



California State Board of Pharmacy
1625 N. Market Blvd, N219, Sacramento, CA 95834
Phone: (916) 574-7900
Fax: (916) 574-8618
www.pharmacy.ca.gov

STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR VOLUNTARY SURRENDER OF PREMISES LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

| | |
|---|-------------------------|
| Name: <u>Patterson Family Pharmacy</u> | Case No. <u>AC 3626</u> |
| Address of Record: <u>47 S. Del Puerto Ave</u> <u>Patterson, CA 95363</u> | |

Pursuant to the terms and conditions of probation against my premises license with the California State Board of Pharmacy (Board) in Case No. AC3626, I hereby request to surrender my premises license, License No. 47152. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, the premises will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of the premises license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my premises license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I shall, among other things, submit a completed Discontinuance of Business form according to board guidelines and shall notify the board of the records inventory transfer. I may not reapply for any new licensure from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Applicant's Signature

Virginia Heird

Executive Officer's Approval

Date

3/19/2013

Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16 California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

Case No. 3626

**WONG & BRAGDON PHARMACY, INC. dba
PATTERSON FAMILY PHARMACY**

47 South Del Puerto Avenue

Patterson, CA 95363

Pharmacy No. PHY 47152

WILLIAM THOMAS BRAGDON JR.

Original Pharmacist License No. 52585

JOHN F. WONG

Original Pharmacist License No. 52583

Respondent.

DECISION AND ORDER

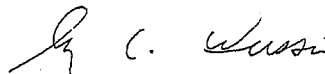
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on October 27, 2010.

It is so ORDERED on September 27, 2010.

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 ARTHUR D. TAGOART
Supervising Deputy Attorney General
3 PATRICK M. KENADY
Deputy Attorney General
4 State Bar No. 050882
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5377
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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BY: _____

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

11 In the Matter of the Accusation Against:
12 **WONG & BRAGDON PHARMACY, INC. dba**
13 **PATTERSON FAMILY PHARMACY**
47 South Del Puerto Avenue
14 Patterson, CA 95363
Pharmacy No. PHY 47152
15 **WILLIAM THOMAS BRAGDON JR.**
Original Pharmacist License Number 52585
16 **JOHN F. WONG Original Pharmacist**
License Number 52583

Case No. 3626

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Virginia 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 Patrick M. Kenady, Deputy
25 Attorney General.

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2. Respondents PATTERSON FAMILY PHARMACY, WILLIAM THOMAS BRAGDON JR., and JOHN F. WONG are represented in this proceeding by attorney Richard G. Cenci, whose address is 5740 N. Palm Avenue, Suite 111 Fresno, CA. 93704.

3. On or about May 27, 2005, the Board of Pharmacy issued Original Pharmacy Permit Number PHY 47152 to WONG & BRAGDON PHARMACY, INC. dba PATTERSON FAMILY PHARMACY (Respondent PATTERSON). The Original Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on May 1, 2010, unless renewed.

4. On or about August 30, 2001, the Board of Pharmacy issued Original Pharmacist License Number 52585 to WILLIAM THOMAS BRAGDON JR. (Respondent BRAGDON) The Original Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2010, unless renewed.

5. On or about August 30, 2001, the Board of Pharmacy issued Original Pharmacist License Number 52583 to JOHN F. WONG (Respondent WONG). The Original Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2011 unless renewed.

JURISDICTION

6. Accusation No. 3626 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. Respondents acknowledge proper service of the Accusation and all other statutorily required documents. A copy of Accusation No. 3626 is attached as exhibit A and incorporated herein by reference.

Citation No. CI 2009 42451 against William Thomas Bragdon Jr., Citation No. CI 2009 4252 against John F. Wong, and Citation No. 2008 38090 against Patterson Family Pharmacy were issued and served on respondent on December 14, 2009.

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1 communicate directly with the Board regarding this stipulation and settlement, without notice to
2 or participation by Respondent or its counsel. By signing the stipulation, Respondents understand
3 and agree that they may not withdraw its agreement or seek to rescind the stipulation prior to the
4 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
5 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
6 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
7 and the Board shall not be disqualified from further action by having considered this matter.

8 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
9 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
10 effect as the originals.

11 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
14 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
15 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
16 writing executed by an authorized representative of each of the parties.

17 16. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following
19 Disciplinary Order:

20 DISCIPLINARY ORDER

21 IT IS HEREBY ORDERED that Original Pharmacy Permit No. PHY 47152 issued to
22 Respondent WONG & BRAGDON PHARMACY, INC. dba PATTERSON FAMILY
23 PHARMACY, Original Pharmacist License herein RPH52585 issued to Respondent WILLIAM
24 THOMAS BRAGDON JR. and Original Pharmacist License No. RPH52583 issued to
25 Respondent JOHN F. WONG are revoked. However, the revocations are stayed and Respondents
26 are placed on probation for five (5) years on the following terms and conditions.

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1 1. **Civil Penalties**

2 Respondents shall pay civil penalties to the BOARD in the amounts and on such terms as
3 specified below. Respondents understand and agree that such civil penalties are administrative
4 fines under 11USCA523(a)(7) and not dischargeable in bankruptcy:

5 a. Respondent WONG & BRAGDON PHARMACY, INC. dba PATTERSON
6 FAMILY PHARMACY shall pay a civil penalty of ONE HUNDRED THOUSAND DOLLARS
7 (\$100,000);

8 b. Respondent WILLIAM THOMAS BRAGDON JR. shall pay a civil penalty of
9 FIFTY THOUSAND DOLLARS(\$50,000);

10 c. Respondent JOHN F. WONG shall pay a civil penalty of FIFTY THOUSAND
11 DOLLARS (\$50,000).

12 d. Respondents shall make payment of the assessed civil penalties as follows.
13 Payments shall be made in 18 equal installments, beginning with the first payment on or before
14 the effective date of this decision and a payment every ninety (90) days thereafter.

15 A failure to make any payment shall be considered in violation of probation. It is the
16 responsibility of respondents to mail or otherwise deliver each payment directly to the Board at
17 the Board's Sacramento address in a timely manner. Respondent may pay the full remaining
18 unpaid balance at any time.

19 2. **Withdrawal of Citations**

20 Upon the effective date of this order, the citations against respondents shall be withdrawn.

21 3. **Obey All Laws**

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

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

- 25 • an arrest or issuance of a criminal complaint for violation of any provision of the
26 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
27 substances laws

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- 1 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 2 criminal complaint, information or indictment
- 3 • a conviction of any crime
- 4 • discipline, citation, or other administrative action filed by any state or federal agency
- 5 which involves respondents' licenses or permit which is related to the practice of
- 6 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
- 7 for any drug, device or controlled substance.

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

9 **4. Report to the Board**

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

18 **5. Interview with the Board**

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

24 **6. Cooperate with Board Staff**

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

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1 7. Continuing Education

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

4 8. Notice to Employers

5 During the period of probation, respondent shall notify all present and prospective employers of
6 the decision in case number 3626 and the terms, conditions and restrictions imposed on
7 respondent by the decision, as follows:

8 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
9 respondent undertaking any new employment, respondent shall cause their direct supervisor,
10 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
11 tenure of employment) and owner to report to the board in writing acknowledging that the listed
12 individual(s) has/have read the decision in case number 3626, and terms and conditions imposed
13 thereby. It shall be respondent's responsibility to ensure that their employer(s) and/or
14 supervisor(s) submit timely acknowledgment(s) to the board.

15 If respondent works for or is employed by or through a pharmacy employment service,
16 respondent must notify their direct supervisor, pharmacist-in-charge, and owner at every entity
17 licensed by the board of the terms and conditions of the decision in case number 3626 in advance
18 of the respondent commencing work at each licensed entity. A record of this notification must be
19 provided to the board upon request.

20 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
21 (15) days of respondent undertaking any new employment by or through a pharmacy employment
22 service, respondent shall cause their direct supervisor with the pharmacy employment service to
23 report to the board in writing acknowledging that they has read the decision in case number 3626
24 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
25 that their employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

5 9. Reimbursement of Board Costs

6 Reimbursement of Board Costs under Section 125.3 is waived.

7 10. Probation Monitoring Costs

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

12 11. Status of License

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

16 If respondent's license expires or is cancelled by operation of law or otherwise at any time
17 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
18 renewal or reapplication respondent's license shall be subject to all terms and conditions of this
19 probation not previously satisfied.

20 12. License Surrender While on Probation/Suspension

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

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1 Upon acceptance of the surrender, respondent shall relinquish their pocket and wall license
2 to the board within ten (10) days of notification by the board that the surrender is accepted.
3 Respondent may not reapply for any license from the board for three (3) years from the effective
4 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
5 of the date the application for that license is submitted to the board, including any outstanding
6 costs.

7 13. Notification of a Change in Name, Residence Address, Mailing Address or
8 Employment

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

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

16 14. Tolling of Probation

17 Except during periods of suspension, respondent shall, at all times while on probation, be
18 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
19 month during which this minimum is not met shall toll the period of probation, i.e., the period of
20 probation shall be extended by one month for each month during which this minimum is not met.
21 During any such period of tolling of probation, respondent must nonetheless comply with all
22 terms and conditions of probation.

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

28 It is a violation of probation for respondent's probation to remain tolled pursuant to the

1 provisions of this condition for a total period, counting consecutive and non-consecutive months,
2 exceeding thirty-six (36) months.

3 "Cessation of practice" means any calendar month during which respondent is
4 not practicing as a pharmacist for at least 40 hours, as defined by Business and
5 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
6 month during which respondent is practicing as a pharmacist for at least 40 hours as a
7 pharmacist as defined by Business and Professions Code section 4000 et seq.

8 **15. Violation of Probation**

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

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

21 **16. Completion of Probation**

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

24 **17. No Supervision of Interns, Servicing as Pharmacist-in-Charge (PIC), Serving as**
25 **Designated Representative-in-Charge, or Serving as a Consultant**

26 During the period of probation, respondent WONG shall not supervise any intern
27 pharmacist, be the pharmacist-in-charge or designated representative-in-charge of any entity
28 licensed by the board nor serve as a consultant unless otherwise specified in this order.

1 Assumption of any such unauthorized supervision responsibilities shall be considered a violation
2 of probation.

3 18. Notice to Employees

4 Respondent owner shall, upon or before the effective date of this decision, ensure that all
5 employees involved in permit operations are made aware of all the terms and conditions of
6 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
7 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
8 remain posted throughout the probation period. Respondent owner shall ensure that any
9 employees hired or used after the effective date of this decision are made aware of the terms and
10 conditions of probation by posting a notice, circulating a notice, or both. Additionally,
11 respondent owner shall submit written notification to the board, within fifteen (15) days of the
12 effective date of this decision, that this term has been satisfied. Failure to submit such
13 notification to the board shall be considered a violation of probation.

14 "Employee" as used in this provision includes all full-time, part-time, volunteer, temporary
15 and relief employees and independent contractors employed or hired at any time during
16 probation.

17 19. Owners and Officers: Knowledge of the Law

18 Respondent shall provide, within thirty (30) days after the effective date of this decision,
19 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
20 or more of the interest in respondent or respondent's stock, and any officer, stating under penalty
21 of perjury that said individual have read and are familiar with state and federal laws and
22 regulations governing the practice of pharmacy. The failure to timely provide said statements
23 under penalty of perjury shall be considered a violation of probation.

24 20. Posted Notice of Probation

25 Respondent owner shall prominently post a probation notice provided by the board in a
26 place conspicuous and readable to the public. The probation notice shall remain posted during
27 the entire period of probation.

28 Respondent owner shall not, directly or indirectly, engage in any conduct or make any

1 statement which is intended to mislead or is likely to have the effect of misleading any patient,
2 customer, member of the public, or other person(s) as to the nature of and reason for the probation
3 of the licensed entity.

4 Failure to post such notice shall be considered a violation of probation.

5 **21. Community Services Program**

6 As a further term of and in consideration of this settlement, Respondents Bragdon and
7 Wong have authored letters describing their incentives to participate and their participation in
8 filling and/or dispensing internet descriptions for an internet provider in violation of California
9 law, and detailing the consequences of this participation on them, their families, the public health,
10 and their profession. These letters detail what Respondents have learned from this experience and
11 what they would advise others who are approached to fill prescriptions from an internet provider.
12 The letters are attached hereto as exhibit B and incorporated herein by reference. These letters
13 are part of Respondents' public record of discipline with the Board. The Board may print/reprint
14 either or both of these letters in Board communications and on its website, for deterrent and/or
15 educational purposes. Furthermore, Respondents Bragdon and Wong shall participate in a video
16 taping of them reading each of their letters, at a time and place arranged by the Board or its
17 designee upon reasonable notice to Respondents. The Board may use this video for deterrent
18 and/or educational purposes.

19 Failure to timely appear upon reasonable notice for and cooperate with the above-described video
20 taping shall be considered a violation of probation.

21 **22. Consultant for Owner or Pharmacist-In-Charge**

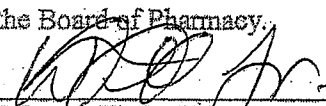
22 Respondent Bragdon may be a pharmacist-in-charge. However, if during the period of probation
23 respondent serves as a pharmacist-in-charge, respondent shall retain an independent consultant at
24 his or her own expense who shall be responsible for reviewing pharmacy operations on a
25 quarterly basis for compliance by respondent with state and federal laws and regulations
26 governing the practice of pharmacy and for compliance by respondent with the obligations of a
27 pharmacist-in-charge. The consultant shall be a pharmacist licensed by and not on probation with
28 the board and whose name shall be submitted to the board or its designee, for prior approval.

1 within thirty (30) days of the effective date of this decision. Respondent shall not be a
2 pharmacist-in-charge at more than one pharmacy or at any pharmacy of which he or she is not the
3 sole owner. Failure to timely retain, seek approval of, or ensure timely reporting by the
4 consultant shall be considered a violation of probation.

5 ACCEPTANCE

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
7 discussed it with my attorney, Richard G. Cenci. I understand the stipulation and the effect it will
8 have on the Original Pharmacy Permit and my Original Pharmacist License. I enter into this
9 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
10 to be bound by the Decision and Order of the Board of Pharmacy.

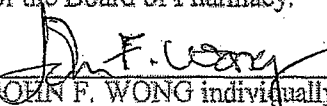
11 DATED: 7/1/10


12 WILLIAM THOMAS BRAGDON JR. individually
13 and as President, WONG & BRAGDON
14 PHARMACY, INC. dba PATTERSON FAMILY
15 PHARMACY
16 Respondents

15 ACCEPTANCE

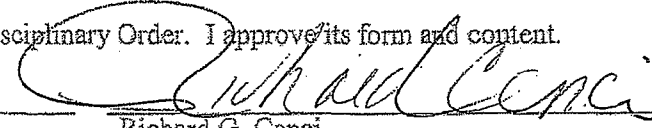
16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, Richard G. Cenci. I understand the stipulation and the effect it will
18 have on the Original Pharmacy Permit and my Original Pharmacist License. I enter into this
19 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
20 to be bound by the Decision and Order of the Board of Pharmacy.

21 DATED: 7/1/2010


22 JOHN F. WONG individually and for WONG &
23 BRAGDON PHARMACY, INC. dba PATTERSON
24 FAMILY PHARMACY
25 Respondents

24 I have read and fully discussed with Respondents BRAGDON, WONG and PATTERSON
25 FAMILY PHARMACY the terms and conditions and other matters contained in the above
26 Stipulated Settlement and Disciplinary Order. I approve its form and content.

27 DATED: 7-1-10


28 Richard G. Cenci
Attorney for Respondent

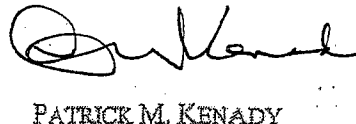
ENDORSEMENT

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

Dated: July 20, 2010

Respectfully Submitted,

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


PATRICK M. KENADY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3626

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 PATRICK M. KENADY
Deputy Attorney General
4 State Bar No. 050882
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5377
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:

Case No. 3626

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13 **PATTERSON FAMILY PHARMACY**
47 South Del Puerto Avenue
Patterson, CA 95363
14 **Original Pharmacy No. PHY 47152**
15 **WILLIAM THOMAS BRAGDON JR.**
Original Pharmacist License Number 52585
16 **JOHN F. WONG Original Pharmacist License**
Number 52583

A C C U S A T I O N

17 Respondents

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about May 27, 2005, the Board of Pharmacy issued Original Pharmacy Permit
24 No. PHY 47152 to WONG & BRAGDON PHARMACY, INC. dba PATTERSON FAMILY
25 PHARMACY (Respondent PATTERSON). The Original Pharmacy Permit was in full force and
26 effect at all times relevant to the charges brought herein and will expire on May 1, 2010, unless
27 renewed.

28 ///

1 3. On or about August 30, 2001, the Board of Pharmacy issued Original Pharmacist
2 License Number 52585 to WILLIAM THOMAS BRAGDON JR. (Respondent BRAGDON) The
3 Original Pharmacist License was in full force and effect at all times relevant to the charges
4 brought herein and will expire on October 31, 2010, unless renewed.

5 4. On or about October 31, 2001, the Board of Pharmacy issued Original Pharmacist
6 License Number 52583 to JOHN F. WONG (Respondent WONG). The Original Pharmacist
7 License was in full force and effect at all times relevant to the charges brought herein and will
8 expire on January 31, 2011 unless renewed.

9 JURISDICTION

10 5. This Accusation is brought before the Board of Pharmacy (Board), Department of
11 Consumer Affairs, under the authority of the following laws. All section references are to the
12 Business and Professions Code unless otherwise indicated.

13 6. Section 4300 of the Code states:

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

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

18 "(1) Suspending judgment.

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

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

21 "(4) Revoking his or her license.

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

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

1 "(1) Medical or psychiatric evaluation.

2 "(2) Continuing medical or psychiatric treatment.

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

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

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

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

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

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

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

17 7. Section 4301 of the Code states:

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

21 ...

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

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 ...
2 8. Section 4067 states;

3 "(a) No person or entity shall dispense or furnish, or cause to be dispensed or furnished,
4 dangerous drugs or dangerous devices. As defined in section 4022, on the internet for delivery to
5 any person in this state without a prescription issued pursuant to a good faith prior examination of
6 a human or animal for whom the prescription is meant if the person knew or reasonably should
7 have known that the prescription was not issued pursuant to a good faith examination of a human
8 or animal, or if the person or entity did not act in accordance with Section 1861 of Title 16 of the
9 California Code of Regulations.

10 (b) Notwithstanding any other provision of law, a violation of this action may subject the
11 person or entity that has committed the violation to either a fine of up to twenty-five thousand
12 dollars (\$25,000) per occurrence pursuant to a citation issued by the board or a civil penalty of
13 twenty-five thousand dollars (\$25,000) per occurrence.

14 ...

15 (e) For the purpose of this section, "good faith prior examination" includes the requirements
16 for a physician and surgeon in Section 2242 and the requirements for a veterinarian in Section
17 2032.1 of Title 16 of the California Code of Regulations."

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

22 10. Section 118, subdivision (b), of the Code provides that the
23 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
24 jurisdiction to proceed with a disciplinary action during the period within which the license may
25 be renewed, restored, reissued or reinstated.

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1 FIRST CAUSE FOR DISCIPLINE

2 (VIOLATION OF STATUTE)

3 11. Respondent BRAGDON is subject to disciplinary action under section 4301 (j) in that
4 Respondent BRAGDON between December 14, 2006 and June 13, 2007 furnished 237 controlled
5 substance prescriptions to California residents pursuant to prescription issued via the Internet
6 which were without a good faith prior exam in violation of section 4067.

7 SECOND CAUSE FOR DISCIPLINE

8 (VIOLATION OF STATUTE)

9 12. Respondent BRAGDON is subject to disciplinary action under section 4301(j) in that
10 Respondent BRAGDON between December 14, 2006 and June 13, 2007 was Pharmacist in
11 Charge when an unidentified pharmacist while working at Patterson Family Pharmacy furnished
12 125 controlled substance prescriptions on documents that were not initialed by the dispensing
13 pharmacist to California residents pursuant to prescriptions issued via the Internet which were
14 without good faith prior exam in violation of section 4067.

15 THIRD CAUSE FOR DISCIPLINE

16 (VIOLATION OF STATUTE)

17 13. Respondent BRAGDON is subject to disciplinary action under section 4301(j) in that
18 Respondent BRAGDON between December 14, 2006 and June 13, 2007 was Pharmacist in
19 Charge when an unidentified pharmacist while working at Patterson Family Pharmacy furnished
20 111 controlled substance prescription with illegible dispensing pharmacist's initials on the
21 prescription document to California residents pursuant to prescription issued via the Internet
22 which were without a prior good faith exam in violation of section 4067.

23 FOURTH CAUSE FOR DISCIPLINE

24 (VIOLATION OF REGULATION)

25 14. Respondent BRAGDON is subject to disciplinary action under section 4301(o) in that
26 respondent BRAGDON between December 14, 2006 and June 13, 2007 was Pharmacist in
27 Charge when an unknown pharmacist furnished 125 controlled substance prescriptions to

28 ///

1 California residents on documents that were not initialed by the dispensing pharmacist in
2 violations of California Code of Regulations, section 1717, subdivision(b)(1).

3 FIFTH CAUSE OF DISCIPLINE

4 (VIOLATION OF STATUTE)

5 15. Respondent BRAGDON is subject to disciplinary action under section 4301(j) in that
6 Respondent BRAGDON between December 14, 2006 and June 13, 2007 was Pharmacist in
7 Charge when Patterson Family Pharmacy failed to report dispensing 65 Schedule II controlled
8 substance prescriptions, 461 Schedule III controlled substance prescriptions, and 176 Schedule IV
9 controlled prescriptions to Controlled Substance Review and Evaluation System (CURES) in
10 violation of Health and Safety Code section 11165, subdivision (d).

11 SIXTH CAUSE FOR DISCIPLINE

12 (VIOLATION OF STATUTE)

13 16. Respondent WONG is subject to disciplinary action under section 4301(j) in that
14 Respondent WONG between December 14, 2006 and June 13, 2007 furnished 339 controlled
15 substance prescriptions to California residents pursuant to prescription issued via the Internet
16 which were without a good faith prior exam in violation of section 4067.

17 SEVENTH CAUSE FOR DISCIPLINE

18 (VIOLATION OF STATUTE)

19 17. Respondent PATTERSON is subject to disciplinary action under section 4301 (j) in
20 that Respondent PATTERSON between December 14, 2006 and June 13, 2007 furnished 812
21 controlled substance prescriptions to California residents pursuant to prescription issued via the
22 Internet which were without a good faith prior exam in violation of section 4067.

23 EIGHTH CAUSE OF DISCIPLINE

24 (VIOLATION OF STATUTE OR REGULATION)

25 18. Respondent PATTERSON is subject to disciplinary action of section 4301(o) in that
26 Respondent PATTERSON between December 14, 2006 and June 13, 2007

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28 ///

1 furnished 125 controlled substance prescriptions to California residents on documents that were
2 not initialed by the dispensing pharmacist in violation of California Code of Regulations, section
3 1717, subdivision (b)(1).

4 NINTH CAUSE OF DISCIPLINE
5 (VIOLATION OF STATUTE)

6 19. Respondent PATTERSON is subject to disciplinary action under section 4301(j) in
7 that Respondent PATTERSON between December 14, 2006 and June 13, 2007 failed to report
8 dispensing 65 Schedule II controlled substance prescriptions, 461 Schedule III controlled
9 substance prescriptions, and 176 Schedule IV controlled prescriptions to Controlled Substance
10 Review and Evaluation System (CURES) in violation of Health and Safety Code section 11165,
11 subdivision (d).

12 PRAYER

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

15 1. Revoking or suspending Original Pharmacy Number PHY 47152, issued to WONG &
16 BRAGDON PHARMACY, INC. dba PATTERSON FAMILY PHARMACY.

17 2. Revoking or suspending Original Pharmacist License Number 52585, issued to
18 WILLIAM THOMAS BRAGDON JR.

19 3. Revoking or suspending Original Pharmacist License Number 52583, issued to
20 JOHN F. WONG.

21 4. Ordering Respondents PATTERSON FAMILY PHARMACY, WILLIAM THOMAS
22 BRAGDON JR. and JOHN F. WONG to pay the Board of Pharmacy the reasonable costs of the
23 investigation and enforcement of this case, pursuant to Business and Professions Code
24 section 125.3;

25 ///

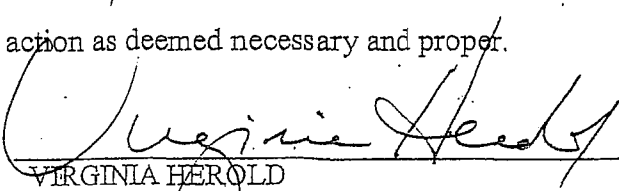
26 ///

27 ///

28 ///

1 5. Taking such other and further action as deemed necessary and proper.

2
3 DATED: 4/6/10


VIRGINIA HEROLD

Executive Officer

Board of Pharmacy

Department of Consumer Affairs

State of California

Complainant

7 SA2010100186

8 10530780.doc

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **In the Matter of the Accusations Against: Wong & Bragdon Pharmacy, Inc.
dba Patterson Family Pharmacy; William Thomas Bragdon Jr.; John F.
Wong**

Case No.: **3626**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On April 9, 2010, I served the attached **ACCUSATION; STATEMENT TO RESPONDENT; REQUEST FOR DISCOVERY; NOTICE OF DEFENSE (2 blank copies) and COPY OF GOVERNMENT CODE SECTIONS** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

Richard G. Cenci
Attorney at Law
5740 N. Palm Avenue, Suite 111
Fresno, CA 93704
Attorney for Respondent

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 9, 2010, at Sacramento, California.

Christina A. Pek

Declarant

Christina A. Pek
Signature

Exhibit B

Letters

To Whom It May Concern:

We, Patterson Family Pharmacy, were approached by a company named TeleMed to possibly fill prescriptions and mail them to their patients. We were given names of several pharmacies as references. We called and were able to verify their relationship with TeleMed. The contract that was offered to us ranged between \$5 to \$10 for each prescription plus the cost of each medication. We believed that each patient had a good faith prior exam with the MD which was stated on each prescription and signed by the MD.

The web portal that we had been given access to pertaining to the patient profiles was extensive. Each electronic health record varied from x-rays, prior MD consults, CT records and results, and prescription history.

One day we received a phone call from a pharmacy located somewhere in the Mid-West stating that what we were doing was possibly violating the law. I immediately searched and located a cell phone number for Inspector Joseph Wong, which was on a business card from a prior annual visit, and called Inspector Wong. Inspector Wong stated that if there were any questions as to the validity of what we were doing that it was his recommendation to cease our actions. We immediately stopped filling TeleMed prescriptions.

The untold stress and emotional rollercoaster that I have put my family, my true friend and business partner John Wong and myself have been tremendous. Western medical literature can support and corroborate the premise that emotional stress on an individual can and will have severe and ever reaching consequences. I have become a poor example. Something I did not wish to be. Diagnosed with hypertension, sleepless nights, and irritability are just a few of the outcomes that I have been handed. The financial strains will be felt for decades by my family. Ashamed, humiliated, and embarrassed. I just hope and believe that I will be able to restore my faith and integrity in a profession that I so passionately love.

Sincerely,

Tom Bragdon

To whom it may concern:

We (the pharmacy) were approached to provide internet prescription service by a fax solicitation. We were contacted by the company and explained that we would be providing medications thru the mail from written orders from their physicians. We were put in touch with other pharmacies that were also providing this service as references. The enticement of providing these services was a dispensing fee between \$5 and \$10 per prescription.

I believed the patients had a good faith exam from the medical information that was provided in their profile. Detailed information was provided such as medical exams with x-ray information. For the given information, I did not doubt the validity of these patient's medical conditions

I filled approximately 339 controlled prescriptions.

I ceased filling the internet prescriptions after we consulted with a state board investigator who told us if you don't think its legal then stop. Once that was said, we ceased all processing of prescriptions.

I was never given any sales pitch to provide service for any other internet provider or to increase the number of prescriptions filled.

The fallout of this episode in my life is of emotional distress on me, financial hardship and a disgrace to my profession. I believed this to be a legal venture and thought we had researched this completely. This legal progress has caused me untold emotional pain. It has led to sleepless nights and irritability. It has drained finances that I would otherwise have, making myself conscience of all my expenses. It has also put a shame on my profession since I should have been up to date on the law and should have used better judgment on what I was doing. This also brings doubt in trust with the public and which I hope to reestablish by being the best pharmacist that I can be.

Sincerely,

John Wong