

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

In the Matter of the Petition for Interim  
Suspension Order Against:

RAYMOND CHUNG,

Pharmacist License No. RPH 68467

Respondent.

Case No. AC 2014 5350

OAH No. 2014110571

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**DECISION**

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on December 11, 2014.

Nicholas Tsukamaki, Deputy Attorney General, represented complainant.

Respondent was present and represented by Paul Chan, Attorney at Law.

The matter was submitted on December 11, 2014.

**FACTUAL FINDINGS**

1. On November 18, 2014, Virginia Herold, Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs petitioned the Office of Administrative Hearings for an Interim Suspension Order under Business and Professions Code section 494, suspending respondent Raymond Chung, Pharmacist License No. RPH 68467, from working as a pharmacist pending the outcome of these proceedings.

2. Respondent was timely served with a copy of the Petition for Interim Order of Suspension of License.

3. A hearing on the petition was held on December 11, 2014. Complaint filed three declarations and respondent did not file any declarations. Oral argument was presented by both sides.

4. It was established by a preponderance of the evidence that respondent's continued practice as a pharmacist would endanger the public health, safety, and welfare in that between April and October 2014, respondent was employed as a staff pharmacist at California Pacific Medical Center (CPMC) in San Francisco, California. Respondent inappropriately accessed and viewed the Personal Health Information (PHI) of 16 CPMC employees during the months of April, June, July, August, September, and October 2014. The types of PHI the respondent accessed and viewed included medications, encounters, clinical notes, problem list, and history. Respondent was not authorized to access or view any of that PHI. Respondent also inappropriately accessed and viewed certain non-PHI information including the medical record number, patient name, gender, date of birth, address, and phone number of eight other CPMC employees. He was not authorized to access or view any of that information. All 24 employees were respondent's colleagues in CPMC's pharmacy department.

5. Respondent was also working as an on-call pharmacist at Kaiser Hospital in Santa Clara, California, at the time of the incidents referred to in Factual Finding 4. It was represented by respondent's counsel that respondent resigned that position on December 2, 2014.

6. Respondent concedes that these activities constitute unprofessional conduct, which they do. However, he argues that they do not constitute conduct involving moral turpitude. Black's Law Dictionary defines moral turpitude as the act of baseness, vileness or the depravity in private or social duties which man owes to his fellow man. It can also include dishonesty. It was not established at this stage of the proceedings, by a preponderance of the evidence, without further facts and circumstances, that respondent's acts involve moral turpitude.

7. Respondent's employment as a pharmacist gave him access to protected healthcare information and other personal information of numerous individuals. Respondent must be prohibited from having access to any personal or private information. An interim suspension order is appropriate to ensure public health, safety, and welfare.

8. The foregoing evidence demonstrates that respondent is subject to an interim suspension order of his pharmacist's license pursuant to Business and Professions Code sections 4301, subdivision (o) (violation of law), 4306.5, subdivision (a) (inappropriate exercise of education and training) and 494 (violation of law).

9. It was established by a preponderance of the evidence that permitting respondent to continue to engage in unrestricted licensed activity of the practice of pharmacy would endanger the public health, safety or welfare because respondent has not demonstrated that he will not continue to access restricted personal information.

## LEGAL CONCLUSIONS

1. Cause for issuance of an interim order suspending Pharmacist License No. RPH 68467, issued to Raymond Chung, exists pursuant to Business and Professions Code section 494 by reason of the matters set forth in Factual Findings 4, through 9.

2. The interim suspension order is not based on Business and Professions Code section 4301, subdivision (f) (moral turpitude) pursuant to Factual Finding 6.

## ORDER

Pharmacist License No. RPH 68467, issued to Raymond Chung is suspended until an administrative hearing can be held; the charges in an accusation can be heard; and a decision of the Board is issued and effective determining whether respondent should continue to hold a license to practice and, if so, under what conditions, if any, that license to practice should continue.

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DATED: 12/12/14

*Ruth S. Astle*

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RUTH S. ASTLE

Administrative Law Judge

Office of Administrative Hearings