

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

In the Matter of the Accusation Against:

**CHRISTIAN WILLIAM DAPAAH
868 Sweet pea Lane
Manteca, CA 95336**

Pharmacist License No. RPH 54207

Respondents.

Case No. 4880

OAH No. 2015110963

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 at 5:00 p.m. on July 8, 2016.

It is so ORDERED June 8, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
Deputy Attorney General
4 State Bar No. 258229
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6 Telephone: (916) 324-5403
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4880

12 **CHRISTIAN WILLIAM DAPAAH**
13 **868 Sweet Pea Lane**
Manteca, CA 95336

OAH No. 2015110963

14 **Pharmacist License No. RPH 54207**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

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

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Kristina T. Jarvis, Deputy Attorney
23 General.

24 2. On or about March 18, 2003, the Board of Pharmacy issued Pharmacist License No.
25 RPH 54207 to Christian William Dapaah (Respondent). The Pharmacist License was in full force
26 and effect at all times relevant to the charges brought in Accusation No. 4880 and will expire on
27 February 28, 2017, unless renewed.

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1 Respondent hereby gives up his right to contest that cause for discipline exists based on those
2 charges.

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

5 **CONTINGENCY**

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

15 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
16 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
17 thereto, shall have the same force and effect as the originals.

18 13. This Stipulated Surrender of License and Order is intended by the parties to be an
19 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
20 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
21 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
22 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
23 executed by an authorized representative of each of the parties.

24 14. In consideration of the foregoing admissions and stipulations, the parties agree that
25 the Board may, without further notice or formal proceeding, issue and enter the following Order:

26 **ORDER**

27 IT IS HEREBY ORDERED that Pharmacist License No. RPH 54207, issued to Respondent
28 Christian William Dapaah, is surrendered and accepted by the Board of Pharmacy.

1 1. The surrender of Respondent's Pharmacist License and the acceptance of the
2 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
3 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
4 license history with the Board of Pharmacy.

5 2. Respondent shall lose all rights and privileges as a Pharmacist in California as of the
6 effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
8 issued, his wall certificate within ten (10) days of the effective date of the Decision and Order.

9 4. Respondent understands and agrees that if he ever applies for licensure or petitions
10 for reinstatement in the State of California, the Board shall treat it as a new application for
11 licensure.

12 5. Respondent may not apply for any license, permit, or registration from the board for
13 three (3) years from the effective date of this decision. Respondent must comply with all the
14 laws, regulations and procedures for licensure in effect at the time the application or petition is
15 filed, including, but not limited to, taking and passing the California Pharmacist Licensure
16 Examination prior to the issuance of a new license. Respondent stipulates that should he apply
17 for any license from the Board on or after the effective date of this decision, all of the charges and
18 allegations contained in Accusation No. 4880 shall be deemed to be true, correct and admitted by
19 Respondent when the Board determines whether to grant or deny the application or petition.

20 6. Respondent is currently involved in a criminal matter in Stanislaus County. Should
21 Respondent be found to be not guilty at trial in this matter, or should the Superior Court dismiss
22 the charges due to lack of probable cause or in the interest of justice, or should Respondent be
23 found to be factually innocent, he shall be permitted to apply for reinstatement of licensure as set
24 forth in paragraph 5, above, after one (1) year from the effective date of this decision.

25 7. Respondent shall pay the agency its costs of investigation and enforcement in the
26 amount of \$8,120.50 prior to issuance of a new or reinstated license.

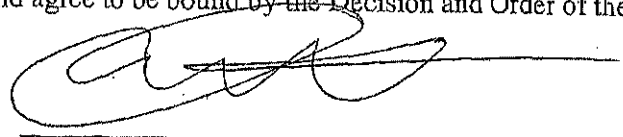
27 8. If Respondent should ever apply or reapply for a new license or certification, or
28 petition for reinstatement of a license, by any other health care licensing agency in the State of

1 California, all of the charges and allegations contained in Accusation, No. 4880 shall be deemed
2 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
3 other proceeding seeking to deny or restrict licensure.

4 ACCEPTANCE

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

10 DATED: 4/26/16

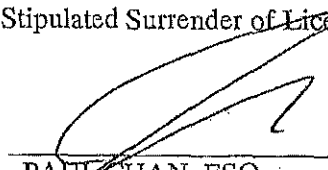


11 CHRISTIAN WILLIAM DAPAAH
12 Respondent

13 APPROVAL AS TO FORM AND CONTENT

14 I have read and fully discussed with Respondent Christian William Dapaah the terms and
15 conditions and other matters contained in this Stipulated Surrender of License and Order. I
16 approve its form and content.

17 DATED: 4/26/16



18 PAUL CHAN, ESQ.
19 Attorney for Respondent

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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: *April 26, 2016*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General

Kristina Jarvis
KRISTINA T. JARVIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4880

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
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4 State Bar No. 258229
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4880

12 **Christian William Dapaah**
13 **868 Sweet Pea Lane**
Manteca, CA 95336

ACCUSATION

14 **Pharmacist License No.: RPH 54207**

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about March 18, 2003, the Board of Pharmacy issued Pharmacist Number RPH
23 54207 to Christian William Dapaah (Respondent). The Pharmacist License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on February 28, 2017,
25 unless renewed.

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1 "(b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement
2 his or her best professional judgment or corresponding responsibility with regard to the dispensing
3 or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to
4 the provision of services..."

5 8. Section 4022 of the Code states

6 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in
7 humans or animals, and includes the following:

8 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
9 prescription," "Rx only," or words of similar import.

10 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by
11 or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in
12 with the designation of the practitioner licensed to use or order use of the device.

13 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
14 prescription or furnished pursuant to Section 4006."

15 9. Section 4060 of the Code states in pertinent part:

16 "No person shall possess any controlled substance, except that furnished to a person upon
17 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
18 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
19 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
20 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
21 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
22 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052..."

23 10. Health and Safety Code section 11153 states in pertinent part:

24 "(a) A prescription for controlled substances shall only be issued for a legitimate medical
25 purpose by an individual practitioner acting in the usual course of his or her professional practice.
26 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
27 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
28 prescription..."

1 DRUGS

2 11. Marijuana is a Schedule I controlled substance pursuant to Health and Safety Code
3 section 11054, subdivision (d)(13), and a dangerous drug as designated by Business and
4 Professions Code section 4022.

5 12. Lortab is the brand name for hydrocodone with acetaminophen, is a Schedule III
6 controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(4), and a
7 dangerous drug as designated by Business and Professions Code section 4022.

8 13. Maxzide is the brand name for triamterene with hydrochlorothiazide and is a
9 dangerous drug as designated by Business and Professions Code section 4022. Maxzide is
10 prescribed to treat hypertension and edema.

11 COST RECOVERY

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

16 FIRST CAUSE FOR DISCIPLINE

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

18 15. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
19 section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude,
20 dishonesty, fraud, deceit, or corruption, by possessing and transporting marijuana and
21 Lortab/hydrocodone for purposes of sale in violation of section 4060 and Health and Safety Code
22 sections 11360, subdivision (a), 11359, 11351, and 11352, subdivision (a). The circumstances are
23 as follows:

24 a. On or about April 8, 2013, Respondent was stopped by the California Highway
25 Patrol and was found to be in possession of 915 grams of marijuana, approximately \$18,920.00,
26 and a container of pills later identified as Lortab/hydrocodone bearing the patient name E.K.

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1 Respondent was also in possession of a cellular telephone which contained text messages
2 regarding the purchase and sale of marijuana and hydrocodone. Respondent stated that he had
3 been having financial troubles and admitted that he was selling marijuana in order to purchase a
4 sport utility vehicle.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Failed to Exercise Best Professional Judgment or Corresponding Responsibility)**

7 16. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
8 section 4301, as defined by section 4306.5, subdivision (b), in that Respondent failed to exercise
9 his best professional judgment or corresponding responsibility by knowingly dispensing two (2)
10 prescriptions for dangerous drugs and one (1) prescription for a controlled substance that were
11 issued without any existing prescriber-patient relationship or examination. The circumstances are
12 as follows:

13 On or about April 1, 2013, Respondent contacted Dr. E.T., who resides and practices
14 medicine in California, and requested that he authorize a prescription for Maxzide for patient E.K.,
15 who resides in Georgia and was not an established patient of Dr. E.T. Dr. E.T. agreed to
16 authorize the prescription without examining the patient. Respondent wrote, filled, picked up, and
17 paid for the prescription.

18 b. On or about April 2, 2013, Respondent contacted Dr. E.T., who resides and
19 practices medicine in California, and requested that he authorize a prescription for Lortab for
20 patient J.D., who resides in Oklahoma and was not an established patient of Dr. E.T. Dr. E.T.
21 agreed to authorize the prescription without examining the patient. Respondent wrote, filled,
22 picked up, and paid for the prescription.

23 c. On or about April 8, 2013, the California Highway Patrol confiscated both
24 prescriptions referenced in paragraphs 16(a) and (b), from Respondent's possession.

25 d. On or about April 15, 2013, Respondent re-authorized, filled, picked up, and
26 paid for a Maxzide prescription for patient E.K.

27 e. On or about April 16, 2013, Respondent re-authorized, filled, picked up, and
28 paid for a Lortab prescription for patient J.D.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Violation of Statutes Regulating Controlled Substance)**

3 17. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 section 4301, subdivision (j), in Respondent violated statutes regulating controlled substances as
5 set forth in paragraphs 15 and 16, above, and as follows:

6 a. Respondent possessed Marijuana without a prescription in violation of section
7 4060 and Health and Safety Code section 11357, subdivision (c), as set forth in paragraph 15,
8 above.

9 b. Respondent possessed Lortab/hydrocodone without a prescription in violation of
10 section 4060 and Health and Safety Code section 11357, subdivision (c), as set forth in paragraph
11 15, above.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Violation of Laws Governing Pharmacy)**

14 18. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
15 section 4301, subdivision (o), in that Respondent violated the laws governing the practice of
16 pharmacy as set forth in paragraphs 15-17, above.

17 **PRAYER**

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

- 20 1. Revoking or suspending Pharmacist Number RPH 54207, issued to Christian William
21 Dapaah;
- 22 2. Ordering Christian William Dapaah to pay the Board of Pharmacy the reasonable costs
23 of the investigation and enforcement of this case, pursuant to Business and Professions Code
24 section 125.3;

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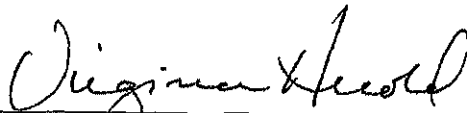
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3. Taking such other and further action as deemed necessary and proper.

DATED:

8/17/15



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

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