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9	BEFOR	E THE	
10	BOARD OF F DEPARTMENT OF CO		
11	STATE OF C.	ALIFORNIA	
12			
13	In the Matter of the Accusation Against:	Case No. 6768	
14	YUNA KIM		
15	Intern Pharmacist License No. INT 37174	SECOND AMENDED ACCUSATION	
16	Respondent.		
17			
18	<u>PARTIES</u>		
19	1. Anne Sodergren (Complainant) brings	s this Second Amended Accusation solely in her	
20	official capacity as the Executive Officer of the B	oard of Pharmacy, Department of Consumer	
21	Affairs.		
22	2. On or about October 29, 2015 the Boa	ard of Pharmacy issued Intern Pharmacist	
23	License No. INT 37174 to Yuna Kim (Respondent). The Intern Pharmacist License was current		
24	and active at all times relevant to the matters desc	ribed herein and will expire on May 31, 2020.	
25	JURISDI	CCTION	
26	3. This Second Amended Accusation is brought before the Board of Pharmacy (Board),		
27	Department of Consumer Affairs, under the authority of the following laws. All section		
28	references are to the Business and Professions Code (Code) unless otherwise indicated.		
		1	

- 4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].
- 5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.
- 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

7. Section 123 of the Code states in part:

It is a misdemeanor for any person to engage in any conduct which subverts or attempts to subvert any licensing examination or the administration of an examination, including, but not limited to:

(a) Conduct which violates the security of the examination materials; removing from the examination room any examination materials without authorization; the unauthorized reproduction by any means of any portion of the actual licensing examination; aiding by any means the unauthorized reproduction of any portion of the actual licensing examination; paying or using professional or paid examination-takers for the purpose of reconstructing any portion of the licensing examination; obtaining examination questions or other examination material, except by specific authorization either before, during, or after an examination; or using or purporting to use any examination questions or materials which were improperly removed or taken from any examination for the purpose of instructing or preparing any applicant for examination; or selling, distributing, buying, receiving, or having unauthorized possession of any portion of a future, current, or previously administered licensing examination.

. . . .

- 8. Section 496 of the Code provides that a board may deny, suspend, revoke, or otherwise restrict a license on the ground that an applicant or licensee has violated section 123 pertaining to the subversion of licensing examinations.
- 9. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following:

1	••••	
2	(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this	
3	chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or	
4	federal regulatory agency.	
5		
6	COST RECOVERY	
7	10. 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 of the licensing	
9	act to pay a sum not to exceed its reasonable costs of investigation and enforcement.	
10	FACTUAL ALLEGATIONS	
11	11. On or about July 9, 2019, during a pharmacist licensing examination, Respondent	
12	reproduced without authorization, portions of the actual licensing examination on her scratch	
13	paper.	
14	FIRST CAUSE FOR DISCIPLINE	
15	(Unauthorized Reproduction of the Licensing Examination)	
16	12. Respondent is subject to disciplinary action under section 496, by reference to section	
17	123, of the Code, in that Respondent reproduced without authorization portions of the actual	
18	licensing examination, as described above in paragraph 11.	
19	SECOND CAUSE FOR DISCIPLINE	
20	(Unprofessional Conduct)	
21	13. Respondent is subject to disciplinary action under section 4301 of the Code, in that,	
22	as described above in paragraphs 11-12, Respondent engaged in unprofessional conduct.	
23	<u>PRAYER</u>	
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 Intern Pharmacist License No. INT 37174, issued to Yuna	
27	Kim (Respondent);	
28	///	

1	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and	
2	enforcement of this case, pursuant to Business and Professions Code section 125.3; and,	
3	3. Taking such other and further action as is deemed necessary and proper.	
4		
5		
6	DATED: January 23, 2020 Once Sodergren	
7	ANNE SODERGREN Executive Officer	
8	Board of Pharmacy Department of Consumer Affairs State of California	
9	State of California Complainant	
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