

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

In the Matter of the Accusation Against:

Case No. 3091

WILLIAM QUOCTHONG HOANG
9467 Cote Dor Drive
Elk Grove, CA 95624

Original Pharmacist License No. RPH 54742

Respondent.

DECISION AND ORDER

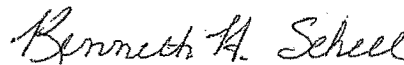
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on December 31, 2009.

It is so ORDERED on December 1, 2009.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
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Facsimile: (916) 327-8643
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 Accusation Against:

Case No. 3091

12 WILLIAM QUOCTHONG HOANG
13 9467 Cote Dor Drive
14 Elk Grove, CA 95624

OAH No. 200901766

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Pharmacist License RPh 54742

16 Respondent.

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Edmund
23 G. Brown Jr., Attorney General of the State of California, by Elena L. Almanzo, Deputy Attorney
24 General.

25 2. William Quocthong Hoang (Respondent) is represented in this proceeding by attorney
26 Robert Lee, whose address is 5801 Stockton Blvd., Ste. 108, Sacramento, California 95824. On
27 or about September 3, 2003, the Board of Pharmacy issued Pharmacist License No. Rph 54742 to
28 William Quocthong Hoang (Respondent). The was in full force and effect at all times relevant to

1 the charges brought in Accusation; Case No. 3091 and will expire on November 30, 2010, unless
2 renewed.

3 JURISDICTION

4 3. The Accusation in Case No. 3091 was filed before the Board of Pharmacy (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on December
7 11, 2008. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of
8 the Accusation in Case No. 3091 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 4. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation; Case No. 3091. Respondent also has carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
13 Order.

14 5. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel,
16 at his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 7. Respondent admits the truth of each and every charge and allegation in Accusation;
25 Case No. 3091, agrees that cause exists for discipline and hereby surrenders his Pharmacist
26 License No. Rph 54742 for the Board's formal acceptance.

27 8. Respondent understands that by signing this stipulation he enables the Board to issue an
28 order accepting the surrender of his Pharmacist License without further process.

CONTINGENCY

1
2 9. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and surrender, without notice to or
5 participation by Respondent or his counsel. By signing the stipulation, Respondent understands
6 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the
7 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
8 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or
9 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
10 and the Board shall not be disqualified from further action by having considered this matter.

11 10. The parties understand and agree that facsimile copies of this Stipulated Surrender of
12 License and Order, including facsimile signatures thereto, shall have the same force and effect as
13 the originals.

14 11. In consideration of the foregoing admissions and stipulations, the parties agree that
15 the (Board) may, without further notice or formal proceeding, issue and enter the following
16 Order:

ORDER

17
18 IT IS HEREBY ORDERED that Pharmacist License No. Rph 54742, issued to Respondent
19 William Quochong Hoang is surrendered and accepted by the Board of Pharmacy.

20 12. The surrender of Respondent's Pharmacist License and the acceptance of the
21 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
22 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
23 license history with the Board.

24 13. Respondent shall lose all rights and privileges as a pharmacist in California as of the
25 effective date of the Board's Decision and Order.

26 14. Respondent shall cause to be delivered to the Board both his wall license certificate
27 and, if one was issued, pocket license on or before the effective date of the Decision and Order.
28

1 15. If he ever applies for licensure or petitions for reinstatement in the State of California,
2 the Board shall treat it as a new application for licensure. Respondent must comply with all the
3 laws, regulations and procedures for licensure in effect at the time the application or petition is
4 filed, and all of the charges and allegations contained in Accusation Case No. 3091 shall be
5 deemed to be true, correct and admitted by Respondent when the Board determines whether to
6 grant or deny the application or petition.

7 16. Should Respondent ever apply or reapply for a new license or certification, or petition
8 for reinstatement of a license, by any other health care licensing agency in the State of California,
9 all of the charges and allegations contained in Accusation; Case No. 3091 shall be deemed to be
10 true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
11 proceeding seeking to deny or restrict licensure.

12 17. Respondent shall not apply for licensure or petition to reinstate for one (1) years
13 from the effective date of the Board's Decision and Order.

14 18. Respondent shall pay the Board its costs of investigation and enforcement in the
15 amount of \$9,548.25 prior to issuance of a new or reinstated license.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Robert Lee . I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

06/09/09



WILLIAM QUOCTHONG HOANG
Respondent

I have read and fully discussed with Respondent William Quochthong Hoang the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

6/9/2009



ROBERT LEE
Attorney for Respondent

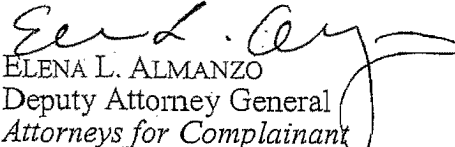
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: June 8, 2009

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
ARTHUR TAGGART
Supervising Deputy Attorney General


ELENA L. ALMANZO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation; Case No. 3091

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 322-5524
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3091

13 WILLIAM QUOCTHONG HOANG
9467 Cote Dor Drive
Elk Grove, CA 95624

A C C U S A T I O N

14 Pharmacist License RPh 54742

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about September 3, 2003, the Board of Pharmacy issued Pharmacist
22 License Number Rph 54742 to William Quocthong Hoang (Respondent). The Pharmacist
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on November 30, 2010, unless renewed.

25 JURISDICTION

26 3. This 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 unless otherwise indicated.

1 4. Section 118 (b) of the Code states:

2 "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in
3 the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a
4 court of law, or its surrender without the written consent of the board, shall not, during any
5 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
6 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
7 provided by law or to enter an order suspending or revoking the license or otherwise taking
8 disciplinary action against the licensee on any such ground."

9 5. Section 4300 of the Code states:

10 "(a) Every license issued may be suspended or revoked.

11 "(b) The board shall discipline the holder of any license issued by the board,
12 whose default has been entered or whose case has been heard by the board and found guilty, by
13 any of the following methods:

14 "(1) Suspending judgment.

15 "(2) Placing him or her upon probation.

16 "(3) Suspending his or her right to practice for a period not exceeding one year.

17 "(4) Revoking his or her license.

18 "(5) Taking any other action in relation to disciplining him or her as the board in
19 its discretion may deem proper.

20 "(c) The board may refuse a license to any applicant guilty of unprofessional
21 conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a
22 license who is guilty of unprofessional conduct and who has met all other requirements for
23 licensure. The board may issue the license subject to any terms or conditions not contrary to
24 public policy, including, but not limited to, the following:

25 "(1) Medical or psychiatric evaluation.

26 "(2) Continuing medical or psychiatric treatment.

27 "(3) Restriction of type or circumstances of practice.

28 "(4) Continuing participation in a board-approved rehabilitation program.

 "(5) Abstention from the use of alcohol or drugs.

 "(6) Random fluid testing for alcohol or drugs.

 "(7) Compliance with laws and regulations governing the practice of pharmacy.

 "(d) The board may initiate disciplinary proceedings to revoke or suspend any
probationary certificate of licensure for any violation of the terms and conditions of probation.
Upon satisfactory completion of probation, the board shall convert the probationary certificate to
a regular certificate, free of conditions.

 "(e) The proceedings under this article shall be conducted in accordance with
Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code,
and the board shall have all the powers granted therein. The action shall be final, except that the
propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the
Code of Civil Procedure."

 6. Section 820 of the Code states:

 "Whenever it appears that any person holding a license, certificate or permit under this
division or under any initiative act referred to in this division may be unable to practice his or
her profession safely because the licentiate's ability to practice is impaired due to mental illness,
or physical illness affecting competency, the licensing agency may order the licentiate to be
examined by one or more physicians and surgeons or psychologists designated by the agency.
The report of the examiners shall be made available to the licentiate and may be received as
direct evidence in proceedings conducted pursuant to Section 822."

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STATUTORY PROVISION

7. Code section 822 states:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

- (a) Revoking the licentiate's certificate or license.
- (b) Suspending the licentiate's right to practice.
- (c) Placing the licentiate on probation.
- (d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing agency shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the public health and safety the person's right to practice his or her profession may be safely reinstated.

COST RECOVERY

8. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND

9. On or about February 27, 2008, in an effort to determine whether or not Respondent was mentally ill to an extent that his mental condition affected his ability to practice safely as a Pharmacist, the Board filed a Petition and Order to Compel Psychiatric Examination in accordance with Code section 820.

10. On or about April 1, 2008, April 8 and 10, 2008, Respondent was interviewed and tested by Cynthia J. Newman, Phd., Licensed Psychologist, in compliance with the Board's order. Ms. Newman reported findings include the following:

- a. Respondent is suffering from a paranoid disorder.
- b. Respondent's ability to conduct the practice of pharmacy safely to the public is significantly impaired due to mental illness.
- c. The symptoms of Respondent's psychiatric disorder, as set forth in

1 paragraph a, above, are not under adequate control because respondent has rejected psychiatric
2 medication and treatment.

3 d. Respondent requires psychotherapy and psychotropic medication in order to
4 conduct the practice of pharmacy safely.

5 CAUSE FOR DISCIPLINE

6 (Mental Illness Affecting Competency)

7 11. Respondent is subject to disciplinary action under Code section 822, in
8 that his ability to practice his profession as a Pharmacist safely is impaired due to mental illness
9 affecting his competency, as more particularly set forth in paragraph 10, above, subparagraphs a
10 through d, above.

11 PRAYER

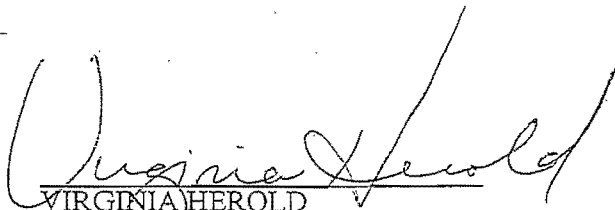
12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

14 A. Revoking or suspending Pharmacist License Number Rph 54742, issued to
15 William Quochthong Hoang.

16 B. Ordering William Quochthong Hoang to pay the Board of Pharmacy the
17 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3;

19 C. Taking such other and further action as deemed necessary and proper.

20
21 DATED: 12/8/08



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23
24 VIRGINIA HEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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