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

In the Matter of the Accusation Against:

Case No. 4809

LOUIS CHUN-HONG WONG 14925 SE 60th Street Bellvue, WA 98006

Pharmacist License No. RPH 41176

Respondent.

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 April 16, 2014.

It is so ORDERED on April 11, 2014.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STANLEY C. WEISSER

Board President

1	KAMALA D. HARRIS Attorney General of California		
2	KENT D. HARRIS Supervising Deputy Attorney General		
3	STEPHANIE ALAMO-LATIF		
4	Deputy Attorney General State Bar No. 283580		
5	1300 I Street, Suite 125 P.O. Box 944255		
6	Sacramento, CA 94244-2550 Telephone: (916) 327-6819 Facsimile: (916) 327-8643		
7	Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CA	LIFORNIA	
11	In the Matter of the Accusation Against:	Case No. 4809	
12	LOUIS CHUN-HONG WONG, 14925 SE 60 th Street	OAH No. 2013100205	
13	Bellvue, WA 98006 S	STIPULATED SURRENDER OF	
14	Pharmacist License No. RPH 41176	LICENSE AND 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	<u>PARTIES</u>		
20	1. Virginia 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 Kamala		
22	D. Harris, Attorney General of the State of California, by Stephanie Alamo-Latif, Deputy		
23	Attorney General.		
24	2. Louis Chun-Hong Wong ("Responden	t") is represented in this proceeding by attorney	
25	David Bonilla, whose address is Law Office of David Bonilla, 901 H Street, Suite 620,		
26	Sacramento, CA 95814.		
27	<i>\\\\</i>		
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3. On or about September 26, 1987, the Board of Pharmacy issued Pharmacist License No. RPH 41176 to Louis Chun-Hong Wong ("Respondent"). The Pharmacist License is inactive, and will expire on October 31, 2014, unless renewed.

JURISDICTION

4. Accusation No. 4809 was filed before the Board of Pharmacy ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 17, 2013. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 4809 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 4809. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.
- 6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 4809, agrees that cause exists for discipline, and hereby surrenders his Pharmacist License No. RPH 41176 for the Board's formal acceptance.

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

CONTINGENCY

- 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- 11. The parties understand and agree that Portable Document Format (PDF), facsimile and/or electronic copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF), facsimile, and/or electronic signatures thereto, shall have the same force and effect as the originals.
- 12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- 13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 41176, issued to Respondent Louis Chun-Hong Wong, is surrendered and accepted by the Board of Pharmacy.

- 1. The surrender of Respondent's Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.
- 2. Respondent shall lose all rights and privileges as a Pharmacist in California as of the effective date of the Board's Decision and Order.
- 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.
- 4. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 4809 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.
- 5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$1,730.00 prior to issuance of a new or reinstated license.
- 6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 4809 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.
- 7. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Pharmacy's Decision and Order.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, David Bonilla. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order

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1	voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the		
2	Board of Pharmacy.		
3			
4	DATED: Feb 06, 2014 Told.		
5	LOUIS CHUN-HONG WONG Respondent		
б	I have read and fully discussed with Respondent Louis Chun-Hong Wong the terms and		
7	conditions and other matters contained in this Stipulated Surrender of License and Order. I		
. 8	approve its form and content.		
9	DATED: Fels 12th 2014 Des Da		
10-	DAVID BONILLA Attorney for Respondent		
11			
12			
13	ENDORSEMENT		
14	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted		
15	for consideration by the Board of Pharmacy of the Department of Consumer Affairs.		
16	Dated: Respectfully submitted,		
17	KAMALA D. HARRIS Attorney General of California		
18	KENT D. HARRIS Supervising Deputy Attorney General		
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20	و المراجعة ا المراجعة المراجعة الم		
21	STEPHANIE ALAMO-LATIF Deputy Attorney General		
23	Attorneys for Complainant		
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1	DATED:	
2	LOUIS CHUN-HONG WONG Respondent	
3	I have read and fully discussed with Respondent Louis Chun-Hong Wong the terms and	
4	conditions and other matters contained in this Stipulated Surrender of License and Order. I	
5	approve its form and content.	
6	DATED:	
7 8	DAVID BONILLA Attorney for Respondent	
9		
10	<u>ENDORSEMENT</u>	
1-1	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted—	
12	for consideration by the Board of Pharmacy of the Department of Consumer Affairs.	
13	Dated: 2/27/14 Respectfully submitted,	
14	Kamala D. Harris	
15	Attorney General of California KENT D. HARRIS	
16	Supervising Deputy Attorney General	
17		
18	STEPHANIE ALAMO-LATIF Deputy Attorney General	
19	Attorneys for Complainant	
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Exhibit A

Accusation No. 4809

1	KAMALA D. HARRIS		
2	Attorney General of California KENT D. HARRIS		
3	Supervising Deputy Attorney General STEPHANIE ALAMO-LATIF		
4	Deputy Attorney General State Bar No. 283580		
5	1300 I Street, Suite 125 P.O. Box 944255		
6	Sacramento, CA 94244-2550 Telephone: (916) 327-6819		
7	Facsimile: (916) 327-8643 E-mail: Stephanie.AlamoLatif@doj.ca.gov		
8	Attorneys for Complainant		
9	BEFORE THE		
10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
11	STATE OF CALIFORNIA		
12	In the Matter of the Accusation Against:	Case No. 4809	
13	LOUIS CHUN-HONG WONG, 14925 SE 60 th Street		
14	Bellvue, WA 98006	ACCUSATION	
15	Pharmacist License No. RPH 41176		
16	Respondent.		
17	- Additional and the second and the		
18	Virginia Herold ("Complainant)" alleges:		
19	<u>PARTIES</u>		
20	1. Complainant brings this Accusation solely in her official capacity as the Executive		
21	Officer of the Board of Pharmacy, Department of Consumer Affairs.		
22	2. On or about September 26, 1987, the Board of Pharmacy issued Pharmacist License		
23	Number RPH 41176 to Louis Chun-Hong Wong ("Respondent"). The Pharmacist License is		
24	inactive, and will expire on October 31, 2014, unless renewed.		
25	<u>JURISI</u>	DICTION	
26	3. This Accusation is brought before th	e Board of Pharmacy ("Board"), Department of	
27-	Consumer Affairs, under the authority of the following laws. All section references are to the		
28	Business and Professions Code unless otherwise indicated.		
		1	

- 4. Code Section 4300 states, in pertinent part, that every license issued may be suspended or revoked.
 - 5. Section 4300.1 of the Code states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."

STATUTORY PROVISIONS

6. Code Section 4301 states, in pertinent part:

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

..

"(n) The revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter."

COST RECOVERY

7. Section 125.3 of the Code states, 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.

CAUSE FOR DISCIPLINE

(Disciplinary Action by the Washington Board of Pharmacy)

8. Respondent is subject to discipline Under Code section 4301, subdivision (n), on the grounds of unprofessional conduct, in that Respondent was disciplined by the Washington Board of Pharmacy as follows: On or about October 20, 2011, by Stipulated Findings of Fact, Conclusions of Law and Agreed Order, Respondent was found to be in violation of Washington Board of Pharmacy law for unprofessional conduct for writing prescriptions for himself and family

EXHIBIT A Washington Board of Pharmacy Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Case No. M2011-472) Accusation

STATE OF WASHINGTON DEPARTMENT OF HEALTH BOARD OF PHARMACY

In the Matter of

No. M2011-472

LOUIS C. WONG Credential No. PHRM.PH.00021451 STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND AGREED ORDER

Respondent-

The Board of Pharmacy (Board), through Patrick F. Hanley, Jr., Department of Health Staff Attorney, and Respondent, represented by counsel, Kenneth S. Kagan, stipulate and agree to the following:

1. PROCEDURAL STIPULATIONS

- 1.1 On April 18, 2011, the Board issued a Statement of Charges against Respondent.
- 1.2 Respondent understands that the Board is prepared to proceed to a hearing on the allegations in the Statement of Charges.
- 1.3 Respondent understands that if the allegations are proven at a hearing, the Board has the authority to impose sanctions pursuant to RCW 18.130.160.
- 1.4 Respondent has the right to defend against the allegations in the Statement of Charges by presenting evidence at a hearing.
- 1.5 Respondent waives the opportunity for a hearing on the Statement of Charges provided that the Board accepts this Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Agreed Order).
 - 1.6 The parties agree to resolve this matter by means of this Agreed Order.
- 1.7 Respondent understands that this Agreed Order is not binding unless and until it is signed and accepted by the Board.
- 1.8 If the Board accepts this Agreed Order, it will be reported to the Health Integrity and Protection Databank (45 CFR Part 61), the National Practitioner Databank (45 CFR Part 60) and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act (Chap. 42.56 RCW) and the Uniform Disciplinary Act (RCW 18.130.110).

STIPULATED FINDINGS OF FACT, CONCLUSIONS OF LAW AND AGREED ORDER NO. M2011-472 PAGE 1 OF 6

1.9 If the Board rejects this Agreed Order, Respondent waives any objection to the participation at hearing of any Board members who heard the Agreed Order presentation.

2. FINDINGS OF FACT

Respondent and the Board stipulate to the following facts:

- 2.1 On October 16, 1995, the state of Washington issued Respondent a credential to practice as a pharmacist. Respondent's credential is currently active.
- 2.2 Between approximately October 2005 and January 2010, while employed as a pharmacist at Rite Aid Pharmacy #5178 in Bellevue, WA, Respondent wrote prescriptions for himself and family members using a physician's name as the prescriber without the physician's authorization. These prescriptions included, but were not limited to, the following: Lonox, cough syrup with codeine (both being Controlled Substances Schedule V). These prescriptions also included multiple legend drugs.
- 2.3 When confronted by Rite Aid loss prevention staff, Respondent admitted to forging prescriptions for himself and family members, including his wife and daughter.

3. CONCLUSIONS OF LAW

The Board and Respondent agree to the entry of the following Conclusions of Law:

- 3.1 The Board has jurisdiction over Respondent and over the subject matter of this proceeding.
- 3.2 Respondent has committed unprofessional conduct in violation of RCW 18.130.180(1), (4), (6), (7), (12), (13), RCW 69.50.308(d), (e), (i), and RCW 69.50.403(1)(c), (d), (e).
- 3.3 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

4. COMPLIANCE WITH SANCTION RULES

- 4.1 The disciplining authority applies WAC 246-16-800, et seq., to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplining authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."
- 4.2 Respondent's alleged conduct falls in Tier A of the "Practice Below Standard of Care" schedule, WAC 246-16-810. The sanction range associated with that

tier does adequately address the alleged facts of this case. The disciplining authority has identified factors that justify a sanction that falls in the higher range of the above identified tier. Tier A applies because Respondent's conduct appears to have caused no or minimal patient harm. The sanction range for Tier A is 0 to 3 years of oversight. Under WAC 246-16-800(3)(d), the starting point for the duration of the sanctions is the middle of the range. The disciplining authority uses aggravating and mitigating factors to move towards the maximum or minimum ends of the range. In this case, the disciplining authority justified a sanction in the higher range of the identified tier based on the number of aggravating factors.

- 4.3 The disciplining authority considered the following aggravating factors:
 - A. Number or frequency of the acts of unprofessional conduct.
 - B. Abuse of trust.
 - C. Intentional acts.
- 4.4 The disciplining authority considered the following mitigating factors:
 - A. Admission of key facts.
 - B. Respondent shows remorse and awareness that the conduct was wrong.

5. AGREED ORDER

Based on the Findings of Fact and Conclusions of Law, the Board and Respondent agreed to entry of the following Agreed Order:

- 5.1 Respondent's credential shall be placed on **PROBATION** for at least three (3) years. During the period of probation, the following terms and conditions shall apply.
- 5.2 Respondent shall present both portions of his credential to the Department of Health, Board of Pharmacy Compliance Unit, PO Box 47873, Olympia, WA 98504-7873 within ten (10) days of receipt of this Agreed Order.
- 5.3 For each year of probation, Respondent must provide evidence to the Board that he has successfully completed six (6) hours of continuing education course-work, preapproved by the Board or its designee, in the area of pharmacy law and/or ethics, for a total of eighteen (18) hours over three (3) years. The continuing education course-work must be taken at an accredited educational institution or through a program otherwise

approved by the Board. Each year, Respondent must provide the Board with proof of completion of six (6) hours of such course-work within thirty (30) days of such completion.

- 5.4 Within thirty (30) days of completion of the first year's six (6) hours of course-work detailed above, Respondent must provide the Board with a five hundred (500) word summary on how the course-work related to pharmacy practice.
- 5.5 Respondent will be prohibited from serving as a preceptor or supervising pharmacy interns for the duration of the probationary period.
- 5.6 Respondent must pay a fine to the Board in the amount of seven thousand dollars (\$7,000.00) which must be received by the Board within fifteen (15) months after the effective date of this Agreed Order. The fine must be paid by certified or cashier's check or money order, made payable to the Department of Health and mailed to the Department of Health, Board of Pharmacy, at PO Box 1099, Olympia, Washington 98507-1099. Credit or Debit cards can also be used for payment at the front counter of the Department of Health building at 310 Israel Road SE, Turnwater, Washington 98501, during regular business hours.
- 5.7 Respondent must retake and pass the multi-state pharmacy jurisprudence examination (MPJE) within fifteen (15) months of the effective date of this Agreed Order.
- 5.8 Respondent must notify the Board of current and future employment in the health care field by submitting a job description directly to the Board within ten (10) days of Respondent's receipt of this Agreed Order or a change in employment. Respondent shall also provide a copy of this Agreed Order to current and future health care employers, including pharmacy managers, if any, within ten (10) days of Respondent's receipt of this Agreed Order or a change in employment. Respondent shall ensure that all health care employers understand the Board decision in this case by causing all health care employers to inform the Board, in writing, of the employers' knowledge of this Agreed Order within ten (10) days of Respondent's receipt of this Agreed Order or a change in employment.
- 5,9 In the event Respondent should leave the state of Washington to reside or to practice outside the state of Washington, Respondent must notify the Board, in writing, of the date of departure and return within twenty (20) calendar days. Periods of residency

or practice outside the state of Washington will not apply to the reduction of this probationary or suspension period.

- 5.10 All documents required by this Agreed Order shall be sent to the Department of Health, Compliance Unit at PO Box 47873, Olympia, WA 98504-7873.
- 5.11 Respondent shall obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.
 - 5.12 Respondent is responsible for all costs of complying with this Agreed Order.
- 5.13 Respondent shall inform the Board and the Adjudicative Clerk Office, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change.
- 5.14 The effective date of this Agreed Order is the date the Adjudicative Clerk Office places the signed Agreed Order into the U.S. mail. If required, Respondent shall not submit any fees or compliance documents until after the effective date of this Agreed Order.

6. FAILURE TO COMPLY

Protection of the public requires practice under the terms and conditions imposed in this order. Failure to comply with the terms and conditions of this order may result in suspension of the credential after a show cause hearing. If Respondent fails to comply with the terms and conditions of this order, the Board may hold a hearing to require Respondent to show cause why the credential should not be suspended. Alternatively, the Board may bring additional charges of unprofessional conduct under RCW 18.130.180(9). In either case, Respondent will be afforded notice and an opportunity for a hearing on the issue of non-compliance.

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7. ACCEPTANCE

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7. ACCEPTANCE
I, LOUIS C. WONG, have read, understand and agree to this Agreed Order. This
Agreed Order may be presented to the Board without my appearance. I understand that I
will receive a signed copy if the Board accepts this Agreed Order.
[Metho: 103-
LOUIS C. WONG KENNETH S. KAGAN, WSBA #12983 RESPONDENT ATTORNEY FOR RESPONDENT
9/2/2 ° 1/ 9/2/L\ DATE DATE
DATE
8. ORDER
The Board accepts and enters this Stipulated Findings of Fact, Conclusions of Law
and Agreed Order.
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DATED: OCTOBER 20 , 2011
STATE OF WASHINGTON
DEPARTMENT OF HEALTH
BOARD OF PHARMACY
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PRESENTED BY:
PREDENTED DI.
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PATRICK HANLEY, JR., WSBA #28924
DEPARTMENT OF HEALTH STAFF ATTORNEY
nt/ - 20 2011.
October 20, 2011
DATE
STIPULATED FINDINGS OF FACT, PAGE 6 OF 6
CONCLUSIONS OF LAW AND AGREED ORDER
NO. M2011-472