

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

In the Matter of the Accusation Against:

Case No. 3410

JULIE SHU-HWA KUNG
535 Fairview Avenue
Arcadia, CA 91007

Pharmacist License No. RPH 49994

Respondent.

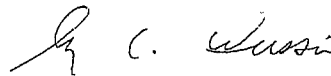
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 February 17, 2011.

It is so ORDERED on January 18, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 SHAWN P. COOK
Deputy Attorney General
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3410

11 **JULIE SHU-HWA KUNG**
12 **535 Fairview Avenue**
13 **Arcadia, CA 91007**
Pharmacist License No. RPH 49994

OAH No. L-2010060650

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Respondent.

15
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17 entitled proceedings that the following matters are true:

18 PARTIES

19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
20 She brought this action solely in her official capacity and is represented in this matter by Edmund
21 G. Brown Jr., Attorney General of the State of California, by Shawn P. Cook, Deputy Attorney
22 General.

23 2. Respondent Julie Shu-Hwa Kung (Respondent) is represented in this proceeding by
24 attorney Herbert L. Weinberg, Esq., whose address is: McGuire Woods LLP; 1800 Century Park
25 East, 8th Floor; Los Angeles, CA 90067.

26 3. On or about April 21, 1998, the Board of Pharmacy issued Pharmacist License No.
27 RPH 49994 to Julie Shu-Hwa Kung (Respondent). The Pharmacist License was in full force and
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1 effect at all times relevant to the charges brought in Accusation No. 3410 and will expire on
2 September 30, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3410 was filed before the Board of Pharmacy (Board) , Department
5 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on January 29, 2010.

7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3410 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 3410. Respondent has also carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
13 Order.

14 6. Respondent is fully aware of her 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 at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

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

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation
25 No. 3410.

26 9. Respondent agrees that her Pharmacist License is subject to discipline and she agrees
27 to be bound by the Board of Pharmacy (Board)'s probationary terms as set forth in the
28 Disciplinary Order below.

1 **1. Suspension**

2 As part of probation, respondent is suspended from the practice of pharmacy for fifteen
3 (15) days beginning the effective date of this decision.

4 During suspension, respondent shall not enter any pharmacy area or any portion of the
5 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
6 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
7 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
8 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
9 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
10 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
11 and devices or controlled substances.

12 Respondent shall not engage in any activity that requires the professional judgment of a
13 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.
14 Respondent shall not perform the duties of a pharmacy technician or a designated representative
15 for any entity licensed by the board.

16 Subject to the above restrictions, respondent may continue to own or hold an interest in any
17 licensed premises in which she holds an interest at the time this decision becomes effective unless
18 otherwise specified in this order.

19 Failure to comply with this suspension shall be considered a violation of probation.

20 **2. Obey All Laws**

21 Respondent shall obey all state and federal laws and regulations.

22 Respondent shall report any of the following occurrences to the board, in writing, within
23 seventy-two (72) hours of such occurrence:

- 24 • an arrest or issuance of a criminal complaint for violation of any provision of the
25 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
26 substances laws
- 27 • a plea of guilty or *nolo contendere* in any state or federal criminal proceeding to any
28 criminal complaint, information or indictment

- 1 • a conviction of any crime
- 2 • discipline, citation, or other administrative action filed by any state or federal agency
- 3 which involves respondent's pharmacist license or which is related to the practice of
- 4 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
- 5 for any drug, device or controlled substance.

6 Failure to timely report such occurrence shall be considered a violation of probation.

7 **3. Report to the Board**

8 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
9 designee. The report shall be made either in person or in writing, as directed. Among other
10 requirements, respondent shall state in each report under penalty of perjury whether there has
11 been compliance with all the terms and conditions of probation. Failure to submit timely reports
12 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
13 in submission of reports as directed may be added to the total period of probation. Moreover, if
14 the final probation report is not made as directed, probation shall be automatically extended until
15 such time as the final report is made and accepted by the board.

16 **4. Interview with the Board**

17 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
18 with the board or its designee, at such intervals and locations as are determined by the board or its
19 designee. Failure to appear for any scheduled interview without prior notification to board staff,
20 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
21 the period of probation, shall be considered a violation of probation.

22 **5. Cooperate with Board Staff**

23 Respondent shall cooperate with the board's inspection program and with the board's
24 monitoring and investigation of respondent's compliance with the terms and conditions of her
25 probation. Failure to cooperate shall be considered a violation of probation.

26 **6. Continuing Education**

27 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
28 pharmacist as directed by the board or its designee.

1 7. **Notice to Employers**

2 During the period of probation, respondent shall notify all present and prospective
3 employers of the decision in case number 3410 and the terms, conditions and restrictions imposed
4 on respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
6 respondent undertaking any new employment, respondent shall cause her direct supervisor,
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
8 tenure of employment) and owner to report to the board in writing acknowledging that the listed
9 individual(s) has/have read the decision in case number 3410, and terms and conditions imposed
10 thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s)
11 submit timely acknowledgment(s) to the board.

12 If respondent works for or is employed by or through a pharmacy employment service,
13 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
14 licensed by the board of the terms and conditions of the decision in case number 3410 in advance
15 of the respondent commencing work at each licensed entity. A record of this notification must be
16 provided to the board upon request.

17 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
18 (15) days of respondent undertaking any new employment by or through a pharmacy employment
19 service, respondent shall cause her direct supervisor with the pharmacy employment service to
20 report to the board in writing acknowledging that she has read the decision in case number 3410
21 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
22 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

23 Failure to timely notify present or prospective employer(s) or to cause that/those
24 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
25 probation.

26 "Employment" within the meaning of this provision shall include any full-time,
27 part-time, temporary, relief or pharmacy management service as a pharmacist or any
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1 position for which a pharmacist license is a requirement or criterion for employment,
2 whether the respondent is an employee, independent contractor or volunteer.

3 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
4 **Designated Representative-in-Charge, or Serving as a Consultant**

5 During the period of probation, respondent shall not supervise any intern pharmacist, or be
6 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
7 board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
8 unauthorized supervision responsibilities shall be considered a violation of probation.

9 **9. Reimbursement of Board Costs**

10 As a condition precedent to successful completion of probation, respondent shall pay to the
11 board its costs of investigation and prosecution in the amount of \$12,405. Respondent shall make
12 said payments in a payment plan to be approved by the Board.

13 There shall be no deviation from this payment schedule absent prior written approval by the
14 board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a
15 violation of probation.

16 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
17 reimburse the board its costs of investigation and prosecution.

18 **10. Probation Monitoring Costs**

19 Respondent shall pay any costs associated with probation monitoring as determined by the
20 board each and every year of probation. Such costs shall be payable to the board on a schedule as
21 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
22 be considered a violation of probation.

23 **11. Status of License**

24 Respondent shall, at all times while on probation, maintain an active, current license with
25 the board, including any period during which suspension or probation is tolled. Failure to
26 maintain an active, current license shall be considered a violation of probation.

27 If respondent's license expires or is cancelled by operation of law or otherwise at any time
28 during the period of probation, including any extensions thereof due to tolling or otherwise, upon

1 renewal or reapplication respondent's license shall be subject to all terms and conditions of this
2 probation not previously satisfied.

3 **12. License Surrender While on Probation/Suspension**

4 Following the effective date of this decision, should respondent cease practice due to
5 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
6 respondent may tender her license to the board for surrender. The board or its designee shall have
7 the discretion whether to grant the request for surrender or take any other action it deems
8 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent
9 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
10 record of discipline and shall become a part of the respondent's license history with the board.

11 Upon acceptance of the surrender, respondent shall relinquish her pocket and wall license to
12 the board within ten (10) days of notification by the board that the surrender is accepted.

13 Respondent may not reapply for any license from the board for three (3) years from the effective
14 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
15 of the date the application for that license is submitted to the board, including any outstanding
16 costs.

17 **13. Notification of a Change in Name, Residence Address, Mailing Address or**
18 **Employment**

19 Respondent shall notify the board in writing within ten (10) days of any change of
20 employment. Said notification shall include the reasons for leaving, the address of the new
21 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
22 shall further notify the board in writing within ten (10) days of a change in name, residence
23 address, mailing address, or phone number.

24 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
25 phone number(s) shall be considered a violation of probation.

26 **14. Tolling of Probation**

27 Except during periods of suspension, respondent shall, at all times while on probation, be
28 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.

1 Any month during which this minimum is not met shall toll the period of probation, i.e., the
2 period of probation shall be extended by one month for each month during which this minimum is
3 not met. During any such period of tolling of probation, respondent must nonetheless comply
4 with all terms and conditions of probation.

5 Should respondent, regardless of residency, for any reason (including vacation) cease
6 practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California,
7 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
8 must further notify the board in writing within ten (10) days of the resumption of practice. Any
9 failure to provide such notification(s) shall be considered a violation of probation.

10 It is a violation of probation for respondent's probation to remain tolled pursuant to the
11 provisions of this condition for a total period, counting consecutive and non-consecutive months,
12 exceeding thirty-six (36) months.

13 "Cessation of practice" means any calendar month during which respondent is
14 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and
15 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
16 month during which respondent is practicing as a pharmacist for at least forty (40)
17 hours as a pharmacist as defined by Business and Professions Code section 4000 et
18 seq.

19 Respondent is required to practice as a pharmacist in a licensed pharmacy setting that
20 dispenses medication for a minimum of one year prior to the completion of probation. After the
21 first year of probation, the board or its designee may consider a modification of this requirement.
22 If respondent fails to comply with this requirement or a subsequent modification thereto, such
23 failure shall be considered a violation of probation.

24 **15. Violation of Probation**

25 If a respondent has not complied with any term or condition of probation, the board shall
26 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
27 all terms and conditions have been satisfied or the board has taken other action as deemed
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1 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
2 to impose the penalty that was stayed.

3 If respondent violates probation in any respect, the board, after giving respondent notice
4 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
5 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
6 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
7 a petition to revoke probation or an accusation is filed against respondent during probation, the
8 board shall have continuing jurisdiction and the period of probation shall be automatically
9 extended until the petition to revoke probation or accusation is heard and decided.

10 **16. Completion of Probation**

11 Upon written notice by the board or its designee indicating successful completion of
12 probation, respondent's license will be fully restored.

13 **17. Community Services Program**

14 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
15 board or its designee, for prior approval, a community service program in which respondent shall
16 provide free health-care related services on a regular basis to a community or charitable facility or
17 agency for 300 hours. Within thirty (30) days of board approval thereof, respondent shall submit
18 documentation to the board demonstrating commencement of the community service program. A
19 record of this notification must be provided to the board upon request. Respondent shall report on
20 progress with the community service program in the quarterly reports. Failure to timely submit,
21 commence, or comply with the program shall be considered a violation of probation.

22 **18. No Ownership of Licensed Premises**

23 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
24 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
25 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
26 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
27 days following the effective date of this decision and shall immediately thereafter provide written
28 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide

1 documentation thereof shall be considered a violation of probation.

2 **19. Tolling of Suspension**

3 During the period of suspension, respondent shall not leave California for any period
4 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
5 of the (10) days during suspension shall be considered a violation of probation. Moreover, any
6 absence from California during the period of suspension exceeding ten (10) days shall toll the
7 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
8 respondent is absent from California. During any such period of tolling of suspension,
9 respondent must nonetheless comply with all terms and conditions of probation.

10 Respondent must notify the board in writing within ten (10) days of departure, and must
11 further notify the board in writing within ten (10) days of return. The failure to provide such
12 notification(s) shall constitute a violation of probation. Upon such departure and return,
13 respondent shall not resume the practice of pharmacy until notified by the board that the period of
14 suspension has been satisfactorily completed.

15 **20. Ethics Course**

16 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
17 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
18 Failure to initiate the course during the first year of probation, and complete it within the second
19 year of probation, is a violation of probation.

20 Respondent shall submit a certificate of completion to the board or its designee within five
21 days after completing the course.

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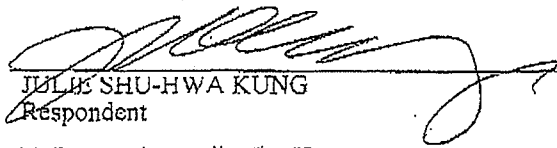
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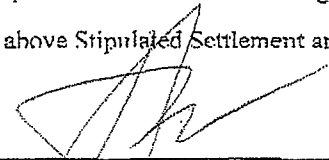
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ACCEPTANCE

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

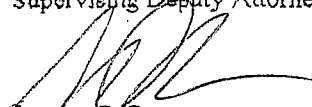
DATED: 11/22/10 
JULIE SHU-HWA KUNG
Respondent

I have read and fully discussed with Respondent Julie Shu-Hwa Kung the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11/23/10 
Herbert L. Weinberg, Esq.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order are hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 11/23/10 Respectfully Submitted,
EDMUND G. BROWN JR.
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

SHAWN P. COOK
Deputy Attorney General
Attorneys for Complainant

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Stipulation.rtf

Exhibit A

Accusation No. 3410

1 EDMUND G. BROWN JR.
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 JENNIFER S. CADY
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Attorneys for Complainant
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9 **BOARD OF PHARMACY**
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13 535 Fairview Avenue
Arcadia, CA 91007

A C C U S A T I O N

14 Pharmacist License No. RPH 49994

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about April 21, 1998, the Board of Pharmacy (Board) issued Pharmacist
22 License No. RPH 49994 to Julie Shu-Hwa Kung (Respondent). The Pharmacist License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on
24 September 30, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board, Department of Consumer Affairs, under
27 the authority of the following laws. All section references are to the Business and Professions
28 Code unless otherwise indicated.

1 **COST RECOVERY**

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

6 **DANGEROUS DRUGS**

7 15. Allopurinol is used for treating acute attacks of gout, erosive destructive gouty joint
8 disease, uric acid deposits in tissues (tophi), gouty kidney disease, and uric acid stones. It is
9 categorized as a dangerous drug pursuant to section 4022.

10 16. Atenolol is prescribed for patients with high blood pressure (hypertension) and is
11 categorized as a dangerous drug pursuant to section 4022.

12 17. Cozaar, a brand name of losartan, is used for treating hypertension, left ventricular
13 hypertrophy (increase in muscle) and diabetic nephropathy (kidney disease). It is categorized as a
14 dangerous drug pursuant to section 4022.

15 18. Evista, a brand name for raloxifene, is prescribed for the prevention and treatment of
16 osteoporosis in post-menopausal women, and is a dangerous drug within the meaning of
17 section 4022.

18 19. Lipitor, a brand name for atorvastatin, is an oral drug that lowers the level of
19 cholesterol in the blood. It is categorized as a dangerous drug pursuant to section 4022.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Falsified Prescriptions)**

22 20. Respondent is subject to disciplinary action under sections 4300 and 4301,
23 subdivisions (g) and / or (o), for unprofessional conduct, in conjunction with section 4324,
24 subdivision (a), in that in and between March 2006 and February 2008, Respondent falsified
25 prescriptions to obtain dangerous drugs, to wit, 300 Evista 60mg, 550 total tablets of Lipitor
26 10mg & 40mg, 100 Allopurinol 300mg, 200 Cozaar 25mg, and 200 Atenolol 50mg. The
27 circumstances are as follows:

28 ///

1 a. In and between March 2006 and February 2008, while employed as a licensed
2 pharmacist at Kaiser Permanente Pharmacy, Baldwin Park, California, using her scope of
3 practice, Respondent obtained prescription medications for her parents use using her own name,
4 medical record number and health insurance benefits.

5 b. Respondent produced false oral, telephone and / or transfer, prescription orders for
6 herself, filled the prescriptions, and gave the medications to her parents for their use. Respondent
7 issued the prescriptions to herself when she had no legitimate medical purpose for the
8 medications.

9 c. Respondent dispensed (filled and refilled) prescriptions from providers who did not
10 issued or authorize the prescriptions.

11 d. Respondent received prescription medications as follows:

	Count	Medication	Rx No.	Date	M.D.	Oral Instrument
12	100	Allopurinol 300mg	192278396	7/14/2006	Chiu	Telephone Rx
13	100	Atenolol 50mg	154528045	3/19/2007	Chiu	Telephone Rx
14	100	Atenolol 50mg	154572486	10/11/2007	Chiu	Telephone Rx
15	100	Cozaar 25mg	154528044	3/19/2007	Chiu	Telephone Rx
16	100	Cozaar 25mg	154572485	10/11/2007	Chiu	Telephone Rx
17	100	Evista 60mg	192269007	3/11/2006	Chiu	Telephone Rx
18	100	Evista 60mg	154546749	6/14/2007	Chiu	Telephone Rx
19	100	Evista 60mg	154546749	2/28/2008	Chiu	Refill
20	100	Lipitor 20mg	192269681	3/20/2006	Chiu	Telephone Rx
21	100	Lipitor 20mg	192269681	9/12/2006	Chiu	Refill
22	100	Lipitor 20mg	192269681	9/14/2006	Chiu	Refill
23	50	Lipitor	291225179	1/30/2007	Chu	Telephone Rx
24	50	Lipitor 40mg	154529877	3/26/2007	Chu	Telephone Rx
25	50	Lipitor 40mg	154529877	6/14/2007	Chu	Refill
26	50	Lipitor 40mg	154529877	9/18/2007	Chu	Refill
27	50	Lipitor 40mg	154529877	1/22/2008	Chu	Refill

1 e. On or about May 14, 2008, based upon her own admissions, Respondent was
2 terminated from her employment at Kaiser Permanente for filling prescriptions under her own
3 name which were intended for her parents in order to take advantage of the health plan benefits
4 for employees.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Knowingly Filled, Refilled and Dispensed Altered Prescriptions)**

7 21. Respondent is subject to disciplinary action under sections 4300 and 4301,
8 subdivisions (j) and / or (o), on the grounds of unprofessional conduct, for violating section 4063
9 and California Code of Regulations, title 16, section 1761, in that in and between March 2006 and
10 February 2008, Respondent knowingly filled, refilled, and dispensed altered prescriptions for
11 medications intended for her parents to her own name. Complainant refers to and by this
12 reference incorporates the allegations set forth above in paragraphs 20, inclusive, as though set
13 forth fully.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Furnishing Drugs Without Valid Prescriptions)**

16 22. Respondent is subject to disciplinary action under sections 4300 and 4301,
17 subdivisions (j) and / or (o), on the grounds of unprofessional conduct, for violating section 4059,
18 subdivision (a), in that in and between March 2006 and February 2008, Respondent furnished
19 dangerous drugs without legitimate prescriptions. Complainant refers to and by this reference
20 incorporates the allegations set forth above in paragraphs 20 and 21, inclusive, as though set forth
21 fully.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

24 23. Respondent is subject to disciplinary action under sections 4300 and 4301,
25 subdivision (f), on the grounds of unprofessional conduct, in that in and between March 2006 and
26 February 2008, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit,
27 or corruption. Complainant refers to and by this reference incorporates the allegations set forth
28 above in paragraphs 20 - 22, inclusive, as though set forth fully.

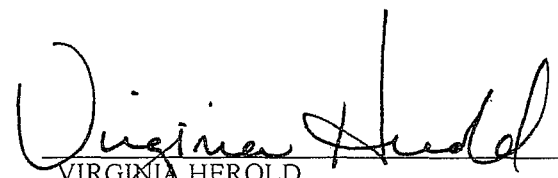
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PRAYER

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

1. Revoking or suspending Pharmacist License No. RPH 49994, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 1/25/10



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

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