

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

In the Matter of the Accusation Against:

**PETER JIN CHANG  
705 Kristen Ct  
Santa Barbara, CA 93111**

**Pharmacist License No. RPH 65455**

Respondent.

Case No. 6018

OAH No. 2017050336

**DECISION AND ORDER**

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

This Decision shall become effective at 5:00 p.m. on November 1, 2017.

It is so ORDERED on October 2, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

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11 **PETER JIN CHANG**  
12 **705 Kristen Ct.**  
13 **Santa Barbara, CA 93111**

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14 **Pharmacist License No. RPH 65455**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Respondent.

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

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
22 (Board). She brought this action solely in her official capacity and is represented in this matter by  
23 Xavier Becerra, Attorney General of the State of California, by Christine J. Lee, Deputy Attorney  
24 General.

25 2. Peter Jin Chang (Respondent) is represented in this proceeding by attorney Kevin D.  
26 Cauley, Esq., whose address is: 624 South Grand Avenue, 22nd Floor  
27 Los Angeles, California 90017.  
28



1  
2 CONTINGENCY

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

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

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

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

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that Pharmacist License No. RPH 65455 issued to Respondent  
26 is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5)  
27 years on the following terms and conditions.

28 1. **Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

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

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

14 **2. Report to the Board**

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

23 **3. Interview with the Board**

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

1           4.     **Cooperate with Board Staff**

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

5           5.     **Continuing Education**

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

8           6.     **Notice to Employers**

9           During the period of probation, respondent shall notify all present and prospective  
10 employers of the decision in case number 6018 and the terms, conditions and restrictions imposed  
11 on respondent by the decision, as follows:

12           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
13 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
14 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
15 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
16 individual(s) has/have read the decision in case number 6018, and terms and conditions imposed  
17 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)  
18 submit timely acknowledgment(s) to the board.

19           If respondent works for or is employed by or through a pharmacy employment service,  
20 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
21 licensed by the board of the terms and conditions of the decision in case number 6018 in advance  
22 of the respondent commencing work at each licensed entity. A record of this notification must be  
23 provided to the board upon request.

24           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
25 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
26 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
27 report to the board in writing acknowledging that he has read the decision in case number 6018  
28

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

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

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

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

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

16 **8. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, respondent shall pay to the  
18 board its costs of investigation and prosecution in the amount of \$6,697.20. Respondent shall  
19 make said payments in a payment plan approved by the probation monitor.

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

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

25 **9. Probation Monitoring Costs**

26 Respondent shall pay any costs associated with probation monitoring as determined by the  
27 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
28

1 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
2 be considered a violation of probation.

3 **10. Status of License**

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

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

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

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

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

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

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



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

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

6 **13. Tolling of Probation**

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

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

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

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

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1           **14. Violation of Probation**

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

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

14           **15. Completion of Probation**

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

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

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

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

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

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

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

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

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

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

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

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

24 **17. Random Drug Screening**

25 Respondent, at his own expense, shall participate in random testing, including but not  
26 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
27 screening program as directed by the board or its designee. Respondent may be required to  
28 participate in testing for the entire probation period and the frequency of testing will be

1 determined by the board or its designee. At all times, respondent shall fully cooperate with the  
2 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
3 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
4 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
5 of probation. Upon request of the board or its designee, respondent shall provide documentation  
6 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
7 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
8 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
9 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
10 shall be considered a violation of probation and shall result in the automatic suspension of  
11 practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until  
12 notified by the board in writing.

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

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

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

26         **18. Abstain from Drugs and Alcohol Use**

27         Respondent shall completely abstain from the possession or use of alcohol, controlled  
28 substances, dangerous drugs and their associated paraphernalia except when the drugs are

1 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
2 request of the board or its designee, respondent shall provide documentation from the licensed  
3 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
4 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
5 violation of probation. Respondent shall ensure that he is not in the same physical location as  
6 individuals who are using illicit substances even if respondent is not personally ingesting the  
7 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
8 not supported by the documentation timely provided, and/or any physical proximity to persons  
9 using illicit substances, shall be considered a violation of probation.

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

11           Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
12 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
13 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
14 history with the use of alcohol and controlled substances who will coordinate and monitor any  
15 prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs.  
16 The approved practitioner shall be provided with a copy of the board's Accusation and decision.  
17 A record of this notification must be provided to the board upon request. Respondent shall sign a  
18 release authorizing the practitioner to communicate with the board about respondent's  
19 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist  
20 shall report to the board on a quarterly basis for the duration of probation regarding respondent's  
21 compliance with this condition. If any substances considered addictive have been prescribed, the  
22 report shall identify a program for the time limited use of any such substances. The board may  
23 require that the single coordinating physician, nurse practitioner, physician assistant or  
24 psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.  
25 Should respondent, for any reason, cease supervision by the approved practitioner, respondent  
26 shall notify the board immediately and, within thirty (30) days of ceasing treatment, submit the  
27 name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of  
28 respondent's choice to the board or its designee for its prior approval. Failure to timely submit

1 the selected practitioner or replacement practitioner to the board for approval, or to ensure the  
2 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

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

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

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

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

21 **20. Supervised Practice**

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 his license shall be automatically suspended  
25 until a supervisor is approved by the board or its designee. The supervision shall be, as required  
26 by the board or its designee, either:

27 Continuous - At least 75% of a work week

28 Substantial - At least 50% of a work week

1 Partial - At least 25% of a work week

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

3 Within thirty (30) days of the effective date of this decision, respondent shall have his  
4 supervisor submit notification to the board in writing stating that the supervisor has read the  
5 decision in case number 6018 and is familiar with the required level of supervision as determined  
6 by the board or its designee. It shall be the respondent's responsibility to ensure that his  
7 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
8 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
9 acknowledgements to the board shall be considered a violation of probation.

10 If respondent changes employment, it shall be the respondent's responsibility to ensure that  
11 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to  
12 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment  
13 commences, submit notification to the board in writing stating the direct supervisor and  
14 pharmacist-in-charge have read the decision in case number 6018 and is familiar with the level of  
15 supervision as determined by the board. Respondent shall not practice pharmacy and his license  
16 shall be automatically suspended until the board or its designee approves a new supervisor.  
17 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
18 acknowledgements to the board shall be considered a violation of probation.

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

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

28 During suspension, respondent shall not engage in any activity that requires the

1 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
2 practice of pharmacy, Respondent shall not perform the duties of a pharmacy technician or a  
3 designated representative for any entity licensed by the board.

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

5 **21. No Ownership of Licensed Premises**

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

13 **22. Criminal Probation/Parole Reports**

14 Respondent shall provide a copy of the conditions of any criminal probation/parole to the  
15 board, in writing, within ten (10) days of the issuance or modification of those conditions.  
16 Respondent shall provide the name of his or her probation/parole officer to the board, in writing,  
17 within ten (10) days after that officer is designated or a replacement for that officer is designated.  
18 Respondent shall provide a copy of all criminal probation/parole reports to the board within ten  
19 (10) days after Respondent receives a copy of such a report. Failure to timely make any of the  
20 submissions required hereby shall be considered a violation of probation.

21 **23. Ethics Course**

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

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

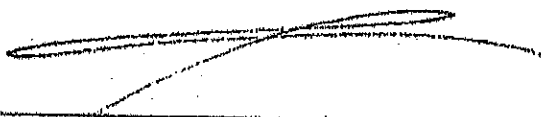
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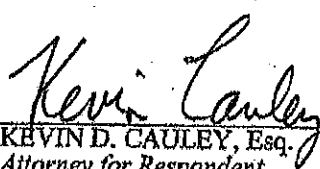
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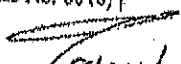
ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Kevin D. Cauley, Esq. 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: 8/24/17   
PETER JIN CHANG  
*Respondent*

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

DATED: 8/24/17   
KEVIN D. CAULEY, Esq.  
*Attorney for Respondent*

  
8/24/17

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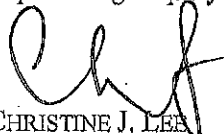
ENDORSEMENT

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

Dated: 8/29/17

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



CHRISTINE J. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6018**

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
4 State Bar No. 225325  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2542  
6 Facsimile: (213) 897-2804

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. 6018

12 **PETER JIN CHANG**  
705 Kristen Ct.  
13 Santa Barbara, CA 93111

**A C C U S A T I O N**

14 **Pharmacist License No. RPH 65455**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about May 5, 2011, the Board of Pharmacy ("Board") issued Pharmacist  
22 License No. RPH 65455 to Peter Jin Chang ("Respondent"). The Pharmacist License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on September  
24 30, 2018, unless renewed.

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1 JURISDICTION

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

5 4. Section 4011 of the Code provides that "[t]he board shall administer and enforce this  
6 chapter [Pharmacy Law, (Business and Professions Code, Sec 4000 et seq.)] and the Uniform  
7 Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and  
8 Safety Code)."

9 5. Section 4300, subdivision (a), of the Code states, in pertinent part, that "[e]very  
10 license issued may be suspended or revoked."

11 6. Section 4300.1 of the Code states:

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

18 STATUTORY PROVISIONS

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

23 8. Section 4021 of the Code states "'[c]ontrolled substance' means any substance listed  
24 in Chapter 2 (commencing with Section 11053) of Division 10 of the health and Safety Code."

25 9. Section 4022 of the Code states, in pertinent part:

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

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

....

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

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10. Section 4060 of the Code states, in pertinent part:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist 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.

11. Section 4301 of the Code states, in pertinent part:

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

- ....
- (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.
- ....
- (h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license
- ....
- (j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.
- (k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.
- ....
- (l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to

1 fix the degree of discipline or, in the case of a conviction not involving controlled  
2 substances or dangerous drugs, to determine if the conviction is of an offense  
3 substantially related to the qualifications, functions, and duties of a licensee under this  
4 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
5 contendere is deemed to be a conviction within the meaning of this provision. The  
6 board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
dismissing the accusation, information, or indictment.

7 . . . .

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

11 12. Section 4327 of the Code states “[a]ny person who, while on duty, sells, dispenses or  
12 compounds any drug while under the influence of any dangerous drug or alcoholic beverages  
13 shall be guilty of a misdemeanor.”

14 13. California Health and Safety Code section 11170 states, “[n]o person shall prescribe,  
15 administer, or furnish a controlled substance for himself.”

16 14. California Health and Safety Code section 11171 states, “[n]o person shall prescribe,  
17 administer, or furnish a controlled substance except under the conditions and in the manner  
18 provided by this division.”

19 **REGULATORY PROVISION**

20 15. Title 21 of the United States Code, section 829, subdivision (b), states, in pertinent  
21 part, “Schedule III and IV substances. Except when dispensed directly by a practitioner, other  
22 than a pharmacist, to an ultimate user, no controlled substance in schedule III or IV, which is a  
23 prescription drug as determined under the Federal Food, Drug, and Cosmetic Act [21 USCS §§  
24 301 et seq.], may be dispensed without a written or oral prescription in conformity with section  
25 503(b) of that Act [21 USCS § 353(b)]. Such prescriptions may not be filled or refilled more than  
26 six months after the date thereof or be refilled more than five times after the date of the  
27 prescription unless renewed by the practitioner. . . .”

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

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

6 **COST RECOVERY**

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

13 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

14 18. Clonazepam is a Schedule IV controlled substance pursuant to Health and Safety  
15 Code section 11057, subdivision (d)(7), and a dangerous drug pursuant to Code section 4022.

16 19. Diazepam, a benzodiazepam derivative, is a Schedule IV controlled substance  
17 pursuant to Health and Safety Code section 11057, subdivision (d)(9), and a dangerous drug  
18 pursuant to Code section 4022.

19 20. Norco, a trade name for the combination drug of hydrocodone bitartrate (opioid  
20 analgesic) and acetaminophen, is a Schedule II controlled substance pursuant to Health and  
21 Safety Code section 11055, subdivision (b)(1)(I), and a dangerous drugs pursuant to Code section  
22 4022.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crimes)

3 21. Respondent is subject to disciplinary action under Code sections 490 and 4301,  
4 subdivision (I), in conjunction with California Code of Regulations, title 16, section 1770, in that  
5 Respondent was convicted of crimes substantially related to qualifications, functions, or duties of  
6 a registered pharmacist which to a substantial degree evidence his present or potential unfitness to  
7 perform the functions authorized by his registration in a manner consistent with the public health,  
8 safety, or welfare, as follow:

9 a. On or about June 2, 2016, Respondent was convicted of one misdemeanor count of  
10 violating Penal Code section 459 [second degree commercial burglary] and one misdemeanor  
11 count of violating Code section 4060 [possession of a controlled substance], in the criminal  
12 proceeding entitled *The People of the State of California v. Peter Jin Chang* (Super. Ct. Santa  
13 Barbara County, 2016, No. 1494980). The court sentenced Respondent to 60 days in jail, placed  
14 him on three years probation, ordered him to complete a Clean and Sober Program, and pay fines  
15 and restitution.

16 b. The circumstances surrounding the conviction are that on or about March 22, 2016,  
17 Santa Barbara County Sheriff's Department deputies reported to a disturbance call. Upon arrival,  
18 Respondent's family members informed that they were worried about Respondent because he was  
19 abusing alcohol. Respondent was in possession of five (5) bottles of unmarked prescription  
20 bottles containing several hundred pills of diazepam 5mg and diazepam 10mg. The unmarked  
21 prescription bottles only had blank Walgreens labels. Respondent's brother informed the  
22 deputies that on or about March 19, 2016, Respondent was taken by an ambulance to the hospital  
23 for a possible overdose of medication or combination of medication and alcohol. Respondent  
24 admitted to taking the bottles containing several hundred pills of diazepam 5mg and diazepam  
25 10mg from Walgreens, where he worked. Furthermore, Respondent admitted to diverting  
26 approximately 300 tablets each of diazepam 5mg, diazepam 10 mg, clonazepam 1mg,  
27 clonazepam 2 mg, and approximately 120 tablets of Norco for self use between January and  
28 March of 2016 while employed at Walgreens. Respondent consumed four tablets per day while

1 working at Walgreens. Respondent also stated that he engaged in abnormal alcohol consumption  
2 and dependence on prescription drugs.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Conviction of Substantially Related Crimes)**

5 22. Respondent is subject to disciplinary action under Code sections 490 and 4301,  
6 subdivision (I), in conjunction with California Code of Regulations, title 16, section 1770, in that  
7 Respondent was convicted of crimes substantially related to qualifications, functions, or duties of  
8 a registered pharmacist which to a substantial degree evidence his present or potential unfitness to  
9 perform the functions authorized by his registration in a manner consistent with the public health,  
10 safety, or welfare, as follow:

11 a. On or about June 2, 2016, Respondent was convicted of one misdemeanor count of  
12 violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol],  
13 and one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving  
14 while having a blood alcohol concentration ("BAC") of 0.08% or higher, by weight], in the  
15 criminal proceeding entitled *The People of the State of California v. Peter Jin Chang* (Super. Ct.  
16 Santa Barbara, 2016, No. 1494493). The court sentenced Respondent to 150 days in jail, placed  
17 him on three years probation, ordered him to complete a 3-month Driving Under the Influence  
18 Program, and pay fines.

19 b. The circumstances surrounding the conviction are that on or about March 22, 2016, a  
20 California Highway Patrol officer responded to a traffic collision report. Upon arrival, the officer  
21 observed Respondent's vehicle collided into a palm tree. The officer observed that Respondent  
22 had red and watery eyes, and thick and slurred speech. Respondent had a strong odor of alcohol  
23 in Respondent's breath. Respondent was unable to satisfactorily perform a series of field sobriety  
24 tests as explained and demonstrated by the officer. Respondent's breath test revealed 0.09% and  
25 0.08% of BAC.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Commission of Acts Involving Moral Turpitude,**  
3 **Dishonesty, Fraud, Deceit, or Corruption)**

4 23. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),  
5 on the grounds of unprofessional conduct, in that between January and March of 2016,  
6 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption  
7 when he diverted approximately 300 tablets each of diazepam 5mg, diazepam 10 mg, clonazepam  
8 1mg, clonazepam 2 mg, and approximately 120 tablets of Norco for self use while employed at  
9 Walgreens. Complainant refers to and by this reference incorporates the allegations set forth  
10 above in paragraph 21, subparagraph b, inclusive, as though set forth fully.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct – Dangerous Use of Dangerous Drugs and/or Alcohol)**

13 24. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)  
14 and (j), on the grounds of unprofessional conduct, in that Respondent administered to himself, of  
15 any controlled substances, or used of any dangerous drugs or alcohol in a manner as to be  
16 dangerous or injurious to himself, any person of the public, or to the extent that the use impaired  
17 his ability to conduct with safety to the public the practice authorized by his license, as follows:

18 a. Between January and March of 2016, Respondent diverted approximately 300 tablets  
19 each of diazepam 5mg, diazepam 10 mg, clonazepam 1mg, clonazepam 2 mg, and approximately  
20 120 tablets of Norco for self use while employed at Walgreens, where he consumed four tablets  
21 per day. Complainant refers to and by this reference incorporates the allegations set forth above  
22 in paragraph 21, subparagraph b, inclusive, as though set forth fully.

23 b. On or about March 22, 2016, Respondent drove his vehicle while being under the  
24 influence of alcohol and collided into a palm tree. Complainant refers to and by this reference  
25 incorporates the allegations set forth above in paragraph 22, subparagraph b, inclusive, as though  
26 set forth fully.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Multiple Convictions Involving Dangerous Drugs and Alcohol)**

3 25. Respondent is subject to disciplinary action under Code section 4301, subdivision (k),  
4 on the grounds of unprofessional conduct, in that on or about June 2, 2016, Respondent was  
5 convicted of four misdemeanor counts involving the use, consumption, or self-administration of  
6 any dangerous drug or alcohol, or any combination of those substances. Complainant refers to  
7 and by this reference incorporates the allegations set forth above in paragraphs 21 and 22,  
8 inclusive, as though set forth fully.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Unlawful Possession of Dangerous Drug / Controlled Substance)**

11 26. Respondent is subject to disciplinary action under Code section 4060, in that between  
12 January and March of 2016, Respondent diverted approximately 300 tablets each of diazepam  
13 5mg, diazepam 10 mg, clonazepam 1mg, clonazepam 2 mg, and approximately 120 tablets of  
14 Norco for self use. Complainant refers to and by this reference incorporates the allegations set  
15 forth above in paragraph 21, subparagraph b, inclusive, as though set forth fully.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct - Violation of Statutes of This State and the United States**  
18 **Regulating Controlled Substances and Dangerous Drugs)**

19 27. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),  
20 by and through section 4060 of the Code, sections 11170 and 11171 of the Health and Safety  
21 Code, and section 829, subdivision (b), of Title 21 of the United States Code, in that Respondent  
22 violated the statutes of this state and the United States regulating controlled substances and  
23 dangerous drugs. Complainant refers to and by this reference incorporates the allegations set  
24 forth above in paragraph 21, subparagraph b, inclusive, as though set forth fully.

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1 EIGHTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Violating or Attempting to Violate Any Provision or Term of  
3 This Chapter or of the Applicable Federal and State Laws and Regulations Governing  
4 Pharmacy)

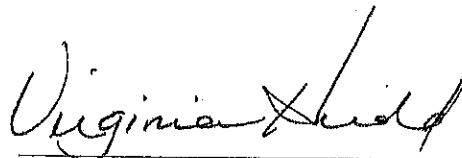
5 28. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),  
6 by and through section 4060 of the Code, sections 11170 and 11171 of the Health and Safety  
7 Code, and section 829, subdivision (b), of Title 21 of the United States Code, in that Respondent  
8 violated or attempted to violate the provisions of the terms of this chapter and the applicable  
9 federal and state laws and regulations governing pharmacy. Complainant refers to and by this  
10 reference incorporates the allegations set forth above in paragraph 21, subparagraph b, inclusive,  
11 as though set forth fully.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
14 and that following the hearing, the Board issue a decision:

- 15 1. Revoking or suspending Pharmacist License No. RPH 65455, issued to Peter Jin  
16 Chang;
- 17 2. Ordering Peter Jin Chang to pay the Board the reasonable costs of the investigation  
18 and enforcement of this case, pursuant to Code section 125.3; and,
- 19 3. Taking such other and further action as deemed necessary and proper.

20  
21  
22 DATED: 4/12/17



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

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