

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

---

**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*

\_\_\_\_\_  
RUTH S. ASTLE

Administrative Law Judge

Office of Administrative Hearings

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7 *Attorneys for Complainant*

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

11 In the Matter of the Second Amended  
12 Accusation Against:

Case No. 5350

13 **RAYMOND CHUNG**  
14 **144 Anza Street**  
15 **San Francisco, CA 94118**

**SECOND AMENDED ACCUSATION**

16 **Pharmacist License No. RPH 68467**

Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about November 28, 2012, the Board issued Pharmacist License Number RPH  
24 68467 to Raymond Chung (Respondent). The Pharmacist License was in full force and effect at  
25 all times relevant to the charges brought herein and will expire on August 31, 2016, unless  
26 renewed.

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## JURISDICTION

1  
2       3.    This Second Amended Accusation is brought before the Board under the authority of  
3 the following laws. All section references are to the Business and Professions Code (Code)  
4 unless otherwise indicated.

5       4.    Section 4011 of the Code provides that the Board shall administer and enforce both  
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
7 Act [Health & Safety Code, § 11000 et seq.].

8       5.    Section 4300, subdivision (a) of the Code provides that every license issued by the  
9 Board may be suspended or revoked.

10       6.    Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
11 suspension of a Board-issued license, the placement of a license on a retired status, or the  
12 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
13 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
14 licensee or to render a decision suspending or revoking the license.

## STATUTORY PROVISIONS

15  
16       7.    Section 4301 of the Code provides, in pertinent part:

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

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

24       ...

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



1 inappropriately accessed and viewed certain non-PHI personal information (including medical  
2 record number, patient name, sex, date of birth, address, and phone number) of seven (7) other  
3 CPMC employees. Respondent was not authorized to access or view any of that information. All  
4 twenty-six (26) employees were Respondent's colleagues in CPMC's Pharmacy Department.

5 14. CPMC further learned that Respondent accessed and viewed the PHI of seven (7)  
6 employees and certain non-PHI personal information of three (3) other employees, all of whom  
7 worked in CPMC's Emergency Department. Respondent was not authorized to access or view  
8 any of that PHI or non-PHI personal information.

9 15. CPMC later determined that Respondent inappropriately accessed and/or viewed the  
10 PHI and/or non-PHI personal information of hundreds of other CPMC patients.

#### 11 **FIRST CAUSE FOR DISCIPLINE**

##### 12 **(Unprofessional Conduct)**

13 16. Respondent is subject to disciplinary action under section 4301 of the Code for  
14 unprofessional conduct in that Respondent improperly accessed confidential healthcare  
15 information and other personal information. The circumstances of Respondent's conduct are set  
16 forth above in paragraphs 10 through 15.

#### 17 **SECOND CAUSE FOR DISCIPLINE**

##### 18 **(Unprofessional Conduct - Inappropriate Exercise of Education, Training, and Experience)**

19 17. Respondent is subject to disciplinary action under sections 4301, subdivision (o) and  
20 4306.5, subdivision (a) of the Code for unprofessional conduct in that Respondent used his  
21 education, training, and/or experience as a pharmacist, as well as his employment as a pharmacist  
22 at CPMC and the access that employment gave him to CPMC's patient records, to improperly  
23 access confidential healthcare information and other personal information. The circumstances of  
24 Respondent's conduct are set forth above in paragraphs 10 through 15.

#### 25 **THIRD CAUSE FOR DISCIPLINE**

##### 26 **(Commission of Acts Involving Moral Turpitude)**

27 18. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
28 Code in that Respondent, by improperly accessing confidential healthcare information and other

1 personal information, committed acts involving moral turpitude. The circumstances of  
2 Respondent's conduct are set forth above in paragraphs 10 through 15.

3 **PRAYER**

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

- 6 1. Revoking or suspending Pharmacist License Number RPH 68467 issued to Raymond  
7 Chung;
- 8 2. Ordering Raymond Chung to pay the Board of Pharmacy the reasonable costs of the  
9 investigation and enforcement of this case pursuant to Business and Professions Code section  
10 125.3;
- 11 3. Taking such other and further action as deemed necessary and proper.
- 12

13 DATED: April 9, 2015

14 *for* *Nicholas Dukameli*  
15 VIRGINIA HEROLD  
16 Executive Officer  
17 Board of Pharmacy  
18 Department of Consumer Affairs  
19 State of California  
20 *Complainant*

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

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 5350

13 **RAYMOND CHUNG**  
14 **144 Anza Street**  
15 **San Francisco, CA 94118**

**FIRST AMENDED ACCUSATION**

16 **Pharmacist License No. RPH 68467**

Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about November 28, 2012, the Board issued Pharmacist License Number RPH  
24 68467 to Raymond Chung (Respondent). The Pharmacist License was in full force and effect at  
25 all times relevant to the charges brought herein and will expire on August 31, 2016, unless  
26 renewed.

27 ///

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## JURISDICTION

1  
2 3. This First Amended Accusation is brought before the Board under the authority of the  
3 following laws. All section references are to the Business and Professions Code (Code) unless  
4 otherwise indicated.

5 4. Section 4011 of the Code provides that the Board shall administer and enforce both  
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
7 Act [Health & Safety Code, § 11000 et seq.].

8 5. Section 4300, subdivision (a) of the Code provides that every license issued by the  
9 Board may be suspended or revoked.

10 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
11 suspension of a Board-issued license, the placement of a license on a retired status, or the  
12 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
13 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
14 licensee or to render a decision suspending or revoking the license.

## STATUTORY PROVISIONS

15  
16 7. Section 4301 of the Code provides, in pertinent part:

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

20 ...

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

24 ...

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

1 8. Section 4306.5 of the Code provides, in pertinent part:

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

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

7 ...”

8 **COSTS**

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

15 **FACTUAL BACKGROUND**

16 10. Between October 2013 and October 2014, Respondent was employed as a Staff  
17 Pharmacist at California Pacific Medical Center (CPMC) in San Francisco, California.

18 11. On or about October 10, 2014, CPMC discovered that Respondent had accessed one  
19 of his co-worker’s protected healthcare information (PHI) through CPMC’s electronic health  
20 records.

21 12. On or about October 15, 2014, Respondent’s supervisor and a CPMC privacy officer  
22 met with Respondent. During that meeting Respondent admitted that he had accessed his co-  
23 worker’s PHI through CPMC’s electronic health records.

24 13. CPMC later learned that Respondent had inappropriately accessed and viewed the  
25 PHI of nineteen (19) CPMC employees during the months of January, April, June, July, August,  
26 September, and October 2014. The types of PHI that Respondent accessed and viewed included  
27 medications, encounters, clinical notes, problem list, and history, among others. Respondent was  
28 not authorized to access or view any of that PHI. CPMC also learned that Respondent had

1 inappropriately accessed and viewed certain non-PHI personal information (including medical  
2 record number, patient name, sex, date of birth, address, and phone number) of seven (7) other  
3 CPMC employees. Respondent was not authorized to access or view any of that information. All  
4 twenty-six (26) employees were Respondent's colleagues in CPMC's Pharmacy Department.

5 14. CPMC further learned that Respondent accessed and viewed the PHI of seven (7)  
6 employees and certain non-PHI personal information of three (3) other employees, all of whom  
7 worked in CPMC's Emergency Department. Respondent was not authorized to access or view  
8 any of that PHI or non-PHI personal information.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct)**

11 15. Respondent is subject to disciplinary action under sections 4301, subdivision (o) and  
12 4306.5, subdivision (a) of the Code for unprofessional conduct in that Respondent used his  
13 education, training, and/or experience as a pharmacist, as well as his employment as a pharmacist  
14 at CPMC and the access that employment gave him to CPMC's patient records, to improperly  
15 access confidential healthcare information and other personal information. The circumstances of  
16 Respondent's conduct are set forth above in paragraphs 10 through 14.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Commission of Acts Involving Moral Turpitude)**

19 16. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
20 Code in that Respondent, by improperly accessing confidential healthcare information and other  
21 personal information, committed acts involving moral turpitude. The circumstances of  
22 Respondent's conduct are set forth above in paragraphs 10 through 14.

23 **PRAYER**

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

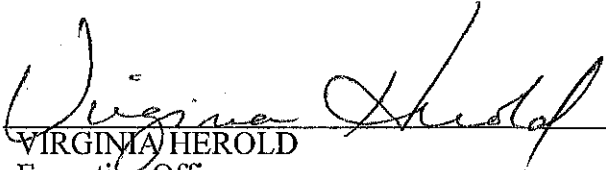
26 1. Revoking or suspending Pharmacist License Number RPH 68467 issued to Raymond  
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2. Ordering Raymond Chung to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions Code section 125.3;

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

DATED: 1/30/15 

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

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5 the course of the practice of pharmacy or the ownership, management, administration, or  
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2 record number, patient name, sex, date of birth, address, and phone number) of seven (7) other  
3 CPMC employees. Respondent was not authorized to access or view any of that information. All  
4 twenty-six (26) employees were Respondent's colleagues in CPMC's Pharmacy Department.

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6 nurses who worked in CPMC's Emergency Department. Respondent was not authorized to  
7 access or view any of that PHI.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

10 15. Respondent is subject to disciplinary action under sections 4301, subdivision (o) and  
11 4306.5, subdivision (a) of the Code for unprofessional conduct in that Respondent used his  
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16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Commission of Acts Involving Moral Turpitude)**

18 16. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
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22 **PRAYER**

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

25 1. Revoking or suspending Pharmacist License Number RPH 68467 issued to Raymond  
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2. Ordering Raymond Chung to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions Code section 125.3;

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

DATED: 12/12/14 

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

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