a license regulated by this code on the grounds that the applicant
8 has one of the following:

9

10 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
11 substantially benefit himself or herself or another, or substantially injure another.

12 (3)(A) Done any act that if done by a licentiate of the business or profession
13 in question, would be grounds for suspension or revocation of license.

14 (B) The board may deny a license pursuant to this subdivision only if the
15 crime or act is substantially related to the qualifications, functions, or duties of the business
16 or profession for which application is made."

17 6. Section 490 states:

18 "(a) In addition to any other action that a board is permitted to take against a licensee, a
19 board may suspend or revoke a license on the ground that the licensee has been convicted of a
20 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
21 or profession for which the license was issued.

22 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
23 discipline a licensee for conviction of a crime that is independent of the authority granted under
24 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
25 of the business or profession for which the licensee's license was issued.

26 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
27 conviction following a plea of nolo contendere. Any action that a board is permitted to take
28 following the establishment of a conviction may be taken when the time for appeal has elapsed, or

1 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
2 made suspending the imposition of sentence, irrespective of a subsequent order under the
3 provisions of Section 1203.4 of the Penal Code.”

4 7. Section 4300 provides, in pertinent part, that every license issued by the Board is
5 subject to discipline, including suspension or revocation.

6 8. Section 4301 states, in pertinent part:

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

10

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

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

16

17 "(l) The conviction of a crime substantially related to the qualifications, functions, and
18 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
19 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
20 substances or of a violation of the statutes of this state regulating controlled substances or
21 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
22 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
23 The board may inquire into the circumstances surrounding the commission of the crime, in order
24 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
25 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
26 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
27 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
28 of this provision. The board may take action when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal or when an order granting probation is made
2 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
3 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
4 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
5 indictment.

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7 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
8 violation of or conspiring to violate any provision or term of this chapter or of the applicable
9 federal and state laws and regulations governing pharmacy, including regulations established by
10 the board or by any other state or federal regulatory agency.

11 "(p) Actions or conduct that would have warranted denial of a license."

12 REGULATORY PROVISIONS

13 9. California Code of Regulations, title 16, section 1770, states:

14 "For the purpose of denial, suspension, or revocation of a personal or facility license
15 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
16 crime or act shall be considered substantially related to the qualifications, functions or duties of a
17 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
18 licensee or registrant to perform the functions authorized by his license or registration in a manner
19 consistent with the public health, safety, or welfare."

20 FIRST CAUSE FOR DENIAL OF APPLICATION

21 (Dishonest Acts, Fraud, or Deceit)

22 10. Respondent's application is subject to denial under sections 4301, subdivisions (f),
23 (g), (o), and 480, subdivision (a)(2), in that on or about April 26, 2000, Respondent committed
24 dishonest acts, fraud, or deceit with the intent to substantially benefit herself, or substantially
25 injure another, by knowingly making and submitting a false claim with the California Department
26 of Insurance for the purpose of obtaining worker's compensation insurance benefits.

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1 SECOND CAUSE FOR DENIAL OF APPLICATION

2 (Acts Warranting Denial of a License)

3 11. Respondent's application is subject to denial under sections 4301, subdivision (p), and
4 480, subdivision (a)(3), in that Respondent committed acts which if done by a licentiate would be
5 grounds for suspension or revocation of her license, as follows:

6 a. On or about December 3, 2003, Respondent was convicted of a crime substantially
7 related to the qualifications, functions, or duties of a Pharmacist which to a substantial degree
8 evidence her present or potential unfitness to perform the functions authorized by her license in a
9 manner consistent with the public health, safety, or welfare, in violation of sections 490 and 4301,
10 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770.

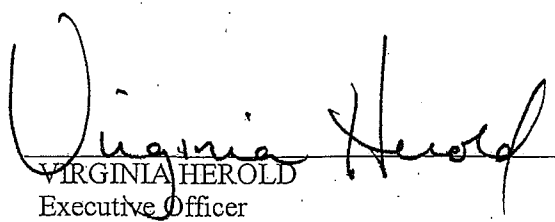
11 b. On or about April 26, 2000, Respondent committed dishonest acts, fraud, or deceit
12 with the intent to substantially benefit herself, or substantially injure another. Complainant refers
13 to, and by this reference incorporates, the allegations set forth above in paragraph 10, as though
14 set forth fully.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board issue a decision:

- 18 1. Denying the Application of Respondent for Pharmacist Licensure and Examination;
19 2. Taking such other and further action as deemed necessary and proper.

20 DATED: 12/18/09

21 

22 VIRGINIA HEROLD
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 Complainant

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jz/lena (10/23/2009)