

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

In the Matter of the Accusation Against:

Case No. 3388

PATRICK K. YUEN
33649 Bardolph Circle
Fremont, CA 94555

Original Pharmacist License No. RPH 33210

Respondent.

DECISION AND ORDER

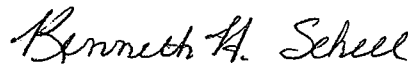
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 28, 2010.

It is so ORDERED on December 29, 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 WILBERT E. BENNETT
Supervising Deputy Attorney General
3 KIM M. SETTLES
Deputy Attorney General
4 State Bar No. 116945
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Attorneys for Complainant
8

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13 In the Matter of the Accusation Against:

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14 **PATRICK K. YUEN**
15 **33649 Bardolph Circle**
Fremont, CA 94555
16 **Pharmacist License No. RPH 33210**

OAH No. 2009080988

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 Respondent.

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

21 **PARTIES**

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

26 2. Patrick K. Yuen (Respondent) is representing himself in this proceeding and has
27 chosen not to exercise his right to be represented by counsel.

28 //

1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board.

3 15. Respondent shall lose all rights and privileges as a pharmacist in California as of the
4 effective date of the Board's Decision and Order.

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

7 17. Respondent fully understands and agrees that if he ever files an application for
8 licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
9 petition for reinstatement. Respondent must comply with all the laws, regulations and procedures
10 for reinstatement of a revoked license in effect at the time the petition is filed, and all of the
11 charges and allegations contained in Accusation No. 3388 shall be deemed to be true, correct and
12 admitted by Respondent when the Board determines whether to grant or deny the petition.

13 18. Should Respondent ever apply or reapply for a new license or certification, or petition
14 for reinstatement of a license, by any other health care licensing agency in the State of California,
15 all of the charges and allegations contained in Accusation, No. 3388 shall be deemed to be true,
16 correct, and admitted by Respondent for the purpose of any Statement of Issues or any other
17 proceeding seeking to deny or restrict licensure.

18 19. Respondent shall pay the Board its costs of investigation and enforcement in the
19 amount of \$2,515.00, prior to issuance of a new or reinstated license.

20 20. Respondent shall not apply for relicensure or petition for reinstatement for three (3)
21 years from the effective date of the Board of Pharmacy's Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. 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: 10/23/2009

Patrick Yuen
PATRICK K. YUEN
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: 10/23/09

Respectfully submitted,
Kim M. Settles
EDMUND G. BROWN JR.
Attorney General of California
WILBERT E. BENNETT
Supervising Deputy Attorney General
KIM M. SETTLES
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3388

1 EDMUND G. BROWN JR.
Attorney General of California
2 WILBERT E. BENNETT
Supervising Deputy Attorney General
3 KIM M. SETTLES
Deputy Attorney General
4 State Bar No. 116945
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16 **33649 Bardolph Circle**
Fremont, CA 94555
17 **Pharmacist License No. RPH 33210**

A C C U S A T I O N

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
23 capacity as the Executive Officer of the Board of Pharmacy.

24 2. On or about August 16, 1979, the Board issued Pharmacist License Number
25 RPH 33210 to Patrick K. Yuen (Respondent). The Pharmacist License was in full force and
26 effect at all times relevant to the charges brought herein and will expire on December 31, 2010,
27 unless renewed.

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STATUTES

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

5 4. Section 4300 provides that every license issued by the Board may be suspended
6 or revoked.

7 5. Section 4301 of the Code states:

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

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

15 "(h) The administering to oneself, of any controlled substance, or the use of any
16 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
17 injurious to oneself, to a person holding a license under this chapter, or to any other person
18 or to the public, or to the extent that the use impairs the ability of the person to conduct with
19 safety to the public the practice authorized by the license.

20 "(j) The violation of any of the statutes of this state, or any other state, or of the
21 United States regulating controlled substances and dangerous drugs.

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

26 6. Section 4327 of the Code provides, in pertinent part, that any person who, while
27 on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug
28 shall be guilty of a misdemeanor.

CAUSE FOR DISCIPLINE

1
2 12. Respondent is subject to disciplinary action in that from on or about May, 2007
3 to December 2, 2008, all the exact dates of which are unknown, while employed as a pharmacist
4 at Kaiser Permanente Hospital, in Hayward, California, respondent, by his own admission
5 repeatedly diverted and/or stole an unknown amount of Hycodan Syrup from the pharmacy, for
6 his own use, and on numerous occasions administered Hycodan syrup to himself while on duty as
7 a pharmacist.

8 13. Respondent's conduct as set forth in paragraph 12, above, constitutes the
9 commission of acts involving moral turpitude, dishonesty, fraud, and deceit and is cause for
10 disciplinary action pursuant to section 4301(f).

11 14. Respondent's conduct as set forth in paragraph 12, above, constitutes
12 administering a controlled substance to himself and is cause for disciplinary action pursuant to
13 section 4301(h).

14 15. Respondent's conduct as set forth in paragraph 12, above, reflects self-
15 administering and being under the influence of a controlled substance while on duty as a
16 pharmacist, in violation of section 4327, and is cause for disciplinary action pursuant to section
17 4301(o).

18 16. Respondent's conduct as set forth in paragraph 12, above, constitutes a
19 violation of the statutes regulating controlled substances and dangerous drugs, to wit: Business
20 and Professions Code section 4060 and Health and Safety Code sections 11170 and 11173, and is
21 cause for disciplinary action pursuant to Business and Professions Code sections 4301(j) and (o).

PRAYER

22
23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing issue a decision:

25 1. Revoking or suspending Pharmacist License Number RPH 33210, issued to
26 Patrick K. Yuen.

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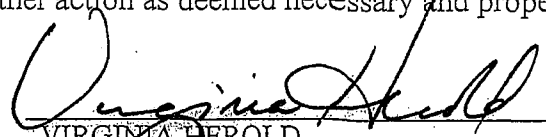
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2. Ordering Patrick K. Yuen to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 8/12/09



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

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