

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

In the Matter of the Accusation Against:

Case No. 3713

**ALICE YANG FOREST  
15729 Silverpointe Avenue  
Chino Hills, CA 91709  
Pharmacist License No. RPH 50114**

Respondent.

**DECISION AND ORDER**

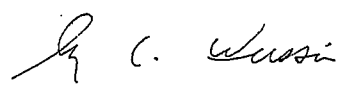
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on June 7, 2012.

It is so ORDERED on May 8, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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

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Case No. 3713

11 **ALICE YANG FOREST**  
12 **15729 Silverpointe Avenue**  
**Chino Hills, CA 91709**  
13 **Pharmacist License No. RPH 50114**

OAH No. L-2011030359  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 Respondent.

15  
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
17 entitled proceedings that the following matters are true:

18 PARTIES

19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
20 She brought this action solely in her official capacity and is represented in this matter by Kamala  
21 D. Harris, Attorney General of the State of California, by Thomas L. Rinaldi, Deputy Attorney  
22 General.

23 2. Alice Yang Forest (Respondent) is represented in this proceeding by attorney Jay N.  
24 Hartz, whose address is: 1875 Century Park East, Suite 1600, Los Angeles, CA 90067-2799

25 3. On or about May 6, 1998, the Board of Pharmacy issued Pharmacist License No.  
26 RPH 50114 to Respondent. The Pharmacist License was in full force and effect at all times  
27 relevant to the charges brought in Accusation No. 3713 and will expire on July 31, 2013, unless  
28 renewed.



1 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
2 those charges.

3 10. Respondent agrees that her Pharmacist License is subject to discipline and she agrees  
4 to be bound by the Board of Pharmacy's probationary terms as set forth in the Disciplinary Order  
5 below.

#### 6 CONTINGENCY

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

16 12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
17 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
18 effect as the originals.

19 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
20 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
21 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
22 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
23 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
24 writing executed by an authorized representative of each of the parties.

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
26 the Board may, without further notice or formal proceeding, issue and enter the following  
27 Disciplinary Order:  
28

1 DISCIPLINARY ORDER

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 50114 issued to Respondent  
3 is revoked. However, the revocation is stayed and Respondent is placed on probation for three  
4 (3) years on the following terms and conditions.

5 1. **Obey All Laws**

6 Respondent shall obey all state and federal laws and regulations.

7 Respondent shall report any of the following occurrences to the board, in writing, within  
8 seventy-two (72) hours of such occurrence:

- 9 • an arrest or issuance of a criminal complaint for violation of any provision of the  
10 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
11 substances laws
- 12 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
13 criminal complaint, information or indictment
- 14 • a conviction of any crime
- 15 • discipline, citation, or other administrative action filed by any state or federal agency  
16 which involves respondent's pharmacist license or which is related to the practice of  
17 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging  
18 for any drug, device or controlled substance.

19 Failure to timely report such occurrence shall be considered a violation of probation.

20 2. **Report to the Board**

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

1           **3. Interview with the Board**

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

7           **4. Cooperate with Board Staff**

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

11           **5. Continuing Education**

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

14           **6. Notice to Employers**

15           During the period of probation, respondent shall notify all present and prospective  
16 employers of the decision in case number 3713 and the terms, conditions and restrictions imposed  
17 on respondent by the decision, as follows:

18           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
19 respondent undertaking any new employment, respondent shall cause her direct supervisor,  
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
21 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
22 individual(s) has/have read the decision in case number 3713, and terms and conditions imposed  
23 thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s)  
24 submit timely acknowledgment(s) to the board.

25           If respondent works for or is employed by or through a pharmacy employment service,  
26 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity  
27 licensed by the board of the terms and conditions of the decision in case number 3713 in advance  
28

1 of the respondent commencing work at each licensed entity. A record of this notification must be  
2 provided to the board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
4 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
5 service, respondent shall cause her direct supervisor with the pharmacy employment service to  
6 report to the board in writing acknowledging that she has read the decision in case number 3713  
7 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
8 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

12 "Employment" within the meaning of this provision shall include any full-time,  
13 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
14 position for which a pharmacist license is a requirement or criterion for employment,  
15 whether the respondent is an employee, independent contractor or volunteer.

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

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

22 **8. Reimbursement of Board Costs**

23 As a condition precedent to successful completion of probation, respondent shall pay to the  
24 board its costs of investigation and prosecution in the amount of \$5,000. Respondent shall make  
25 said payment pursuant to a payment plan approved by the Board.

26 There shall be no deviation from this schedule absent prior written approval by the board or  
27 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
28 probation.

1 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to  
2 reimburse the board its costs of investigation and prosecution.

3 **9. Probation Monitoring Costs**

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

8 **10. Status of License**

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

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

16 **11. License Surrender While on Probation/Suspension**

17 Following the effective date of this decision, should respondent cease practice due to  
18 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
19 respondent may tender her license to the board for surrender. The board or its designee shall have  
20 the discretion whether to grant the request for surrender or take any other action it deems  
21 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent  
22 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
23 record of discipline and shall become a part of the respondent's license history with the board.

24 Upon acceptance of the surrender, respondent shall relinquish her pocket and wall license to  
25 the board within ten (10) days of notification by the board that the surrender is accepted.

26 Respondent may not reapply for any license from the board for three (3) years from the effective  
27 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
28



1 of the date the application for that license is submitted to the board, including any outstanding  
2 costs.

3 **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
4 **Employment**

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

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

12 **13. Tolling of Probation**

13 Except during periods of suspension, respondent shall, at all times while on probation, be  
14 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.  
15 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
16 period of probation shall be extended by one month for each month during which this minimum is  
17 not met. During any such period of tolling of probation, respondent must nonetheless comply  
18 with all terms and conditions of probation.

19 Should respondent, regardless of residency, for any reason (including vacation) cease  
20 practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California,  
21 respondent must notify the board in writing within ten (10) days of the cessation of practice, and  
22 must further notify the board in writing within ten (10) days of the resumption of practice. Any  
23 failure to provide such notification(s) shall be considered a violation of probation.

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

27 "Cessation of practice" means any calendar month during which respondent is  
28 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and

1 Professions Code section 4000 et seq . "Resumption of practice" means any calendar  
2 month during which respondent is practicing as a pharmacist for at least forty (40)  
3 hours as a pharmacist as defined by Business and Professions Code section 4000 et  
4 seq.

5 **14. Violation of Probation**

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

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

18 **15. Completion of Probation**

19 Upon written notice by the board or its designee indicating successful completion of  
20 probation, respondent's license will be fully restored.

21 **16. Community Services Program**

22 Within sixty (60) days of the effective date of this decision, respondent shall submit to the  
23 board or its designee, for prior approval, a community service program in which respondent shall  
24 provide free health-care related services on a regular basis to a community or charitable facility or  
25 agency for at least one hundred-fifty hours within the first two years of probation. Within thirty  
26 (30) days of board approval thereof, respondent shall submit documentation to the board  
27 demonstrating commencement of the community service program. A record of this notification  
28 must be provided to the board upon request. Respondent shall report on progress with the

1 community service program in the quarterly reports. Failure to timely submit, commence, or  
2 comply with the program shall be considered a violation of probation.

3 **17. Remedial Education**

4 Within sixty (60) days of the effective date of this decision, respondent shall submit to the  
5 board or its designee, for prior approval, an appropriate program of remedial education related to  
6 record keeping, drug security or another subject area approved by the Board. The program of  
7 remedial education shall consist of at least thirty (30) hours, which shall be completed within the  
8 first two (2) years of Respondent's probation term at respondent's own expense. All remedial  
9 education shall be in addition to, and shall not be credited toward, continuing education (CE)  
10 courses used for license renewal purposes.

11 Failure to timely submit or complete the approved remedial education shall be considered a  
12 violation of probation. The period of probation will be automatically extended until such  
13 remedial education is successfully completed and written proof, in a form acceptable to the board,  
14 is provided to the board or its designee.

15 Following the completion of each course, the board or its designee may require the  
16 respondent, at her own expense, to take an approved examination to test the respondent's  
17 knowledge of the course. If the respondent does not achieve a passing score on the examination,  
18 this failure shall be considered a violation of probation. Any such examination failure shall  
19 require respondent to take another course approved by the board in the same subject area.

20 **18. No Ownership of Licensed Premises**

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

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ACCEPTANCE

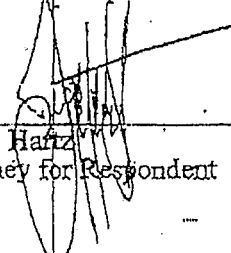
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jay N. Hartz. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,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

DATED: 11/10/11

  
\_\_\_\_\_  
ALICE YANG FOREST  
Respondent

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

DATED: 11/10/11

  
\_\_\_\_\_  
Jay N. Hartz  
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.



**Exhibit A**

**Accusation No. 3713**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
4 State Bar No. 206911  
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12 **15729 Silverpointe Avenue**  
**Chino Hills, CA 91709**  
13 **Pharmacist License No. RPH 50114**

**ACCUSATION**

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

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

20 2. On or about May 6, 1998, the Board of Pharmacy issued Pharmacist License Number  
21 RPH 50114 to Alice Yang Forest (Respondent). The Pharmacist License was in full force and  
22 effect at all times relevant to the charges brought herein and will expire on July 31, 2011, unless  
23 renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
26 Consumer Affairs, under the authority of the following laws. All section references are to the  
27 Business and Professions Code unless otherwise indicated.  
28

1           4.     Section 4081 of the Code states:

2           "(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs  
3 or dangerous devices shall be at all times during business hours open to inspection by authorized  
4 officers of the law, and shall be preserved for at least three years from the date of making. A  
5 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary  
6 food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,  
7 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,  
8 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and  
9 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and  
10 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

11           "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal  
12 drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-  
13 charge, for maintaining the records and inventory described in this section.

14           "(c) The pharmacist-in-charge or representative-in-charge shall not be criminally  
15 responsible for acts of the owner, officer, partner, or employee that violate this section and of  
16 which the pharmacist-in-charge or representative-in-charge had no knowledge, or in which he or  
17 she did not knowingly participate."

18           5.     Section 4301 of the Code states:

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

22           .....

23           "(j) The violation of any of the statutes of this state, or any other state, or of the United  
24 States regulating controlled substances and dangerous drugs.

25           .....

26           "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
27 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
28



1 federal and state laws and regulations governing pharmacy, including regulations established by  
2 the board or by any other state or federal regulatory agency.

3 6. Section 4113, subdivision (c) states:

4 "The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state  
5 and federal laws and regulations pertaining to the practice of pharmacy."

6 7. California Code of Regulations, title 16, section 1718, states:

7 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions  
8 Code shall be considered to include complete accountability for all dangerous drugs handled by  
9 every licensee enumerated in Sections 4081 and 4332.

10 "The controlled substances inventories required by Title 21, CFR, Section 1304 shall be  
11 available for inspection upon request for at least 3 years after the date of the inventory."

12 8. California Code of Regulations, title 16, section 1714, subdivision (d) states:

13 "Each pharmacist while on duty shall be responsible for the security of the prescription  
14 department, including provisions for effective control against theft or diversion of dangerous  
15 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy  
16 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist."

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

21 10. Section 118, subdivision (b), of the Code provides that the  
22 suspension/expiration/surrender/cancellation of a license shall not deprive the  
23 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period  
24 within which the license may be renewed, restored, reissued or reinstated.

25 11. Hydrocodone is a Schedule III controlled narcotic substance pursuant to Health and  
26 Safety Code section 11056(e)(4) and a dangerous drug pursuant to Business and Professions Code  
27 section 4022.  
28

FIRST CAUSE FOR DISCIPLINE

(Failure to Maintain Current Inventory)

12. Respondent is subject to disciplinary action under section 4301 subdivisions (j) and (o) in conjunction with California Code of Regulations, title 16, section 1718 for failure to maintain a "current inventory", in that Respondent was unable to account for approximately 58,719 units of Hydrocodone APAP (multiple strengths) between August 26, 2008 and September 27, 2009 as follows:

DRUG	Last Inventory - 8/26/08	Purchases 8/26/08 - 9/27/08	Amount Dispensed 8/26/08 - 9/27/09	Returns	Expected On-Hand Inventory	Actual Inventory	Variance
HC/APAP 10/325	1659	113000	68092	9	46558	2728	[43830] <sup>1</sup>
HC/APAP 5/500	2966	692500	683152	161	12153	19370	7217
HC/APAP 7.5/750	1466	91000	83747	0	8719	1354	[7365]
HC/APAP 5/325	578	73200	74828	0	[1050]	1020	2070
HC/APAP 7.5/325	650	20500	20136	0	1014	100	[914]
HC/APAP 10/650	1834	400	724	1225	285	163	[122]
HC/APAP 7.5/650	70	700	543	0	227	241	14
HC/APAP 10/500	1827	2300	2245	0	1882	196	[1686]
HC/APAP 7.5/500	464	11300	10776	0	988	848	[140]
HC/APAP 10/660	90	1000	838	0	252	170	[82]

<sup>1</sup> A subsequent audit covering the time period 9/27/2009-10/12/2009 revealed an additional shortage of 4,580 units.

