

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

In the Matter of the Accusation Against:

JANE I. OYAMA, AKA JANE I. CHUN
1467 Stonehaven Ct.
Riverside, CA 92507

Pharmacist License No. RPH 49169

Respondent.

Case No. 5381

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

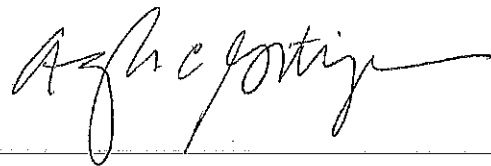
DECISION AND ORDER

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 at 5:00 p.m. on June 6, 2016.

It is so ORDERED on May 6, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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

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12 In the Matter of the Accusation Against:

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13 **JANE I. OYAMA, AKA JANE I. CHUN**
14 **1467 Stonehaven Ct.**
Riverside, CA 92507

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Pharmacist License No. RPH 49169**

16 Respondent.

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

20 PARTIES

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

25 2. Respondent Jane I. Oyama, aka Jane I. Chun ("Respondent") is represented in this
26 proceeding by attorney Ivan Petrzelka, whose address is: 2855 Michelle Drive, Ste. 180,
27 Irvine, CA 92606-1027.

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1 for taking disciplinary action against her license. Therefore, Respondent hereby give us her right
2 to contest those charges.

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

5 CONTINGENCY

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

15 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
16 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
17 signatures thereto, shall have the same force and effect as the originals.

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

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

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 49169 issued to Respondent
3 Jane I. Oyama, aka Jane I. Chun is revoked. However, the revocation is stayed and Respondent is
4 placed on probation for five (5) years on the following terms and conditions.

5 **1. Suspension**

6 As part of probation, respondent is suspended from the practice of pharmacy for 10 days
7 beginning the effective date of this decision.

8 During suspension, respondent shall not enter any pharmacy area or any portion of the
9 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
10 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
11 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
12 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
13 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
14 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
15 and devices or controlled substances.

16 Respondent shall not engage in any activity that requires the professional judgment of a
17 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.
18 Respondent shall not perform the duties of a pharmacy technician or a designated representative
19 for any entity licensed by the board.

20 Subject to the above restrictions, respondent may continue to own or hold an interest in any
21 licensed premises in which she holds an interest at the time this decision becomes effective unless
22 otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 **2. Obey All Laws**

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

26 Respondent shall report any of the following occurrences to the board, in writing, within
27 seventy-two (72) hours of such occurrence:
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- 1 • an arrest or issuance of a criminal complaint for violation of any provision of the
- 2 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
- 3 substances laws
- 4 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 5 criminal complaint, information or indictment
- 6 • a conviction of any crime
- 7 • discipline, citation, or other administrative action filed by any state or federal agency
- 8 which involves respondent's pharmacist's license or which is related to the practice of
- 9 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
- 10 for any drug, device or controlled substance.

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

12 **3. Report to the Board**

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

21 **4. Interview with the Board**

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

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5. Cooperate with Board Staff

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

6. Continuing Education

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

7. Notice to Employers

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 5381 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 5381, and terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity licensed by the board of the terms and conditions of the decision in case number 5381 in advance of the respondent commencing work at each licensed entity. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause her direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that she has read the decision in case number 5381

1 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
2 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

10 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
11 **Designated Representative-in-Charge, or Serving as a Consultant**

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

16 **9. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, respondent shall pay to the
18 board its costs of investigation and prosecution in the amount of \$ \$1,857.50. Respondent shall
19 make said payments in a payment plan as determined by the probation monitor.

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

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

25 **10. Probation Monitoring Costs**

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

3 **11. Status of License**

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

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

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

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

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

25 **13. Notification of a Change in Name, Residence Address, Mailing Address or**
26 **Employment**

27 Respondent shall notify the board in writing within ten (10) days of any change of
28 employment. Said notification shall include the reasons for leaving, the address of the new

1 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
2 shall further notify the board in writing within ten (10) days of a change in name, residence
3 address, mailing address, or phone number.

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

6 **14. Tolling of Probation**

7 Except during periods of suspension, respondent shall, at all times while on probation, be
8 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
9 month during which this minimum is not met shall toll the period of probation, i.e., the period of
10 probation shall be extended by one month for each month during which this minimum is not met.
11 During any such period of tolling of probation, respondent must nonetheless comply with all
12 terms and conditions of probation.

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

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

21 "Cessation of practice" means any calendar month during which respondent is
22 not practicing as a pharmacist for at least 40 hours, as defined by Business and
23 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
24 month during which respondent is practicing as a pharmacist for at least 40 hours as a
25 pharmacist as defined by Business and Professions Code section 4000 et seq.

26 **15. Violation of Probation**

27 If a respondent has not complied with any term or condition of probation, the board shall
28 have continuing jurisdiction over respondent, and probation shall automatically be extended, until

1 all terms and conditions have been satisfied or the board has taken other action as deemed
2 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
3 to impose the penalty that was stayed.

4 If respondent violates probation in any respect, the board, after giving respondent notice
5 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
6 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
7 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
8 a petition to revoke probation or an accusation is filed against respondent during probation, the
9 board shall have continuing jurisdiction and the period of probation shall be automatically
10 extended until the petition to revoke probation or accusation is heard and decided, and the charges
11 and allegations in the Accusation shall be deemed true and correct.

12 **16. Completion of Probation**

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

15 **17. Pharmacists Recovery Program (PRP)**

16 Within thirty (30) days of the effective date of this decision, respondent shall contact the
17 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,
18 successfully participate in, and complete the treatment contract and any subsequent addendums as
19 recommended and provided by the PRP and as approved by the board or its designee. The costs
20 for PRP participation shall be borne by the respondent.

21 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of
22 the effective date of this decision is no longer considered a self-referral under Business and
23 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete
24 her current contract and any subsequent addendums with the PRP.

25 Failure to timely contact or enroll in the PRP, or successfully participate in and complete
26 the treatment contract and/or any addendums, shall be considered a violation of probation.

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1 Probation shall be automatically extended until respondent successfully completes the PRP.
2 Any person terminated from the PRP program shall be automatically suspended by the board.
3 Respondent may not resume the practice of pharmacy until notified by the board in writing.

4 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
5 licensed practitioner as part of a documented medical treatment shall result in the automatic
6 suspension of practice by respondent and shall be considered a violation of probation.

7 Respondent may not resume the practice of pharmacy until notified by the board in writing.

8 During suspension, respondent shall not enter any pharmacy area or any portion of the
9 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
10 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
11 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
12 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
13 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
14 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
15 and controlled substances. Respondent shall not resume practice until notified by the board.

16 During suspension, respondent shall not engage in any activity that requires the
17 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
18 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
19 designated representative for any entity licensed by the board.

20 Subject to the above restrictions, respondent may continue to own or hold an interest in any
21 licensed premises in which she holds an interest at the time this decision becomes effective unless
22 otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
25 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid
26 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

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1 **18. Random Drug Screening**

2 Respondent, at her own expense, shall participate in random testing, including but not
3 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
4 screening program as directed by the board or its designee. Respondent may be required to
5 participate in testing for the entire probation period and the frequency of testing will be
6 determined by the board or its designee. At all times, respondent shall fully cooperate with the
7 board or its designee, and shall, when directed, submit to such tests and samples for the detection
8 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
9 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
10 of probation. Upon request of the board or its designee, respondent shall provide documentation
11 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
12 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
13 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
14 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
15 shall be considered a violation of probation and shall result in the automatic suspension of
16 practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until
17 notified by the board in writing.

18 During suspension, respondent shall not enter any pharmacy area or any portion of the
19 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
20 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
21 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
22 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
23 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
24 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
25 and controlled substances. Respondent shall not resume practice until notified by the board.

26 During suspension, respondent shall not engage in any activity that requires the
27 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the

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1 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
2 designated representative for any entity licensed by the board.

3 Subject to the above restrictions, respondent may continue to own or hold an interest in any
4 licensed premises in which she holds an interest at the time this decision becomes effective unless
5 otherwise specified in this order.

6 Failure to comply with this suspension shall be considered a violation of probation.

7 **19. Abstain from Drugs and Alcohol Use**

8 Respondent shall completely abstain from the possession or use of alcohol, controlled
9 substances, dangerous drugs and their associated paraphernalia except when the drugs are
10 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
11 request of the board or its designee, respondent shall provide documentation from the licensed
12 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
13 treatment of the respondent. Failure to timely provide such documentation shall be considered a
14 violation of probation. Respondent shall ensure that she is not in the same physical location as
15 individuals who are using illicit substances even if respondent is not personally ingesting the
16 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
17 not supported by the documentation timely provided, and/or any physical proximity to persons
18 using illicit substances, shall be considered a violation of probation.

19 **20. Prescription Coordination and Monitoring of Prescription Use**

20 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
21 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
22 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
23 history of the use of alcohol, and who will coordinate and monitor any prescriptions for
24 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
25 practitioner shall be provided with a copy of the board's Accusation and decision. A record of
26 this notification must be provided to the board upon request. Respondent shall sign a release
27 authorizing the practitioner to communicate with the board about respondent's treatment(s). The
28 coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the

1 board on a quarterly basis for the duration of probation regarding respondent's compliance with
2 this condition. If any substances considered addictive have been prescribed, the report shall
3 identify a program for the time limited use of any such substances. The board may require that
4 the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a
5 specialist in addictive medicine, or consult a specialist in addictive medicine. Should respondent,
6 for any reason, cease supervision by the approved practitioner, respondent shall notify the board
7 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement
8 physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice to the
9 board or its designee for its prior approval. Failure to timely submit the selected practitioner or
10 replacement practitioner to the board for approval, or to ensure the required reporting thereby on
11 the quarterly reports, shall be considered a violation of probation.

12 If at any time an approved practitioner determines that respondent is unable to practice
13 safely or independently as a pharmacist, the practitioner shall notify the board immediately by
14 telephone and follow up by written letter within three (3) working days. Upon notification from
15 the board or its designee of this determination, respondent shall be automatically suspended and
16 shall not resume practice until notified by the board that practice may be resumed.

17 During suspension, respondent shall not enter any pharmacy area or any portion of the
18 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
19 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
20 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
21 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
22 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
23 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
24 and controlled substances. Respondent shall not resume practice until notified by the board.

25 During suspension, respondent shall not engage in any activity that requires the
26 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the

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1 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
2 designated representative for any entity licensed by the board.

3 Failure to comply with this suspension shall be considered a violation of probation.

4 **21. Supervised Practice**

5 During the period of probation, respondent shall practice only under the supervision of a
6 licensed pharmacist not on probation with the board. Upon and after the effective date of this
7 decision, respondent shall not practice pharmacy and her license shall be automatically suspended
8 until a supervisor is approved by the board or its designee. The supervision shall be, as required
9 by the board or its designee, either:

10 Continuous – At least 75% of a work week

11 Substantial - At least 50% of a work week

12 Partial - At least 25% of a work week

13 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

14 Within thirty (30) days of the effective date of this decision, respondent shall have her
15 supervisor submit notification to the board in writing stating that the supervisor has read the
16 decision in case number 5381 and is familiar with the required level of supervision as determined
17 by the board or its designee. It shall be the respondent's responsibility to ensure that her
18 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
19 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
20 acknowledgements to the board shall be considered a violation of probation.

21 If respondent changes employment, it shall be the respondent's responsibility to ensure that
22 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
23 the board. Respondent shall have her new supervisor, within fifteen (15) days after employment
24 commences, submit notification to the board in writing stating the direct supervisor and
25 pharmacist-in-charge have read the decision in case number 5381 and is familiar with the level of
26 supervision as determined by the board. Respondent shall not practice pharmacy and her license
27 shall be automatically suspended until the board or its designee approves a new supervisor.

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1 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
2 acknowledgements to the board shall be considered a violation of probation.

3 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

4 During suspension, respondent shall not enter any pharmacy area or any portion of the
5 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
6 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
7 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
8 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
9 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
10 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
11 and controlled substances. Respondent shall not resume practice until notified by the board.

12 During suspension, respondent shall not engage in any activity that requires the
13 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
14 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
15 designated representative for any entity licensed by the board.

16 Failure to comply with this suspension shall be considered a violation of probation.

17 **22. No Ownership of Licensed Premises**

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

25 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
26 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
27 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
28 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,

1 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
2 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
3 that interest, but only to the extent of that position or interest as of the effective date of this
4 decision. Violation of this restriction shall be considered a violation of probation.

5 **23. Tolling of Suspension**

6 During the period of suspension, respondent shall not leave California for any period
7 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
8 of the (10) days during suspension shall be considered a violation of probation. Moreover, any
9 absence from California during the period of suspension exceeding ten (10) days shall toll the
10 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
11 respondent is absent from California. During any such period of tolling of suspension, respondent
12 must nonetheless comply with all terms and conditions of probation. Respondent must notify the
13 board in writing within ten (10) days of departure, and must further notify the board in writing
14 within ten (10) days of return. The failure to provide such notification(s) shall constitute a
15 violation of probation. Upon such departure and return, respondent shall not resume the practice
16 of pharmacy until notified by the board that the period of suspension has been satisfactorily
17 completed.

18 **24. Ethics Course**

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

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


25 ACCEPTANCE

26 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
27 discussed it with my attorney, Ivan Petrzela. I understand the stipulation and the effect it will
28 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order

1 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
2 Board of Pharmacy.

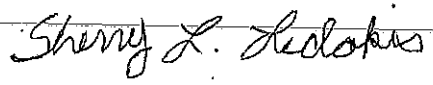
3
4 DATED: 3/29/16 
5 JANE L. OYAMA, AKA JANE L. CHUN,
Respondent

6 I have read and fully discussed with Respondent Jane L. Oyama, aka Jane L. Chun the terms
7 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
8 Order. I approve its form and content.

9
10 DATED: March 29, 2016 
11 IVAN PETRZELKA,
Attorney for Respondent

12
13
14 ENDORSEMENT

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

17 Dated: March 29, 2016 Respectfully submitted,
18
19 KAMALA D. HARRIS
Attorney General of California
20 GREGORY J. SALUTE
Supervising Deputy Attorney General
21
22 
23 SHERRY L. LEDAKIS
Deputy Attorney General
Attorneys for Complainant

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25 81358050.doc

Exhibit A

Accusation No. 5381

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2617
7 Facsimile: (619) 645-2106
Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

Case No. 5381

13 **JANE I. OYAMA**
14 **1467 Stonehaven Court**
Riverside, CA 92507

A C C U S A T I O N

15 **Pharmacist License No. RPH 49169**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about January 17, 1997, the Board of Pharmacy issued Pharmacist License
23 Number RPH 49169 to Jane I. Oyama, who is also known as Jane Inkyun Oyama, Jane Linkyung
24 Park, Jane Linkyung Chun, Jane Lin Kyung Chun, and Jane I. Chun (Respondent). The
25 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
26 and will expire on February 28, 2017, unless renewed.

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JURISDICTION

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

4. Section 4300(a) of the Code states "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.

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STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of

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discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

9. Section 4301 of the Code states:

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:

....

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

....

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

....

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

....

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

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6 REGULATORY PROVISIONS

7 10. California Code of Regulations, title 16, section 1702(b) states:

8 As a condition of renewal, a pharmacist applicant shall disclose on the renewal
9 form whether he or she has been convicted, as defined in Section 490 of the Business and
10 Professions Code, of any violation of the law in this or any other state, the United States,
11 or other country, omitting traffic infractions under \$500 not involving alcohol, dangerous
12 drugs, or controlled substances.

13 11. California Code of Regulations, title 16, section 1769 states:

14

15 (b) When considering the suspension or revocation of a facility or a personal
16 license on the ground that the licensee or the registrant has been convicted of a crime,
17 the board, in evaluating the rehabilitation of such person and his present eligibility for a
18 license will consider the following criteria:

19 (1) Nature and severity of the act(s) or offense(s).

20 (2) Total criminal record.

21 (3) The time that has elapsed since commission of the act(s) or offense(s).

22 (4) Whether the licensee has complied with all terms of parole, probation,
23 restitution or any other sanctions lawfully imposed against the licensee.

24 (5) Evidence, if any, of rehabilitation submitted by the licensee.

25 12. California Code of Regulations, title 16, section 1770 states:

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

29 COSTS

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

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not
2 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
3 may be included in a stipulated settlement.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(February 1, 2013 Criminal Conviction for Disorderly Conduct—Public Intoxication**
6 **on April 25, 2010)**

7 14. Respondent has subjected her license to discipline under sections 490 and 4301(l) of
8 the Code in that she was convicted of a crime that is substantially related to the qualifications,
9 duties, and functions of a pharmacist. The circumstances are as follows:

10 a. On May 10, 2010, in a criminal proceeding entitled *People of the State of*
11 *California v. Jane Inkyung Oyama*, in San Bernardino County Superior Court, case number
12 G-136341JO, a complaint was filed against Respondent alleging a violation of Penal Code
13 section 647(f) – disorderly conduct (public intoxication). Respondent failed to appear at her
14 arraignment on the charges on July 15, 2010, and a bench warrant was issued for her arrest.

15 b. On February 1, 2013, Respondent was convicted on her plea of guilty to
16 violating Penal Code section 647(f), a misdemeanor. An additional count of violating Penal Code
17 section 853.7, failure to appear, was dismissed. Respondent was ordered to pay fees and fines.

18 c. The facts that led to the conviction are that shortly before one in the morning on
19 April 25, 2010, a patrol officer with the Redlands Police Department responded to two reports of
20 a disoriented female walking along the Interstate 10 freeway. As the officer approached a
21 freeway overpass, he saw Respondent, dressed all in black and barefoot, walking along the right
22 shoulder of the freeway. After nearly impacting Respondent, the officer activated his emergency
23 lights to alert oncoming traffic, and came to a sudden stop. The officer noted that Respondent
24 became irate, yelling and flailing her arms. As the officer approached Respondent, he observed
25 that she was swaying, her eyes were extremely red and watery, her face was flushed, and she had
26 a moderate odor of an alcoholic beverage on her breath. Respondent told the officer that she had
27 been drinking at a party in Redlands, and did not understand why she could not walk home to
28 Yucaipa using the freeway. Respondent provided a breath sample which was analyzed by the

1 prelliminary alcohol screening device with a blood alcohol concentration (BAC) of .127 percent.
2 The officer determined that Respondent was too intoxicated to safely care for herself, and she
3 was arrested.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(July 30, 2014 Criminal Conviction for Alcohol-Related Reckless Driving on December 30, 2013)**

6 15. Respondent has subjected her license to discipline under sections 490 and 4301(l) of
7 the Code in that she was convicted of a crime that is substantially related to the qualifications,
8 duties, and functions of a pharmacist. The circumstances are as follows:

9 a. On July 30, 2014, in a criminal proceeding entitled *People of the State of*
10 *California v. Jane Inkyung Oyama, aka Jane Linkyung Park, aka Jane Lin Kyung Park, aka Jane*
11 *Linkyung Chun, aka Jane Kyung Chan*, in San Bernardino County Superior Court, case number
12 TSB1400475, Respondent was convicted on her plea of guilty to violating Vehicle Code section
13 23103(a), alcohol-related ("wet") reckless driving, a misdemeanor count substituted in place of
14 the original charges of violating Vehicle Code section 23152(a), driving under the influence of
15 alcohol/drugs, and Vehicle Code section 23152(b), driving with a BAC of .08 percent or more,
16 pursuant to Vehicle Code section 23013.5.

17 b. As a result of the conviction, Respondent was granted conditional probation for
18 36 months, and ordered to complete a wet and reckless program, pay fees and fines, and comply
19 with probation terms.

20 c. The facts that led to the conviction are that shortly before one in the morning on
21 December 30, 2013, a California Highway Patrol (CHP) officer was dispatched to a vehicle
22 collision involving a possible impaired driver. Upon arrival, the officer found Respondent sitting
23 in the driver's seat of her vehicle. She stated was not sure what happened, but her vehicle would
24 not drive any more, and she admitted to consuming alcohol prior to the collision. A witness
25 reported that while stopped at an intersection, he observed Respondent, who was visibly
26 impaired, being helped to her vehicle by a friend. Despite his warning to Respondent and her
27 friend, Respondent got into her vehicle and drove away. As the witness followed, he observed
28 Respondent accelerate to a high rate of speed and enter northbound Interstate 215. Respondent

1 spun out of control and stopped on the freeway facing southbound. Respondent attempted to
2 drive southbound in the northbound lanes. When confronted by the witness's vehicle, she drove
3 in reverse, spun out of control again, and collided with the freeway sound wall. The witness was
4 able to take the keys from the ignition of Respondent's vehicle, and stayed with her until the
5 arrival of the CHP officer. The officer observed that Respondent's eyes were red and watery, she
6 was very unsteady on her feet, and her reactions were slow. Respondent was unable to perform
7 the field sobriety tests as explained and demonstrated by the officer. Respondent was arrested for
8 driving under the influence. During booking, Respondent provided two breath samples which
9 were analyzed with a BAC of .187 and .168, respectively.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Alcohol)**

12 16. Respondent has subjected her license to discipline under section 4301(h) of the Code
13 for unprofessional conduct in that on or about April 25, 2010, and December 30, 2013,
14 Respondent was impaired by alcohol in a manner that was dangerous or injurious to herself, to
15 any other person, or to the public, as described in paragraphs 14 and 15, above.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Alcohol-Related Criminal Convictions on February 1, 2013 and July 30, 2014)**

18 17. Respondent has subjected her license to discipline under section 4301(k) of the Code
19 for unprofessional conduct in that she was convicted of more than one misdemeanor alcohol-
20 related criminal offense, as described in paragraphs 14 and 15, above.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Procuring a Pharmacy License by Dishonesty, Fraud or Misrepresentation)**

23 18. Respondent has subjected her license to discipline under section 4301(f) of the Code
24 in that she was renewed her pharmacist license using dishonesty, fraud or misrepresentation. The
25 circumstances are as follows:

26 19. On or about March 20, 2013, the Board received Respondent's Request for Renewal
27 of California Pharmacist License form. The form asked Respondent if she had been convicted of
28 any crime in any state, the USA and its territories, military court or a foreign country.

1 20. In response to the question, Respondent marked the box "NO," certifying with her
2 signature, under penalty of perjury under the laws of the state of California, that the information
3 on the form was true and correct. Respondent failed to declare her February 1, 2013, conviction
4 for violating Penal Code section 647(f), disorderly conduct – public intoxication, a misdemeanor,
5 as described in paragraph 14, above.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 **(Violating Regulations Governing Pharmacy)**

8 21. Respondent is subject to disciplinary action under section 4301(o) of the Code for
9 unprofessional conduct in that her failure to declare the February 1, 2013 criminal conviction on
10 her license renewal is a violation of California Code of Regulations, title 16, section 1702(b),
11 which requires a pharmacist applicant to disclose on the renewal form whether she had been
12 convicted of any violation of the law, omitting traffic infractions under \$500 not involving
13 alcohol, dangerous drugs, or controlled substances.

14 **PRAYER**

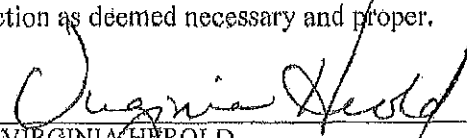
15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Pharmacy issue a decision:

17 1. Revoking or suspending Pharmacist License Number RPH 49169, issued to Jane I.
18 Oyama, who is also known as Jane Inkyun Oyama, Jane Linkyung Park, Jane Linkyung Chun,
19 Jane Lin Kyung Chun, and Jane I. Chun;

20 2. Ordering Jane I. Oyama to pay the Board of Pharmacy the reasonable costs of the
21 investigation and enforcement of this case, pursuant to Business and Professions Code section
22 125.3;

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

24 DATED: 4/3/15

25 
26 VIRGINIA HIROLD
27 Executive Officer
28 Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

SD2015700243