

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

**In the Matter of the Petition for Early Termination of  
Probation of:**

**JANE YOUNG JU HA a.k.a. YOUNG JU WOO**

**Agency Case No. 5554**

**OAH No. 2021030381**

**DECISION**

This matter was heard on March 18, 2021, before a quorum of the California State Board of Pharmacy (Board), Department of Consumer Affairs, by WebEx videoconference. Administrative Law Judge Coren D. Wong, Office of Administrative Hearings, State of California, presided.

Kristina T. Jarvis, Deputy Attorney General, appeared pursuant to Government Code section 11522.

Ivan Petrzelka, Pharm.D., JD, MBA represented petitioner Jane Young Ju Ha a.k.a. Young Ju Woo, who was present throughout the hearing.

Evidence was received, the record closed, and the matter submitted for written decision on March 18, 2021.

## **SUMMARY**

Petitioner's license to practice pharmacy was placed on four years' probation, effective November 3, 2017. She seeks to terminate probation early. When all the evidence is considered, petitioner established that she no longer poses a threat to public health, safety, or welfare. Therefore, her petition is granted.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. The Board issued petitioner Pharmacist License Number RPH 56562 on November 8, 2004. The license expires February 28, 2022, unless renewed or revoked.

2. On June 13, 2016, a former Board Executive Officer filed an Accusation seeking to discipline petitioner's license for failing to maintain pharmacy security and failing to maintain records of acquisition and disposition of controlled substances. Specifically, an internal audit of the pharmacy for which petitioner was the pharmacist in charge (PIC) revealed that a pharmacy technician had stolen 34,642 hydrocodone/apap tablets between January 1 and November 1, 2013, by altering the pharmacy's inventory records and taking the tablets. The pharmacy reported the loss of 205,403 hydrocodone/apap tablets to the Board, which the pharmacy attributed to the pharmacy technician's theft and a "flurry of robberies and other activity both internal and external." A Board investigator inspected the pharmacy and determined there were insufficient records to accurately trace the reported loss.

3. Petitioner entered into a stipulated settlement placing her license on probation for four years. Conditions of probation included an actual suspension,

supervised practice, paying the Board \$5,000 for its investigation and enforcement costs, performing 32 hours of community service each year for the first three years of probation, and completing 10 hours of remedial education each year for the first three years of probation. The Board approved the stipulated settlement, and petitioner's four-year probation period began November 3, 2017.

### **Petition for Early Termination of Probation**

4. On January 3, 2020, petitioner signed a Petition for Early Termination of Probation, which the Board received two weeks later. She is requesting early termination of probation because she wants more flexibility in her ability to work in COVID 19 vaccination clinics. A condition of probation requires petitioner's supervisor to review all of petitioner's pharmacy activities within 24 hours, which limits petitioner's ability to work in vaccination clinics to only when her supervisor is willing and available to work at the same time or the following day. Additionally, the supervision requirement makes it difficult for petitioner's supervisor to visit family who lives out of state. Petitioner would like her supervisor to be able to visit family this summer.

### **Petitioner's Evidence**

5. The reported loss of hydrocodone/apap occurred at Vons Pharmacy in El Centro, California, while petitioner was the PIC. She explained in a written statement accompanying her petition, "At first, I had a hard time accepting responsibility for someone else's criminal actions, but the whole disciplinary process helped me gain a better understanding of my responsibilities as a pharmacist and as PIC." She now recognizes that having gone through the disciplinary process has "made [her] a better pharmacist."

6. Petitioner readily admitted she lacked critical experience and training when the loss of hydrocodone/apap occurred. It was her first time serving as a PIC, and she was provided no training on her duties and responsibilities. She naively trusted her staff to not take advantage of her for their own personal gain. She erroneously believed that simply following corporate security protocols was enough to satisfy her duty to protect against drug diversion and theft.

7. Petitioner has used her probationary period as an opportunity to improve her skills and knowledge as a pharmacist. She completed 157.35 hours of Board-approved continuing education between January 4, 2018, and November 25, 2020, including the Pharmacy Regulatory Specialists Certificate Course and the Advanced Practice Pharmacist Course in Comprehensive Medication Management. She also participated in the Joint Board of Pharmacy/DEA training on abuse and diversion of prescription drugs, state opioid dispensing training, and training on pharmacy law and ethics.

8. Through additional training and experience, petitioner has learned that the PIC is responsible for any misconduct that occurs in the pharmacy, regardless of whether she participated in or was aware of the misconduct. She now recognizes that though she did not take the hydrocodone/apap from Vons Pharmacy, her failure to pay proper attention to the pharmacy technician's activities allowed the theft to occur. Petitioner understands that relying solely on corporate security protocols may not be enough to satisfy her obligation to protect against drug diversion and theft.

9. Petitioner currently works as a staff pharmacist at Pavilions Pharmacy in San Diego, California. She has used her experience to advocate for stricter security protocols in her pharmacy. Corporate policy requires only that Schedule II controlled substances be kept in a locked cabinet, but petitioner convinced her pharmacy

manager to lock all controlled substances so that only licensed pharmacists have access. Only licensed pharmacists are authorized to place and receive drug orders and access the electronic inventory records, and orders and invoices are reconciled daily to better detect potential diversion. Commonly diverted Schedule III through V controlled substances are included in the pharmacy's quarterly reconciliations of Schedule II controlled substances. No large bags or purses are allowed behind the counter in the pharmacy, and the pickup window is closely monitored by the pharmacist(s) on duty.

10. Karen Easley, Pharm.D., is the PIC at Pavilions Pharmacy and petitioner's supervising pharmacist. She wrote a letter in support of petitioner's request for early termination of probation. Dr. Easley confirmed that petitioner "pushed hard for implementing [a] number of safety measures at our pharmacy to prevent diversion of controlled substances." Dr. Easley concluded her letter as follows:

I know for a fact that [petitioner] is ready to practice pharmacy without my, or anyone else's, supervision. She applied so many practices at the pharmacy that will prevent any kind of theft and with our double checks on every workflow at the pharmacy, there is no chance. That is why I strongly support her petition for termination of her probation. Jane is a good pharmacist whom we all can trust without fear. I hope that you will consider my support when making a decision on her petition.

11. Lupe Baltazar is an Administrative Case Analyst with the Board. She wrote a memorandum to the Board confirming petitioner has complied with all conditions of her probation. In fact, petitioner overpaid the Board for its investigation and enforcement costs by \$119.60.

## **Analysis**

12. Petitioner's misconduct that led to her license being placed on probation was serious – as the PIC, she did not take proper steps to prevent the diversion of hydrocodone/apap and maintain a current inventory of that medication. She lacked a proper understanding of her duties and responsibilities as a PIC, and initially had difficulty accepting the fact that her license was disciplined based on another's conduct.

13. Since her license was placed on probation, petitioner has gained additional experience and training, and has a better understanding of her duties and obligations as a pharmacist. She now recognizes that her license was not disciplined based on the misconduct of another, but based on her failure as the PIC to take proper steps to prevent the pharmacy technician from diverting drugs and maintain proper records of inventory.

14. Petitioner's evidence and testimony were credible. She demonstrated insight into her prior misconduct and a significant change for the better in her attitude that existed when she engaged in that misconduct. Most significantly, she has used her experience to advocate for stricter security protocols at her current workplace. In sum, petitioner provided clear and convincing evidence that she no longer presents a threat to public health, safety, or welfare.

## LEGAL CONCLUSIONS

### Applicable Burden/Standard of Proof

1. Petitioner has the burden of proving her eligibility for early termination of probation, and she must do so by clear and convincing evidence. (*Hippard v. State Bar of California* (1990) 49 Cal.3d 1084, 1091-1092.) "The courts have defined clear and convincing evidence as evidence which is so clear as to leave no substantial doubt and as sufficiently strong to command the unhesitating assent of every reasonable mind. [Citations.] It has been said that a preponderance calls for probability, while clear and convincing proof demands a high probability [citations]." (*In re Terry D.* (1978) 83 Cal.App.3d 890, 899; italics omitted.)

### Applicable Law

2. A pharmacist may petition the Board for early termination of probation after two years have elapsed since the effective date of the disciplinary order. (Bus. & Prof. Code, § 4309, subd. (a)(2).) When deciding a petition, the Board may consider factors such as the petitioner's actions since discipline was imposed, the offenses for which discipline was imposed, and the petitioner's rehabilitation. (Bus. & Prof. Code, § 4309, subd. (d)(1), (2) & (4).)

3. The Attorney General must be given notice of any petition filed, and "shall be afforded an opportunity to present either oral or written argument before the" Board. (Gov. Code, § 11522.)

## Conclusion

4. Petitioner met her burden of producing clear and convincing evidence of sufficient rehabilitation to justify early termination of probation for the reasons explained in Factual Findings 12 through 14. Therefore, her Petition for Early Termination of Probation is granted.

## ORDER

The Petition for Early Termination of Probation filed by Jane Young Ju Ha, a.k.a. Young Ju Woo, is GRANTED.

This Decision shall become effective at 5:00 p.m. on July 22, 2021.

It is so ORDERED on June 22, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President



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

In the Matter of the Accusation Against:

**YOUNG JU WOO  
13876 Kerry Lane  
San Diego, CA 92130**

**Pharmacist License No. RPH 56562**

Respondent.

Case No. 5554

OAH No. 2017011175

**DECISION AND ORDER**

The attached Stipulated Settlement 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 at 5:00 p.m. on November 3, 2017.

It is so ORDERED on October 4, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

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8

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

11 In the Matter of the Accusation Against:

Case No. 5554

12 **VONS CORPORATION**  
13 **DBA VONS PHARMACY 2406**  
14 **750 North Imperial Avenue**  
**El Centro, CA 92243**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO YOUNG**  
**JU WOO ONLY**

15 **Pharmacy Permit No. PHY 43000**

16 **and**

17 **YOUNG JU WOO**  
18 **13876 Kerry Lane**  
**San Diego, CA 92130**

19 **Pharmacist License No. 56562**

20 **and**

21 **ROGELIO VEGA**  
22 **P.O. Box 924**  
**Calipatria, CA 92233**

23 **Pharmacy Technician Registration No. TCH**  
24 **55763**

25 Respondents.

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

28 ///

1 PARTIES

2 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
3 (Board). She brought this action solely in her official capacity and is represented in this matter by  
4 Xavier Becerra, Attorney General of the State of California, by Marichelle S. Tahimic, Deputy  
5 Attorney General.

6 2. Respondent Young Ju Woo (Respondent) is represented in this proceeding by  
7 attorney Ivan Petrzelka, California Pharmacy Lawyers, 49 Discovery, Suite 240, Irvine, CA  
8 92618.

9 3. On or about November 8, 2004, the Board of Pharmacy issued Pharmacist License  
10 Number RPH 56562 to Young Ju Woo (Respondent Woo). Woo was the Pharmacist-in-Charge  
11 of Vons from July 18, 2010 through June 23, 2014. The Pharmacist License was in full force and  
12 effect at all times relevant to the charges brought herein and will expire on February 28, 2018,  
13 unless renewed.

14 JURISDICTION

15 4. Accusation No. 5554 was filed before the Board, and is currently pending against  
16 Respondent. The Accusation and all other statutorily required documents were properly served  
17 on Respondent on July 1, 2016. Respondent timely filed her Notice of Defense contesting the  
18 Accusation.

19 5. A copy of Accusation No. 5554 is attached as exhibit A and incorporated herein by  
20 reference.

21 ADVISEMENT AND WAIVERS

22 6. Respondent has carefully read, fully discussed with counsel, and understands the  
23 charges and allegations in Accusation No. 5554. Respondent has also carefully read, fully  
24 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
25 Order.

26 7. Respondent is fully aware of her legal rights in this matter, including the right to a  
27 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
28 the witnesses against her; the right to present evidence and to testify on her own behalf; the right

1 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
2 documents; the right to reconsideration and court review of an adverse decision; and all other  
3 rights accorded by the California Administrative Procedure Act and other applicable laws.

4 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
5 every right set forth above.

6 CULPABILITY

7 9. Respondent understands and agrees that the charges and allegations in Accusation  
8 No. 5554, if proven at a hearing, constitute cause for imposing discipline upon her Pharmacist  
9 License.

10 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
11 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
12 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest  
13 those charges.

14 11. Respondent agrees that her Pharmacy License is subject to discipline and agrees to be  
15 bound by the Board's probationary terms as set forth in the Disciplinary Order below.

16 CONTINGENCY

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

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



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

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

5 **2. 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 **3. 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           4.    **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           5.    **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          6.    **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          7.    **Notice to Employers**

15          During the period of probation, respondent shall notify all present and prospective  
16 employers of the decision in case number 5554 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 5554, 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 5554 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 they has read the decision in case number 5554  
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 **8. 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 **9. 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 \$5,000.00. Respondent may pay  
25 the Board's costs through 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 **10. 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 **11. 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 **12. 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 **13. 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 **14. 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 40 hours per calendar month. Any  
15 month during which this minimum is not met shall toll the period of probation, i.e., the period of  
16 probation shall be extended by one month for each month during which this minimum is not met.  
17 During any such period of tolling of probation, respondent must nonetheless comply with all  
18 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 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 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 40 hours as a  
3 pharmacist as defined by Business and Professions Code section 4000 et seq.

4 **15. Violation of Probation**

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

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

17 **16. Completion of Probation**

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

20 **17. Community Services Program**

21 Within sixty (60) days of the effective date of this decision, respondent shall submit to the  
22 board or its designee, for prior approval, a community service program in which respondent shall  
23 provide free health-care related services on a regular basis to a community or charitable facility or  
24 agency for at least 32 hours per year for the first three years of probation, for a total of at least 96  
25 hours during the first three years of probation. Within thirty (30) days of board approval thereof,  
26 respondent shall submit documentation to the board demonstrating commencement of the  
27 community service program. A record of this notification must be provided to the board upon  
28 request. Respondent shall report on progress with the community service program in the

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

3 **18. Remedial Education**

4 Within thirty (30) 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 maintaining records, drug inventories, maintaining security, inventory reconciliation, drugs of  
7 abuse and prescription drug abuse. The program of remedial education shall consist of at least ten  
8 (10) hours per year for the first three (3) years of probation, 50 percent of which shall be in-  
9 person training. Respondent shall complete the program of remedial education at respondent's  
10 own expense. All remedial education shall be in addition to, and shall not be credited toward,  
11 continuing education (CE) courses used for license renewal purposes.

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

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

21 **19. Supervised Practice – Daily Review with Discretion to Increase**

22 During the period of probation, respondent shall practice only under the supervision of a  
23 licensed pharmacist not on probation with the board. Upon and after the effective date of this  
24 decision, respondent shall not practice pharmacy and her license shall be automatically suspended  
25 until a practice supervisor is approved by the board or its designee. At the outset of probation, the  
26 practice supervisor shall agree to, and shall, supervise respondent utilizing Daily Review – the  
27 supervisor shall review respondent's daily activities within 24 hours.

28 ///

1           Thereafter, should a change in supervision be required, the Board or its designee shall have  
2 the discretion to choose from the following supervision levels:

3           Continuous – At least 75% of a work week

4           Substantial - At least 50% of a work week

5           Partial - At least 25% of a work week

6           Within thirty (30) days of the effective date of this decision, respondent shall have her  
7 supervisor submit notification to the board in writing stating that the supervisor has read the  
8 decision in case number 5554 and is familiar with the required level of supervision as determined  
9 by the board or its designee. It shall be the respondent's responsibility to ensure that her  
10 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
11 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
12 acknowledgements to the board shall be considered a violation of probation.

13           If respondent changes employment, it shall be the respondent's responsibility to ensure that  
14 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to  
15 the board. Respondent shall have her new supervisor, within fifteen (15) days after employment  
16 commences, submit notification to the board in writing stating the direct supervisor and  
17 pharmacist-in-charge have read the decision in case number 5554 and is familiar with the level of  
18 supervision as determined by the board. Respondent shall not practice pharmacy and her license  
19 shall be automatically suspended until the board or its designee approves a new supervisor.  
20 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
21 acknowledgements to the board shall be considered a violation of probation.

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

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

1 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
2 and controlled substances. Respondent shall not resume practice until notified by the board.

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

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

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

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

16 **21. Tolling of Suspension**

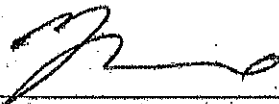
17 During the period of suspension, respondent shall not leave California for any period  
18 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess  
19 of the (10) days during suspension shall be considered a violation of probation. Moreover, any  
20 absence from California during the period of suspension exceeding ten (10) days shall toll the  
21 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days  
22 respondent is absent from California. During any such period of tolling of suspension,  
23 respondent must nonetheless comply with all terms and conditions of probation.

24 Respondent must notify the board in writing within ten (10) days of departure, and must  
25 further notify the board in writing within ten (10) days of return. The failure to provide such  
26 notification(s) shall constitute a violation of probation. Upon such departure and return,  
27 respondent shall not resume the practice of pharmacy until notified by the board that the period of  
28 suspension has been satisfactorily completed.

1 ACCEPTANCE

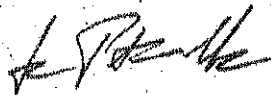
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
3 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will  
4 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order  
5 voluntarily,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

7  
8 DATED: 5/11/17

  
9 YOUNG JU WOO  
Respondent

10  
11 I have read and fully discussed with Respondent Young Ju Woo the terms and conditions  
12 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
13 its form and content.

14  
15 DATED: May 11, 2017

  
16 IVAN PETRZELKA  
Attorney for Respondent

17  
18 ENDORSEMENT

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

21  
22 Dated:

Respectfully submitted,

23 XAVIER BECERRA  
Attorney General of California  
24 ANTOINETTE B. CINCOTTA  
Supervising Deputy Attorney General

25  
26 MARICHELE S. TAHIMIC  
Deputy Attorney General  
27 Attorneys for Complainant

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Petrzelka. 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: \_\_\_\_\_

YOUNG JU WOO  
*Respondent*

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

DATED: \_\_\_\_\_

IVAN PETRZELKA  
*Attorney for Respondent*

ENDORSEMENT

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

Dated: *May 12, 2017*

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ANTOINETTE B. CINCOTTA  
Supervising Deputy Attorney General

*Marichelle S. Tahmic*  
MARICHELLE S. TAHMIC  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5554**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 MARICHELLE S. TAHIMIC  
Deputy Attorney General  
4 State Bar No. 147392  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-3154  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5554

12 **VONS CORPORATION DBA VONS**  
13 **PHARMACY 2406**  
14 **750 North Imperial Avenue**  
**El Centro, CA 92243**

**ACCUSATION**

15 **Pharmacy Permit No. PHY 43000**  
16 **(Change of Ownership to Pharmacy Permit**  
**No. 52136)**

17 **and**

18 **YOUNG JU WOO**  
19 **13876 Kerry Lane**  
**San Diego, CA 92130**

20 **Pharmacist License No. 56562**

21 **and**

22 **ROGELIO VEGA**  
23 **P.O. Box 924**  
**Calipatria, CA 92233**

24 **Pharmacy Technician Registration No. TCH**  
25 **55763**

26 Respondents.

27  
28 ///

1 Complainant alleges:

2 **PARTIES**

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

5 2. On or about August 25, 1997, the Board of Pharmacy issued Pharmacy Permit  
6 Number PHY 43000 to Vons Corporation to do business as Vons Pharmacy 2406 (Respondent  
7 Vons). The Pharmacy Permit was cancelled on April 17, 2015 pursuant to a change of ownership.

8 3. On or about November 8, 2004, the Board of Pharmacy issued Pharmacist License  
9 Number RPH 56562 to Young Ju Woo (Respondent Woo). Woo was the Pharmacist-in-Charge  
10 of Vons from July 18, 2010 through June 23, 2014. The Pharmacist License was in full force and  
11 effect at all times relevant to the charges brought herein and will expire on February 29, 2016,  
12 unless renewed.

13 4. On or about March 29, 2004, the Board of Pharmacy issued Pharmacy Technician  
14 Registration Number TCH 55763 to Rogelio A. Vega (Respondent Vega). The Pharmacy  
15 Technician Registration was in full force and effect at all times relevant to the charges brought  
16 herein and will expire on September 30, 2017, unless renewed.

17 **JURISDICTION**

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

21 6. Section 4300 of the Code states:

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

23 (b) The board shall discipline the holder of any license issued by the board,  
24 whose default has been entered or whose case has been heard by the board and  
found guilty, by any of the following methods:

25 (1) Suspending judgment.

26 (2) Placing him or her upon probation.

27 (3) Suspending his or her right to practice for a period not exceeding one  
28 year.

1 (4) Revoking his or her license.

2 (5) Taking any other action in relation to disciplining him or her as the  
3 board in its discretion may deem proper.

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

7. Section 4300.1 of the Code states:

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

#### 12 STATUTORY AND REGULATORY PROVISIONS

13 8. Section 4301 of the Code states:

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

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

21 (g) Knowingly making or signing any certificate or other document that falsely  
22 represents the existence or nonexistence of a state of facts:

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

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

1 (q) Engaging in any conduct that subverts or attempts to subvert an investigation of  
2 the board.

3 9. Section 4022 of the Code states:

4 "Dangerous drug" or "dangerous device" means any drug or device unsafe for  
5 self-use in humans or animals, and includes the following:

6 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing  
7 without prescription," "Rx only," or words of similar import.

8 (b) Any device that bears the statement: "Caution: federal law restricts this device  
9 to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import,  
10 the blank to be filled in with the designation of the practitioner licensed to use or  
11 order use of the device.

12 (c) Any other drug or device that by federal or state law can be lawfully dispensed  
13 only on prescription or furnished pursuant to Section 4006.

14 10. Section 4059 of the Code states in part:

15 (a) A person may not furnish any dangerous drug, except upon the prescription of a  
16 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
17 pursuant to Section 3640.7. A person may not furnish any dangerous device, except  
18 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
19 naturopathic doctor pursuant to Section 3640.7.

20 ...  
21 11. Section 4060 of the Code states:

22 No person shall possess any controlled substance, except that furnished to a person  
23 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
24 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug  
25 order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse  
26 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section  
27 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist  
28 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section  
shall not apply to the possession of any controlled substance by a manufacturer,  
wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,  
veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or  
physician assistant, when in stock in containers correctly labeled with the name and  
address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
physician assistant, or a naturopathic doctor, to order his or her own stock of  
dangerous drugs and devices.

12. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous  
drugs or dangerous devices shall be at all times during business hours open to  
inspection by authorized officers of the law, and shall be preserved for at least three

1 years from the date of making. A current inventory shall be kept by every  
2 manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer,  
3 physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or  
4 establishment holding a currently valid and unrevoked certificate, license, permit,  
5 registration, or exemption under Division 2 (commencing with Section 1200) of the  
6 Health and Safety Code or under Part 4 (commencing with Section 16000) of  
7 Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous  
8 drugs or dangerous devices.

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

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

17 13. Section 4105 of the Code states:

18 (a) All records or other documentation of the acquisition and disposition of  
19 dangerous drugs and dangerous devices by any entity licensed by the board shall be  
20 retained on the licensed premises in a readily retrievable form.

21 (b) The licensee may remove the original records or documentation from the  
22 licensed premises on a temporary basis for license-related purposes. However, a  
23 duplicate set of those records or other documentation shall be retained on the  
24 licensed premises.

25 (c) The records required by this section shall be retained on the licensed premises  
26 for a period of three years from the date of making.

27 (d) Any records that are maintained electronically shall be maintained so that the  
28 pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not on  
duty, or, in the case of a veterinary food-animal drug retailer or wholesaler, the  
designated representative on duty, shall, at all times during which the licensed  
premises are open for business, be able to produce a hard copy and electronic copy  
of all records of acquisition or disposition or other drug or dispensing-related  
records maintained electronically.

...

(f) When requested by an authorized officer of the law or by an authorized  
representative of the board, the owner, corporate officer, or manager of an entity  
licensed by the board shall provide the board with the requested records within  
three business days of the time the request was made. The entity may request in  
writing an extension of this timeframe for a period not to exceed 14 calendar days  
from the date the records were requested. A request for an extension of time is  
subject to the approval of the board. An extension shall be deemed approved if the  
board fails to deny the extension request within two business days of the time the  
extension request was made directly to the board.

///

///

1 14. Title 16, California Code of Regulations (CCR), section 1714 states in part:

2 ...  
3 (b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures,  
4 and equipment so that drugs are safely and properly prepared, maintained, secured  
5 and distributed. The pharmacy shall be of sufficient size and unobstructed area to  
6 accommodate the safe practice of pharmacy.

7 ...  
8 (d) Each pharmacist while on duty shall be responsible for the security of the  
9 prescription department, including provisions for effective control against theft or  
10 diversion of dangerous drugs and devices, and records for such drugs and devices.  
11 Possession of a key to the pharmacy where dangerous drugs and controlled  
12 substances are stored shall be restricted to a pharmacist.

13 ...  
14 15. Title 16, CCR, section 1718 states:

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

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

21 16. Health and Safety Code section 11350 states in part:

22 Except as otherwise provided in this division, every person who possesses (1) any  
23 controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of  
24 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20)  
25 of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section  
26 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled  
27 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon  
28 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to  
practice in this state, shall be punished by imprisonment in a county jail for not more  
than one year, except that such person shall instead be punished pursuant to  
subdivision (h) of Section 1170 of the Penal Code if that person has one or more  
prior convictions for an offense specified in clause (iv) of subparagraph (C) of  
paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense  
requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

29 ...  
30 17. Health and Safety Code section 11351 states:

31 Except as otherwise provided in this division, every person who possesses for  
32 sale or purchases for purposes of sale (1) any controlled substance specified in  
33 subdivision (b), (c), or (e) of Section 11054, specified in paragraph (14), (15), or  
34 (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of  
35 Section 11055, or specified in subdivision (h) of Section 11056, or (2) any

1 controlled substance classified in Schedule III, IV, or V which is a narcotic drug,  
2 shall be punished by imprisonment pursuant to subdivision (h) of Section 1170  
3 of the Penal Code for two, three, or four years.

### 4 COST RECOVERY

5 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
6 administrative law judge to direct a licentiate found to have committed a violation or violations of  
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
9 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
10 included in a stipulated settlement.

### 11 DRUGS

12 19. Hydrocodone with acetaminophen, sold under the brand names Norco and Vicodin,  
13 was a Schedule III controlled substance as designated by Health and Safety Code section  
14 11055(b)(1)(l) at the times pertinent to this Accusation and is currently classified a Schedule II  
15 controlled substance pursuant to Health and Safety Code section 11056(e)(4). It is a dangerous  
16 drug pursuant to Business and Professions Code section 4022. It is used for the relief of pain.

### 17 FACTS

18 20. On or about December 5, 2013, the Board was notified that Respondent Vega, a  
19 Pharmacy Technician, was terminated from his employment by Respondent Vons for theft of  
20 hydrocodone in 2013.

21 21. Respondent Vons became aware of the theft after being notified of the discrepancy  
22 between the amount of hydrocodone/apap 10/325 purchased by the pharmacy and the amount  
23 dispensed. The pharmacy conducted an investigation that revealed an unusual amount of inventory  
24 adjustments for hydrocodone between January 1, 2013 and November 1, 2013. All the  
25 adjustments were negative adjustments that reduced the inventory of hydrocodone by 34,642 pills.  
26 The adjustments were made using Vega's unique password and were made when Vega was  
27 scheduled to work. Vega made the inventory adjustments to hide his theft.

28 22. After making inventory adjustments to cover his thefts, Vega admitted that he placed  
the stolen tablets into his smock and exited the pharmacy. Vega sold the stolen tablets for \$1.00



1 per tablet for financial gain. Later, when interviewed by a Board inspector, Vega admitted to  
2 stealing only insulin and antibiotics from the pharmacy for his personal use.

3 23. On or about January 23, 2014, the Board received documents from Respondents Woo  
4 and Vons in response to the Board's request for more information. Woo and Vons reported the  
5 loss of 14,967 tablets of hydrocodone 5mg/apap; 9,977 tablets of hydrocodone 7.5mg/apap; and  
6 180,459 tablets of hydrocodone 10mg/apap. Respondents also provided an audit for the period  
7 May 1, 2010 to December 30, 2013 that showed the shortages above but failed to identify the  
8 specific strengths of tablets lost. In addition, the audit did not include a beginning inventory on  
9 May 1, 2010 and Respondents did not perform an ending inventory on December 30, 2013.

10 24. Vega's theft of hydrocodone accounted for the loss of 34,642 tablets between January  
11 1, 2013 and November 1, 2013. However, Respondents reported the loss of 14,967 tablets of  
12 hydrocodone 5mg/apap; 9,977 tablets of hydrocodone 7.5mg/apap; and 180,459 tablets of  
13 hydrocodone 10mg/apap. Respondents attributed the rest of the loss to a "flurry of robberies and  
14 other activity both internal and external" without further explanation.

15 25. A Board inspector conducted an inspection of the pharmacy on May 29, 2014.  
16 Because of the lack of a beginning inventory and accurate ending inventory, the Board inspector  
17 performed an audit for the period May 1, 2010 to May 1, 2013 from documents provided by Woo  
18 and Vons for hydrocodone/apap in four strengths: 10/325, 5/500, 5/325 and 7.5/750. However, a  
19 beginning inventory was not available to the Board inspector. This audit showed:

20 Hydrocodone/ 21 apap 22 strength	Beginning Inventory	Acquisition Until 5/1/2013	Dispo. Until 5/1/2013	On hand 5/1/2013	Expected	Variance
23 7.5/750mg	N/A	31,720	25,395	170	6325	-6155
24 10/325mg	N/A	190,891	103,677	480	87,214	-86,734
25 5/500mg	N/A	300,895	199,845	520	1049	-529
26 5/325mg	N/A	20,525	20,300	480	225	255

27 26. Because of the lack of a starting inventory, the Board inspector requested that  
28 Respondents perform an audit with actual beginning and ending inventories for hydrocodone/apap  
10/325 and 5/325 for the period May 1, 2013 through May 29, 2014. The beginning inventory  
was obtained from the DEA inventory on May 1, 2013 and the ending inventory was taken from

1 the stock on hand on the day of the Board's inspection. Respondents' audit showed a loss of  
2 controlled substances:

3 Drug	Beginning 4 inventory 5/1/2013	Acquisition	Disposition	Ending inventory 5/29/2014	Variance
5 Hydrocodone/apap 10/325mg	480	75,000	53,323	2,785	-19,372
6 Hydrocodone/apap 5/325mg	480	47,700	46,226	1,477	-477

7  
8 **FIRST CAUSE FOR DISCIPLINE**

9 **AS TO VONS PHARMACY 2406 AND YOUNG JU WOO**

10 **(Failure to Maintain Pharmacy Security)**

11 27. Respondents are subject to disciplinary action under Code section 4301(o) for  
12 violating title 16, CCR, 1714, subdivisions (b) and (d) for failing to provide effective control  
13 against theft or diversion of dangerous drugs in that Respondents failed to protect against the theft  
14 of approximately 34,000 tablets hydrocodone/apap between January 1, 2013 and November 1,  
15 2013, the loss of 19,372 tablets of hydrocodone/apap 10/325mg and 477 tablets of  
16 hydrocodone/apap 5/325mg between May 1, 2013 and May 29, 2014, and the reported loss of  
17 180,459 tablets of hydrocodone 10mg/apap, as more fully set forth in paragraphs 20 – 26 above  
18 and incorporated by this reference as though set forth in full herein.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **AS TO VONS PHARMACY 2406 AND YOUNG JU WOO**

21 **(Failure to Maintain Records of Acquisition and Disposition)**

22 28. Respondents are subject to disciplinary action under Code section 4301(o) for  
23 violating Code sections 4081 and 4105 in that Respondents failed to maintain a current inventory  
24 such that an accurate count of the loss of hydrocodone/apap could not be determined for the  
25 periods May 1, 2010 through December 30, 2013 and May 1, 2010 through May 1, 2013,  
26 although all of the audits showed a loss of hydrocodone/apap, as more fully set forth in paragraphs  
27 20 – 26 above and incorporated by this reference as though set forth in full herein.

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **AS TO ROGELIO VEGA ONLY**

3 **(Unlawful Possession of Controlled Substances)**

4 29. Respondent Vega is subject to disciplinary action under Code section 4060 in  
5 conjunction with Health and Safety Code section 11350 for unlawfully possessing controlled  
6 substances in that Respondent Vega, while employed at Vons Pharmacy 2406 stole approximately  
7 34,000 tablets of hydrocodone/apap, as more fully set forth in paragraphs 20 – 26 above and  
8 incorporated by this reference as though set forth in full herein.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **AS TO ROGELIO VEGA ONLY**

11 **(Unlawful Furnishing of Controlled Substances)**

12 30. Respondent Vega is subject to disciplinary action under Code section 4059 for  
13 unlawfully furnishing controlled substances in that Respondent Vega, while employed at Vons  
14 Pharmacy 2406 furnished hydrocodone/apap to himself and others when he stole approximately  
15 34,000 tablets of hydrocodone/apap, as more fully set forth in paragraphs 20 – 26 above and  
16 incorporated by this reference as though set forth in full herein.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **AS TO ROGELIO VEGA ONLY**

19 **(Unlawful Possession of Controlled Substances for Sale)**

20 31. Respondent Vega is subject to disciplinary action under Code section 4301  
21 subdivisions (j) and/or (o) in conjunction with Health and Safety Code section 11351 for  
22 unlawfully possessing controlled substances for sale in that Respondent Vega, while employed at  
23 Vons Pharmacy 2406 stole approximately 34,000 tablets of hydrocodone/apap and sold the tablets,  
24 as more fully set forth in paragraphs 20 – 26 above and incorporated by this reference as though  
25 set forth in full herein.

26 ///

27 ///

28 ///



1 PRAYER

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

4 1. Revoking or suspending Pharmacy Permit Number PHY 43000, issued to Vons  
5 Corporation, dba Vons Pharmacy 2406;

6 2. Revoking or suspending Pharmacist License 56562 issued to Young Ju Woo;

7 3. Revoking or suspending Pharmacy Technician Registration Number TCH 55763  
8 issued to Rogelio A. Vega;

9 4. Ordering Vons Corporation, dba Vons Pharmacy 2406, Young Ju Woo and Rogelio  
10 A. Vega, jointly and severally, to pay the Board of Pharmacy the reasonable costs of the  
11 investigation and enforcement of this case, pursuant to Business and Professions Code section  
12 125.3; and,

13 5. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: 6/13/16

*Virginia Herold*

16 VIRGINIA HEROLD  
17 Executive Officer  
18 Board of Pharmacy  
19 Department of Consumer Affairs  
20 State of California  
21 *Complainant*

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