

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

In the Matter of the Accusation  
Against:

**OAKDALE PHARMACY; CHRISTEN YUNAH  
KIM, OWNER/PHARMACIST-IN-CHARGE  
1390 West H Street, Suite F  
Oakdale, CA 95361**

**Pharmacy Permit No. PHY 50734**

**and**

**CHRISTEN YUNAH KIM  
1390 West H Street, Suite F  
Oakdale, CA 95361**

**Pharmacist License No. RPH 62576**

Respondents.

Case No. 5666

OAH No. 2017021145

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**STIPULATED SETTLEMENT OF  
LICENSE AND ORDER AS TO  
OAKDALE PHARMACY  
ONLY**

**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 September 7, 2017.

It is so ORDERED on August 8, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 DANIEL D. MCGEE  
Deputy Attorney General  
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8 *California State Board of Pharmacy*

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

12 In the Matter of the Accusation Against:  
13 **OAKDALE PHARMACY; CHRISTEN**  
**YUNAH KIM, OWNER/PHARMACIST-**  
14 **IN-CHARGE**  
1390 West H Street, Suite F  
15 Oakdale, CA 95361  
16 Pharmacy Permit No. PHY 50734  
17 and  
18 **CHRISTEN YUNAH KIM**  
1390 West H Street, Suite F  
19 Oakdale, CA 95361  
20 Pharmacist License No. RPH 62576  
21 Respondents.

Case No. 5666  
OAH No. 2017021145  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
OAKDALE PHARMACY ONLY<sup>1</sup>**

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

24 **PARTIES**

- 25 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy

26 \_\_\_\_\_  
27 <sup>1</sup> This Stipulated Settlement and Disciplinary Order applies to Respondent Oakdale  
28 Pharmacy, Pharmacy Permit No. PHY 50734 only. A separate Stipulated Settlement and  
Disciplinary Order is being entered into with Respondent Christen Yunah Kim.

1 (Board). She brought this action solely in her official capacity and is represented in this matter by  
2 Xavier Becerra, Attorney General of the State of California, by Daniel D. McGee, Deputy  
3 Attorney General.

4 2. Respondent Oakdale Pharmacy; Christen Yunah Kim, owner/pharmacist-in-charge  
5 is represented in this proceeding by attorney Jonathan Turner, whose address is:

6 Law Office of Jonathan Turner  
7 1007 7th Street, Suite 304  
8 Sacramento, CA 95814

9 3. On or about October 4, 2011, the Board issued Pharmacy Permit No. PHY 50734  
10 to Oakdale Pharmacy; Christen Yunah Kim, owner/pharmacist-in-charge (hereinafter,  
11 "Respondent Oakdale Pharmacy"). The Pharmacy Permit was in full force and effect at all times  
12 relevant to the charges brought in Accusation No. 5666, and will expire on October 1, 2017,  
13 unless renewed.

#### 14 JURISDICTION

15 4. Accusation No. 5666 was filed before the Board, and is currently pending against  
16 Respondent Oakdale Pharmacy. The Accusation and all other statutorily required documents  
17 were properly served on Respondent Oakdale Pharmacy on June 27, 2016. Respondent Oakdale  
18 Pharmacy timely filed its Notice of Defense contesting the Accusation.

19 5. A copy of Accusation No. 5666 is attached as Exhibit A and incorporated herein  
20 by reference.

#### 21 ADVISEMENT AND WAIVERS

22 6. Respondent Oakdale Pharmacy has carefully read, fully discussed with counsel,  
23 and understands the charges and allegations in Accusation No. 5666. Respondent Oakdale  
24 Pharmacy has also carefully read, fully discussed with counsel, and understands the effects of this  
25 Stipulated Settlement and Disciplinary Order.

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

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

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

6 **CULPABILITY**

7 9. For the purpose of resolving the Accusation without the expense and uncertainty  
8 of further proceedings, Respondent Oakdale Pharmacy agrees that the charges and allegations in  
9 Accusation No. 5666, if proven at a hearing, constitute cause for imposing discipline upon  
10 Pharmacy Permit No. PHY 50734. Respondent Oakdale Pharmacy hereby gives up its right to  
11 contest those charges.

12 10. Respondent Oakdale Pharmacy agrees that its Pharmacy Permit is subject to  
13 discipline and agrees to be bound by the Board's probationary terms as set forth in the  
14 Disciplinary Order below.

15 **CONTINGENCY**

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

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



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

2 **2. Report to the Board**

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

12 **3. Interview with the Board**

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

19 **4. Cooperate with Board Staff**

20 Respondent Oakdale Pharmacy shall cooperate with the Board's inspection program and  
21 with the Board's monitoring and investigation of Respondent Oakdale Pharmacy's compliance  
22 with the terms and conditions of its probation. Failure to cooperate shall be considered a  
23 violation of probation.

24 **5. Reimbursement of Board Costs**

25 As a condition precedent to successful completion of probation, Respondent Oakdale  
26 Pharmacy, jointly and severally with Christen Yunah Kim, shall pay to the Board its costs of  
27 investigation and prosecution in the amount of \$17,500.00.

28 Respondent Oakdale Pharmacy shall be permitted to pay these costs in a payment plan

1 approved by the Board or its designee. There shall be no deviation from this schedule absent  
2 prior written approval by the Board or its designee. Failure to pay costs by the deadline(s) as  
3 directed shall be considered a violation of probation.

4 The filing of bankruptcy by Respondent Oakdale Pharmacy or its owner shall not relieve  
5 Respondent Oakdale Pharmacy of its responsibility to reimburse the Board its costs of  
6 investigation and prosecution.

7 **6. Probation Monitoring Costs**

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

12 **7. Status of License**

13 Respondent Oakdale Pharmacy shall, at all times while on probation, maintain current  
14 licensure with the Board. If Respondent Oakdale Pharmacy submits an application to the Board,  
15 and the application is approved, for a change of location, change of permit or change of  
16 ownership, the Board shall retain continuing jurisdiction over the license, and Respondent  
17 Oakdale Pharmacy shall remain on probation as determined by the Board. Failure to maintain  
18 current licensure shall be considered a violation of probation.

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

23 **8. License Surrender While on Probation/Suspension**

24 Following the effective date of this decision, should Respondent Oakdale Pharmacy  
25 discontinue business, Respondent Oakdale Pharmacy may tender the premises license to the  
26 Board for surrender. The Board or its designee shall have the discretion whether to grant the  
27 request for surrender or take any other action it deems appropriate and reasonable. Upon formal  
28 acceptance of the surrender of the license, Respondent Oakdale Pharmacy will no longer be

1 subject to the terms and conditions of probation.

2 Upon acceptance of the surrender, Respondent Oakdale Pharmacy shall relinquish the  
3 premises and renewal license to the Board within ten (10) days of notification by the Board  
4 that the surrender is accepted. Respondent Oakdale Pharmacy shall further submit a completed  
5 Discontinuance of Business form according to Board guidelines and shall notify the Board of the  
6 records inventory transfer. Respondent Oakdale Pharmacy shall also, by the effective date of this  
7 decision, arrange for the continuation of care for ongoing patients of the pharmacy by, at  
8 minimum, providing a written notice to ongoing patients that specifies the anticipated closing  
9 date of the pharmacy and that identifies one or more area pharmacies capable of taking up the  
10 patients' care, and by cooperating as may be necessary in the transfer of records or prescriptions  
11 for ongoing patients. Within five days of its provision to the pharmacy's ongoing patients,  
12 Respondent Oakdale Pharmacy shall provide a copy of the written notice to the Board. For the  
13 purposes of this provision, "ongoing patients" means those patients for whom the pharmacy has  
14 on file a prescription with one or more refills outstanding, or for whom the pharmacy has filled a  
15 prescription within the preceding sixty (60) days.

16 Respondent Oakdale Pharmacy may not apply for any new licensure from the Board for  
17 three (3) years from the effective date of the surrender. Respondent Oakdale Pharmacy shall  
18 meet all requirements applicable to the license sought as of the date the application for that  
19 license is submitted to the Board.

20 Respondent Oakdale Pharmacy further stipulates that he or she shall reimburse the Board  
21 for its costs of investigation and prosecution prior to the acceptance of the surrender.

#### 22 9. Notice to Employees

23 Respondent Oakdale Pharmacy shall, upon or before the effective date of this decision,  
24 ensure that all employees involved in permit operations are made aware of all the terms and  
25 conditions of probation, either by posting a notice of the terms and conditions, circulating such  
26 notice, or both. If the notice required by this provision is posted, it shall be posted in a prominent  
27 place and shall remain posted throughout the probation period. Respondent Oakdale Pharmacy  
28 shall ensure that any employees hired or used after the effective date of this decision are made



1 aware of the terms and conditions of probation by posting a notice, circulating a notice, or both.  
2 Additionally, Respondent Oakdale Pharmacy shall submit written notification to the Board,  
3 within fifteen (15) days of the effective date of this decision, that this term has been satisfied.  
4 Failure to submit such notification to the Board shall be considered a violation of probation.

5 "Employees" as used in this provision includes all full-time, part-time, volunteer,  
6 temporary and relief employees and independent contractors employed or hired at any time  
7 during probation.

8 **10. Owners and Officers: Knowledge of the Law**

9 Respondent Oakdale Pharmacy shall provide, within thirty (30) days after the effective  
10 date of this decision, signed and dated statements from its owners, including any owner or holder  
11 of ten percent (10%) or more of the interest in Respondent Oakdale Pharmacy or Respondent  
12 Oakdale Pharmacy's stock, and any officer, stating under penalty of perjury that said individuals  
13 have read and are familiar with state and federal laws and regulations governing the practice of  
14 pharmacy. The failure to timely provide said statements under penalty of perjury shall be  
15 considered a violation of probation.

16 **11. Posted Notice of Probation**

17 Respondent Oakdale Pharmacy shall prominently post a probation notice provided by the  
18 Board in a place conspicuous and readable to the public. The probation notice shall remain  
19 posted during the entire period of probation.

20 Respondent Oakdale Pharmacy shall not, directly or indirectly, engage in any conduct or  
21 make any statement which is intended to mislead or is likely to have the effect of misleading any  
22 patient, customer, member of the public, or other person(s) as to the nature of and reason for the  
23 probation of the licensed entity.

24 Failure to post such notice shall be considered a violation of probation.

25 **12. Violation of Probation**

26 If a Respondent Oakdale Pharmacy has not complied with any term or condition of  
27 probation, the Board shall have continuing jurisdiction over Respondent Oakdale Pharmacy's  
28 license, and probation shall be automatically extended until all terms and conditions have been

1 satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply  
2 as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

3 If Respondent Oakdale Pharmacy violates probation in any respect, the Board, after giving  
4 Respondent Oakdale Pharmacy notice and an opportunity to be heard, may revoke probation and  
5 carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not  
6 required for those provisions stating that a violation thereof may lead to automatic termination of  
7 the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed  
8 against Respondent Oakdale Pharmacy during probation, the Board shall have continuing  
9 jurisdiction and the period of probation shall be automatically extended until the petition to  
10 revoke probation or accusation is heard and decided, and the charges and allegations in  
11 Accusation No. 5666 shall be deemed true and correct.

12 **13. Completion of Probation**

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

15 **14. Employment of New Pharmacist-In-Charge**

16 During the period of probation, Respondent Oakdale Pharmacy may not employ Christen  
17 Yunah Kim, Pharmacist License No. RPH 62576, as a pharmacist-in-charge. Instead, Respondent  
18 Oakdale Pharmacy owner shall at all times during probation employ a different pharmacist-in-  
19 charge. This pharmacist-in-charge shall be a pharmacist licensed by and in good standing with  
20 the Board. Respondent owner's failure in this regard shall be considered a violation of probation.

21 **15. Consultant Pharmacist Review of Pharmacy Operations**

22 During the period of probation, Respondent Oakdale Pharmacy shall retain an  
23 independent consultant at its own expense who shall be responsible for reviewing pharmacy  
24 operations on a monthly basis for compliance by Respondent Oakdale Pharmacy with state and  
25 federal laws and regulations governing the practice of pharmacy. The consultant shall be a  
26 pharmacist licensed by and not on probation with the Board and whose name shall be submitted  
27 to the board or its designee, for prior approval, within thirty (30) days of the effective date of this  
28 decision. During the period of probation, the Board or its designee retains the discretion to

1 reduce the frequency of the pharmacist consultant's review of Respondent Oakdale Pharmacy's  
2 operations. Failure to timely retain, seek approval of, or ensure timely reporting by the consultant  
3 shall be considered a violation of probation.

4 **16. Remedial Education**

5 Within thirty (30) days of the effective date of this Decision, Respondent Oakdale  
6 Pharmacy shall submit to the Board or its designee, for prior approval, an appropriate program of  
7 remedial education related to corresponding responsibility, to be completed by all of the  
8 Respondent Oakdale Pharmacy's pharmacist staff. The program of remedial education shall  
9 consist of at least six (6) hours, which shall be completed within six (6) months of the effective  
10 date of this Decision, and which shall be completed at Respondent Oakdale Pharmacy's own  
11 expense. All remedial education shall be in addition to, and shall not be credited toward,  
12 continuing education (CE) courses used for license renewal purposes.

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

17 Following the completion of the course, the Board or its designee may require Respondent  
18 Oakdale Pharmacy's pharmacist staff, at Respondent Oakdale Pharmacy's own expense, to take  
19 an approved examination to test Respondent Oakdale Pharmacy's pharmacist staff's knowledge  
20 of the course. If Respondent Oakdale Pharmacy's pharmacist staff do not achieve a passing score  
21 on the examination, this failure shall be considered a violation of probation. Any such  
22 examination failure shall require Respondent Oakdale Pharmacy's pharmacist staff to take  
23 another course approved by the Board in the same subject area.

24 Respondent Oakdale Pharmacy will be permitted to commence this remedial education  
25 before the effective date of the Decision.

26 **17. Community Services Program**

27 Within sixty (60) days of the effective date of this Decision, Respondent Oakdale  
28 Pharmacy shall submit to the Board or its designee, for prior approval, a community service

1 program in which Oakdale Pharmacy shall provide, over the five-year course of its probation, free  
2 health-care related goods and/or services to a community or charitable facility or agency  
3 equivalent to \$50,000. Said goods and/or services must directly relate to the causes for discipline  
4 in Accusation No. 5666 and, in particular, to the issue of prescription drug abuse.

5 Within thirty (30) days of Board approval thereof, Respondent Oakdale Pharmacy shall  
6 submit documentation to the Board demonstrating commencement of the community service  
7 program. Respondent Oakdale Pharmacy shall report on progress with the community service  
8 program in the quarterly reports.

9 Failure to timely submit, commence, or comply with the program shall be considered a  
10 violation of probation.

11 **18. Separate File of Records**

12 Respondent Oakdale Pharmacy shall maintain and make available for inspection a  
13 separate file of all records pertaining to the acquisition or disposition of all controlled substances.  
14 Failure to maintain such file or make it available for inspection shall be considered a violation of  
15 probation.

16 **ACCEPTANCE**

17 I have carefully read the above Stipulated Settlement and Disciplinary Order and have  
18 fully discussed it with my attorney, Jonathan Turner. I understand the stipulation and the effect it  
19 will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order  
20 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
21 Board of Pharmacy.

22  
23 DATED:   
24 OAKDALE PHARMACY; CHRISTEN YUNAH KIM,  
25 OWNER/PHARMACIST-IN-CHARGE  
Respondent

26 //  
27 //  
28

1 I have read and fully discussed with Respondent Oakdale Pharmacy; Christen Yunah Kim,  
2 owner/pharmacist-in-charge the terms and conditions and other matters contained in the above  
3 Stipulated Settlement and Disciplinary Order. I approve its form and content.

4  
5 DATED: 7-14-17

  
\_\_\_\_\_  
JONATHAN TURNER  
Attorney for Respondent

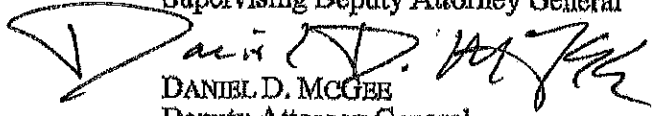
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8 **ENDORSEMENT**

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

11 Dated: 7/14/2017

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JANICE K. LACHEMAN  
Supervising Deputy Attorney General

  
DANIEL D. MCGEE  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**  
**Accusation No. 5666**

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

In the Matter of the Accusation Against:

Case No. 5666

**OAKDALE PHARMACY; CHRISTEN  
YUNAH KIM, OWNER/PHARMACIST-  
IN-CHARGE  
1390 West H Street, Suite F  
Oakdale, CA 95361**

OAH No. 2017021145

**Pharmacy Permit No. PHY 50734**

and

**CHRISTEN YUNAH KIM  
1390 West H Street, Suite F  
Oakdale, CA 95361**

**Pharmacist License No. RPH 62576**

Respondents.

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**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 as to Respondent Oakdale Pharmacy, Christen Yunah Kim, Owner, Pharmacy Permit PHY 50734

This Decision shall become effective on \_\_\_\_\_.

It is so ORDERED \_\_\_\_\_.

\_\_\_\_\_  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

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**Exhibit A**  
**Accusation No. 5666**



1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 STEPHANIE ALAMO-LATIF  
Deputy Attorney General  
4 State Bar No. 283580  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 327-6819  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5666

12 **OAKDALE PHARMACY**  
13 **CHRISTEN YUNAH KIM,**  
**OWNER/PHARMACIST-IN-CHARGE**  
14 **1390 West H Street, Suite F**  
**Oakdale, CA 95361**

**ACCUSATION**

15 Pharmacy Permit No. PHY 50734

16 and

17 **CHRISTEN YUNAH KIM**  
18 **1390 West H Street, Suite F**  
**Oakdale, CA 95361**

19 Pharmacist License No. RPH 62576

20 Respondents.

22 Complainant alleges:

23 **PARTIES**

- 24 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity  
25 as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.  
26 2. On or about October 4, 2011, the Board issued Pharmacy Permit Number PHY 50734  
27 to Christen Yunah Kim ("Respondent"), owner and pharmacist-in-charge of Oakdale Pharmacy.

28 ///

1 The pharmacy permit was in full force and effect at all times relevant to the charges brought  
2 herein and will expire on October 1, 2016, unless renewed.

3 3. On or about July 27, 2009, the Board issued Pharmacist License Number RPH 62576  
4 to Respondent. The pharmacist license was in full force and effect at all times relevant to the  
5 charges brought herein and will expire on June 30, 2017, unless renewed.

6 JURISDICTION/STATUTORY AND REGULATORY PROVISIONS

7 4. This Accusation is brought before the Board under the authority of the following  
8 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
9 indicated.

10 5. Code section 4300 states, in pertinent part:

- 11 (a) Every license issued may be suspended or revoked.
- 12 (b) The board shall discipline the holder of any license issued by the  
13 board, whose default has been entered or whose case has been heard by the board and  
14 found guilty, by any of the following methods:
  - 15 (1) Suspending judgment.
  - 16 (2) Placing him or her upon probation.
  - 17 (3) Suspending his or her right to practice for a period not exceeding one  
18 year.
  - 19 (4) Revoking his or her license.
  - 20 (5) Taking any other action in relation to disciplining him or her as the  
21 board in its discretion may deem proper . . .

22 6. Code section 4300.1 states:

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

7. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty  
of unprofessional conduct . . . Unprofessional conduct shall include, but is not limited  
to, any of the following:

....

1 (d) The clearly excessive furnishing of controlled substances in violation  
of subdivision (a) of Section 11153 of the Health and Safety Code.

2 ....

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

5 ....

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

9 8. Code section 4306.5 states, in pertinent part:

10 Unprofessional conduct for a pharmacist may include any of the  
following:

11 (a) Acts or omissions that involve, in whole or in part, the inappropriate  
12 exercise of his or her education, training, or experience as a pharmacist, whether or  
not the act or omission arises in the course of the practice of pharmacy or the  
13 ownership, management, administration, or operation of a pharmacy or other entity  
licensed by the board.

14 (b) Acts or omissions that involve, in whole or in part, the failure to  
15 exercise or implement his or her best professional judgment or corresponding  
responsibility with regard to the dispensing or furnishing of controlled substances,  
16 dangerous drugs, or dangerous devices, or with regard to the provision of services.

17 (c) Acts or omissions that involve, in whole or in part, the failure to  
18 consult appropriate patient, prescription, and other records pertaining to the  
performance of any pharmacy function . . .

19 9. Code section 4307, subdivision (a) states:

20 Any person who has been denied a license or whose license has been  
21 revoked or is under suspension, or who has failed to renew his or her license while it  
was under suspension, or who has been a manager, administrator, owner, member,  
22 officer, director, associate, or partner of any partnership, corporation, firm, or  
association whose application for a license has been denied or revoked, is under  
23 suspension or has been placed on probation, and while acting as the manager,  
administrator, owner, member, officer, director, associate, or partner had knowledge  
24 of or knowingly participated in any conduct for which the license was denied,  
revoked, suspended, or placed on probation, shall be prohibited from serving as a  
25 manager, administrator, owner, member, officer, director, associate, or partner of a  
licensee as follows:

26 (1) Where a probationary license is issued or where an existing license is  
placed on probation, this prohibition shall remain in effect for a period not to exceed  
27 five years.

28 (2) Where the license is denied or revoked, the prohibition shall continue  
until the license is issued or reinstated.

1 10. Code section 4113, subdivision (c), states that "[t]he pharmacist-in-charge shall be  
2 responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining  
3 to the practice of pharmacy."

4 11. Health and Safety Code section 11153, subdivision (a), states:

5 A prescription for a controlled substance shall only be issued for a  
6 legitimate medical purpose by an individual practitioner acting in the usual course of  
7 his or her professional practice. The responsibility for the proper prescribing and  
8 dispensing of controlled substances is upon the prescribing practitioner, but a  
9 corresponding responsibility rests with the pharmacist who fills the prescription.  
10 Except as authorized by this division, the following are not legal prescriptions: (1) an  
11 order purporting to be a prescription which is issued not in the usual course of  
12 professional treatment or in legitimate and authorized research; or (2) an order for an  
13 addict or habitual user of controlled substances, which is issued not in the course of  
14 professional treatment or as part of an authorized narcotic treatment program, for the  
15 purpose of providing the user with controlled substances, sufficient to keep him or her  
16 comfortable by maintaining customary use.

17 12. Health and Safety Code section 11162.1 states, in pertinent part:

18 (a) The prescription forms for controlled substances shall be printed with  
19 the following features:

20 (1) A latent, repetitive "void" pattern shall be printed across the entire  
21 front of the prescription blank; if a prescription is scanned or photocopied, the word  
22 "void" shall appear in a pattern across the entire front of the prescription.

23 (2) A watermark shall be printed on the backside of the prescription  
24 blank; the watermark shall consist of the words "California Security Prescription."

25 . . . .

26 (4) A feature printed in thermochromic ink.

27 . . . .

28 (8) Prescription blanks shall contain a statement printed on the bottom of  
the prescription blank that the "Prescription is void if the number of drugs prescribed  
is not noted."

. . . .

(13) An identifying number assigned to the approved security printer by  
the Department of Justice.

(14)(A) A check box by the name of each prescriber when a prescription  
form lists multiple prescribers.

. . . .

(b) Each batch of controlled substance prescription forms shall have the

1 lot number printed on the form and each form within that batch shall be numbered  
sequentially beginning with the numeral one . . .

2 13. Health and Safety Code section 11164 states, in pertinent part:

3 Except as provided in Section 11167, no person shall prescribe a  
4 controlled substance, nor shall any person fill, compound, or dispense a prescription  
for a controlled substance, unless it complies with the requirements of this section.

5 (a) Each prescription for a controlled substance classified in Schedule II,  
6 III, IV, or V, except as authorized by subdivision (b), shall be made on a controlled  
substance prescription form as specified in Section 11162.1 . . .

7 14. Title 21, Code of Federal Regulations ("CFR"), section 1301.75, subdivision (b),  
8 states that "[c]ontrolled substances listed in Schedules II, III, IV, and V shall be stored in a  
9 securely locked, substantially constructed cabinet. However, pharmacies and institutional  
10 practitioners may disperse such substances throughout the stock of noncontrolled substances in  
11 such a manner as to obstruct the theft or diversion of the controlled substances."

12 15. Title 16, California Code of Regulations ("CCR"), section 1711 states, in pertinent  
13 part:

14 (a) Each pharmacy shall establish or participate in an established quality  
15 assurance program which documents and assesses medication errors to determine  
16 cause and an appropriate response as part of a mission to improve the quality of  
pharmacy service and prevent errors.

17 . . . .

18 (c)(1) Each quality assurance program shall be managed in accordance  
19 with written policies and procedures maintained in the pharmacy in an immediately  
retrievable form.

20 . . . .

21 (e) The primary purpose of the quality assurance review shall be to  
22 advance error prevention by analyzing, individually and collectively, investigative  
and other pertinent data collected in response to a medication error to assess the cause  
23 and any contributing factors such as system or process failures. A record of the  
quality assurance review shall be immediately retrievable in the pharmacy . . .

24 (f) The record of the quality assurance review, as provided in subdivision  
25 (e) shall be immediately retrievable in the pharmacy for at least one year from the  
date the record was created . . .

26 16. CCR section 1714 states, in pertinent part:

27 . . . .

28 (d) Each pharmacist while on duty shall be responsible for the security of

1 the prescription department, including provisions for effective control against theft or  
2 diversion of dangerous drugs and devices, and records for such drugs and devices . . .

3 17. CCR section 1761 states:

4 (a) No pharmacist shall compound or dispense any prescription which  
5 contains any significant error, omission, irregularity, uncertainty, ambiguity or  
6 alteration. Upon receipt of any such prescription, the pharmacist shall contact the  
7 prescriber to obtain the information needed to validate the prescription.

8 (b) Even after conferring with the prescriber, a pharmacist shall not  
9 compound or dispense a controlled substance prescription where the pharmacist  
10 knows or has objective reason to know that said prescription was not issued for a  
11 legitimate medical purpose.

#### 12 COST RECOVERY

13 18. Code section 125.3 provides, in pertinent part, that a Board may request the  
14 administrative law judge to direct a licensee found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case.

#### 17 DRUG CLASSIFICATIONS

18 19. "Norco" is the brand name for a compound consisting of hydrocodone and  
19 acetaminophen and is used to treat pain. Norco is a Schedule II controlled substance pursuant to  
20 Code of Federal Regulations, section 1308.12, subdivision (b)(1)(vi).

21 20. "Roxicodone" is a brand name for oxycodone. Oxycodone is a Schedule II controlled  
22 substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M), and is used  
23 to treat pain.

24 21. "Phenergan with codeine" is a brand name for promethazine with codeine.  
25 Promethazine with codeine is a Schedule V controlled substance pursuant to Health and Safety  
26 Code section 11058, subdivision (c)(1), and is used to treat cough.

27 22. All of the above controlled substances are dangerous drugs pursuant to Code section  
28 4022.

#### FACTUAL ALLEGATIONS

29 23. On or about March 11, 2015, a Board Inspector conducted a complaint investigation  
30 at Oakdale Pharmacy and determined that Respondent and her husband, technician Steve Kim  
31 ("Kim"), had violated the Pharmacy Law. An audit revealed that Kim stole 545 dosage units of

1 Adderall 30 mg immediate-release (IR) tablets and 600 dosage units of Adderall 30 mg extended-  
2 release (XR) capsules. The inspector found that Schedule II controlled substances had been  
3 dispersed among the stock of non-controlled substances in the pharmacy and that Kim had access  
4 to the alarm system code and Respondent's keys, allowing him to enter the facility in the middle  
5 of the night and steal the drugs. The inspector also found questionable practices as to the  
6 dispensing of controlled substances, and an internal complaint was opened against Oakdale  
7 Pharmacy by the Board.

8 24. Board Inspector T. requested and analyzed CURES data for Oakdale Pharmacy and  
9 identified irregularities or "red flags" pertaining to certain prescriptions, all of which were written  
10 by Dr. Terrill Eugene Brown. Dr. Brown surrendered his physician's and surgeon's certificate to  
11 the Medical Board of California effective June 24, 2013.<sup>1</sup>

12 25. On or about May 20, 2015, Board Inspectors T. and K. conducted an inspection at  
13 Oakdale Pharmacy and were assisted by Respondent. The inspectors obtained prescription hard  
14 copies that were written by Dr. Brown and identified during the review of the CURES data.  
15 Inspector T. found, among other things, that the majority of prescriptions written by Dr. Brown  
16 were assigned consecutive prescription numbers, indicating that the pharmacy typed the  
17 prescriptions sequentially and that a customer dropped off multiple prescriptions or multiple  
18 individuals came in groups to pick up their medications. Inspector T. asked Respondent to  
19 explain the circumstances surrounding the consecutive prescription numbers. Respondent stated  
20 that at first, one person came in with a prescription from Dr. Brown, then "all these people started  
21 coming." Initially, one person would bring in three or four prescriptions for several people.  
22 Later, groups of people began arriving with prescriptions from Dr. Brown. Respondent stated  
23 that she had the ability to access the PDMP (Prescription Drug Monitoring Program)<sup>2</sup>.

24  
25 <sup>1</sup> Dr. Brown was charged in a grand jury indictment with illegally distributing and  
26 dispensing Schedule II controlled substances and structuring transactions to evade reporting  
requirements. Dr. Brown pled guilty to the charges and was sentenced to 57 months in prison.

27 <sup>2</sup> The PDMP is a component of CURES and is accessible to pharmacists and prescribers.  
28 The data from the PDMP may be used to aid in determining if a patient see multiple prescribers,  
goes to multiple pharmacies to have controlled substance prescriptions filled and/or has

(continued...)

1           26. During the inspection, Inspector K. found the pharmacy's Schedule II controlled  
2 substances sequestered in various drawers. Each of the drawers had hasps; however, the padlocks  
3 were unlocked and several of the drawers did not have a lock. Inspector T. also found that  
4 Quality Assurance reports were not immediately retrievable in the pharmacy.

5           27. Inspector T. requested that Respondent provide her with all electronic pharmacy  
6 dispensing records (controlled and non-controlled substances) for the period from March 1, 2012  
7 to March 12, 2015, and gave her a blank CD. Respondent inserted the CD into the pharmacy  
8 computer, burned the requested files onto the CD, and provided it to the inspector.

9           28. Inspector T. selected several of Dr. Brown's patients who had prescriptions filled at  
10 Oakdale Pharmacy and obtained CURES Patient Activity Reports for each patient from the  
11 Board. The reports indicated that the patients were "doctor shopping" in that they would obtain  
12 prescriptions for the same controlled substance from different physicians, including Dr. Brown.  
13 The patients would then have the prescriptions filled at different pharmacies, including Oakdale  
14 Pharmacy ("pharmacy shopping"). The reports also showed that the patients were receiving early  
15 refills of the controlled substances, oftentimes many days in advance of the previously dispensed  
16 supply being exhausted.

17           29. Inspector T. determined based on her analysis of the CURES data, the prescription  
18 hard copies, Oakdale Pharmacy's dispensing data and the CURES Patient Activity Reports that  
19 from March 1, 2012 to March 12, 2015, the pharmacy dispensed numerous prescriptions for  
20 controlled substances without regard to the following factors:

21           a. Dr. Brown practiced General Preventative Medicine, but only wrote prescriptions for  
22 hydrocodone with acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and promethazine  
23 with codeine syrup. Dr. Brown did not prescribe non-controlled substances to his patients.

24           b. 100% of the prescriptions written by Dr. Brown and dispensed by the pharmacy were  
25 paid for with cash.

26  
27 \_\_\_\_\_  
28 (...continued)  
controlled substance prescriptions refilled early.



1 c. Multiple patients of Dr. Brown, with prescriptions for identical controlled substances,  
2 presented to the pharmacy around the same time.

3 d. Dr. Brown's patients paid cash for high retail cost medications without the benefit of  
4 insurance.

5 e. All of Dr. Brown's patients received the highest tablet strength of oxycodone (most  
6 patients received two tablets per dose) with no evidence of upward titration from a lower dose.

7 f. Dr. Brown had two medical offices, one located in Fresno, approximately 98 miles  
8 from Oakdale Pharmacy, and the other located in Visalia, approximately 143 miles from the  
9 pharmacy.

10 g. Dr. Brown's patients traveled far distances in order to obtain controlled substance  
11 prescriptions from Dr. Brown and to have those prescriptions filled at Oakdale pharmacy.  
12 Several of his patients travelled from Victorville (approximately 343 miles from Oakdale  
13 pharmacy) and Long Beach (approximately 345 miles from Oakdale pharmacy). In some  
14 instances, his patients provided a Northern California address, however, their license listed an  
15 address in Long Beach or nearby city.

16 h. Multiple patients of Dr. Brown resided at the same address and received very similar  
17 prescriptions for controlled substances.

18 i. Multiple prescriptions were written on forms that were not in compliance with Health  
19 and Safety Code section 11162.1, as set forth in paragraph 30 below.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Excessive Furnishing of Controlled Substances)**

22 30. Respondent's pharmacy permit is subject to disciplinary action for unprofessional  
23 conduct pursuant to Code section 4301, subdivision (d), in that Respondent, as owner of Oakdale  
24 Pharmacy, clearly excessively furnished the controlled substances hydrocodone with  
25 acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and promethazine with codeine  
26 syrup, in violation of Health and Safety Code section 11153, subdivision (a), as follows: On and  
27 between March 1, 2012 and March 12, 2015, Respondent dispensed numerous prescriptions for  
28 the above controlled substances when she knew or had objective reason to know that said

1 prescriptions were not issued for a legitimate medical purpose based on the irregularities or "red  
2 flags" set forth in paragraph 28 above. Further, Respondent failed to assume her corresponding  
3 responsibility when she failed to appropriately scrutinize patients' drug therapies with readily  
4 available tools, such as the PDMP and her own pharmacy records, resulting in the repeated early  
5 dispensing of controlled substances due to patients who engaged in "doctor shopping" and poly-  
6 pharmacy activity.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Dispensing of Controlled Substances Based on**  
9 **Prescription Forms Not in Compliance with the Law)**

10 31. Respondent's pharmacy permit is subject to disciplinary action for unprofessional  
11 conduct pursuant to Code section 4301, subdivision (j), in that Respondent, as owner of Oakdale  
12 Pharmacy, violated Health and Safety Code section 11164 when she filled, compounded, or  
13 dispensed approximately 31 prescriptions for hydrocodone with acetaminophen 10/325 mg  
14 tablets, oxycodone 30 mg tablets, and/or promethazine with codeine syrup based on controlled  
15 substance prescription forms, written by Dr. Brown (obtained during the Board's inspection of  
16 May 20, 2015), that were not in compliance with Health and Section 11162.1, as follows:

17 a. The prescription forms did not have a latent, repetitive "void" pattern printed across  
18 the entire front of the prescription blank.

19 b. The prescription forms did not have a watermark printed on the backside of the  
20 prescription blank consisting of the words "California Security Prescription."

21 c. The prescription forms did not have a feature printed in thermochromic ink.

22 d. The prescription forms did not contain a statement printed on the bottom of the  
23 prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."

24 e. The prescription forms did not have an identifying number assigned to the approved  
25 security printer by the Department of Justice.

26 f. The prescription forms did not have a check box by the name of each prescriber when  
27 the prescription formed listed multiple prescribers.

28

1 g. Each batch of controlled substance prescription forms did not have the lot number  
2 printed on the form and/or each form within the batch was not numbered sequentially beginning  
3 with the numeral one.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Quality Assurance Program)**

6 32. Respondent's pharmacy permit is subject to disciplinary action for unprofessional  
7 conduct pursuant to Code section 4301, subdivision (o), in that Respondent, as owner of Oakdale  
8 Pharmacy, failed to have available at the pharmacy any quality assurance review records or  
9 reports to provide to the inspector during the inspection, in violation of CCR section 1711.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Failure to Maintain Pharmacy, Fixtures, and Equipment**  
12 **so that Drugs Were Safely and Properly Secured)**

13 33. Respondent's pharmacy permit is subject to disciplinary action for unprofessional  
14 conduct pursuant to Code section 4301, subdivisions (o) and (j), in that Respondent, as owner of  
15 Oakdale Pharmacy, failed to maintain the pharmacy and its facilities, space, fixtures and/or  
16 equipment so that drugs were safely and properly secured, in violation of CCR section 1714,  
17 subdivision (d), and failed to store Schedule II, III, IV, and/or V Controlled Substances in  
18 securely locked, substantially constructed cabinets, in violation of CFR section 1301.75,  
19 subdivision (b), as follows: On or about May 20, 2015, Respondent failed to ensure that Schedule  
20 II Controlled Substances were stored in locked cabinets or dispersed throughout the pharmacy's  
21 stock of noncontrolled substances.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Excessive Furnishing of Controlled Substances)**

24 34. Respondent's pharmacist license is subject to disciplinary action for unprofessional  
25 conduct pursuant to Code section 4301, subdivision (d), in that Respondent, while acting as the  
26 pharmacist-in-charge at Oakdale Pharmacy, clearly excessively furnished the controlled  
27 substances hydrocodone with acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and  
28 promethazine with codeine syrup, in violation of Health and Safety Code section 11153,

1 subdivision (a), as follows: On and between March 1, 2012 and March 12, 2015, Respondent  
2 dispensed numerous prescriptions for the above controlled substances when she knew or had  
3 objective reason to know that said prescriptions were not issued for a legitimate medical purpose  
4 based on the irregularities or "red flags" set forth in paragraph 28 above. Further, Respondent  
5 failed to assume her corresponding responsibility when she failed to appropriately scrutinize  
6 patients' drug therapies with readily available tools, such as the PDMP and her own pharmacy  
7 records, resulting in the repeated early dispensing of controlled substances due to patients who  
8 engaged in "doctor shopping" and poly-pharmacy activity.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 35. Respondent's pharmacist license is subject to disciplinary action for unprofessional  
12 conduct pursuant to Code sections 4301 and 4306.5, subdivisions (a) through (c), in that  
13 Respondent, while acting as the pharmacist-in-charge at Oakdale Pharmacy, failed to  
14 appropriately exercise her education, training, or experience as a pharmacist, failed to exercise or  
15 implement her best professional judgment or corresponding responsibility with regard to the  
16 dispensing or furnishing of controlled substances and dangerous drugs, and failed to consult  
17 appropriate patient, prescription, and other records pertaining to the performance of her pharmacy  
18 function, as set forth in paragraph 33 above.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Dispensing of Controlled Substances Based on Prescription**

21 **Forms Not in Compliance with the Law)**

22 36. Respondent's pharmacist license is subject to disciplinary action for unprofessional  
23 conduct pursuant to Code section 4301, subdivision (j), in that Respondent, while acting as the  
24 pharmacist-in-charge at Oakdale Pharmacy, violated Health and Safety Code section 11164 when  
25 she filled, compounded, or dispensed approximately 31 prescriptions for hydrocodone with  
26 acetaminophen 10/325 mg tablets, oxycodone 30 mg tablets, and/or promethazine with codeine  
27 syrup based on controlled substance prescription forms, written by Dr. Brown (obtained during  
28

1 the Board's inspection of May 20, 2015), that were not in compliance with Health and Section  
2 11162.1, as follows:

3 a. The prescription forms did not have a latent, repetitive "void" pattern printed across  
4 the entire front of the prescription blank.

5 b. The prescription forms did not have a watermark printed on the backside of the  
6 prescription blank consisting of the words "California Security Prescription."

7 c. The prescription forms did not have a feature printed in thermochromic ink.

8 d. The prescription forms did not contain a statement printed on the bottom of the  
9 prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."

10 e. The prescription forms did not have an identifying number assigned to the approved  
11 security printer by the Department of Justice.

12 f. The prescription forms did not have a check box by the name of each prescriber when  
13 the prescription formed listed multiple prescribers.

14 g. Each batch of controlled substance prescription forms did not have the lot number  
15 printed on the form and/or each form within the batch was not numbered sequentially beginning  
16 with the numeral one.

17 **EIGHTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Quality Assurance Program)**

19 37. Respondent's pharmacist license is subject to disciplinary action for unprofessional  
20 conduct pursuant to Code section 4301, subdivision (o), in that Respondent, while acting as the  
21 pharmacist-in-charge at Oakdale Pharmacy, failed to have available at the pharmacy any quality  
22 assurance review records or reports, in violation of CCR section 1711.

23 **NINTH CAUSE FOR DISCIPLINE**

24 **(Failure to Maintain Pharmacy, Fixtures, and Equipment**  
25 **so that Drugs Were Safely and Properly Secured)**

26 38. Respondent's pharmacist license is subject to disciplinary action for unprofessional  
27 conduct pursuant to Code section 4301, subdivisions (o) and (j), in that Respondent, while acting  
28 as the pharmacist-in-charge at Oakdale Pharmacy, failed to maintain the pharmacy and its

1 facilities, space, fixtures and/or equipment so that drugs were safely and properly secured, in  
2 violation of CCR section 1714, subdivision (d), and failed to store Schedule II, III, IV, and/or V  
3 Controlled Substances in securely locked, substantially constructed cabinets, in violation of CFR  
4 section 1301.75, subdivision (b), as follows: On or about May 20, 2015, Respondent failed to  
5 ensure that Schedule II Controlled Substances were stored in locked cabinets or dispersed  
6 throughout the pharmacy's stock of noncontrolled substances.

7 **OTHER MATTERS**

8 39. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
9 PHY 50734 issued to Oakdale Pharmacy, Oakdale Pharmacy shall be prohibited from serving as a  
10 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
11 five years if Pharmacy Permit Number PHY 50734 is placed on probation or until Pharmacy  
12 Permit Number PHY 50734 is reinstated if it is revoked.

13 40. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
14 PHY 50734 issued to Oakdale Pharmacy while Christen Yunah Kim has been an officer and/or  
15 owner and had knowledge of or knowingly participated in any conduct for which the licensee was  
16 disciplined, Christen Yunah Kim shall be prohibited from serving as a manager, administrator,  
17 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy  
18 Permit Number PHY 50434 is placed on probation or until Pharmacy Permit Number PHY 50734  
19 is reinstated if it is revoked.

20 **MATTERS IN AGGRAVATION**

21 41. To determine the degree of discipline to be assessed against Respondent, if any,  
22 Complainant alleges as follows:

23 a. On or about March 11, 2015, a Board Inspector conducted a complaint investigation  
24 at Oakdale Pharmacy, as set forth in paragraph 22 above. On or about May 21, 2015, the Board  
25 issued Citation and Fine No. CI 2014 65415 against Respondent's pharmacy permit for violating  
26 CCR section 1714, subdivision (d) (failure to maintain adequate security of the prescription  
27 department). The Board ordered Respondent to pay a fine of \$750 by June 20, 2015. Respondent  
28 paid the citation in full on November 4, 2015.

1 b. On or about May 21, 2015, the Board issued Citation and Fine No. CI 2014 65416  
2 against Respondent's pharmacist license for violating CCR section 1714, subdivision (d) (failure  
3 to maintain adequate security of the prescription department), following the complaint  
4 investigation referenced in subparagraph (a) above. The Board ordered Respondent to pay a fine  
5 of \$500 by June 20, 2015. Respondent paid the citation in full on November 4, 2015.

6 PRAYER

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

9 1. Revoking or suspending Pharmacy Permit Number PHY 50734, issued to Christen  
10 Yunah Kim, owner of Oakdale Pharmacy;

11 2. Revoking or suspending Pharmacist License Number RPH 62576, issued to Christen  
12 Yunah Kim;

13 3. Prohibiting Oakdale Pharmacy from serving as a manager, administrator, owner,  
14 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
15 Number PHY 50734 is placed on probation or until Pharmacy Permit Number PHY 50734 is  
16 reinstated if Pharmacy Permit Number 50734 issued to Oakdale Pharmacy is revoked;

17 4. Prohibiting Christen Yunah Kim from serving as a manager, administrator, owner,  
18 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
19 Number PHY 50734 is placed on probation or until Pharmacy Permit Number PHY 50734 is  
20 reinstated if Pharmacy Permit Number 50734 issued to Oakdale Pharmacy is revoked;

21 4. Ordering Christen Yunah Kim, individually, and as owner of Oakdale Pharmacy, to  
22 pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,  
23 pursuant to Business and Professions Code section 125.3; and

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

25 DATED: 6/13/16

*Virginia Herold*  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant