

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

In the Matter of the Accusation Against:

**JACQUELINE CHEUN TOY WONG
452 35th Avenue
San Francisco, CA 94121**

**Pharmacy Technician Registration
No. TCH 49473**

Respondent.

Case No. 4884

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 April 20, 2017.

It is so ORDERED on March 21, 2017.

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 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 FRANK H. PACOE
Supervising Deputy Attorney General
4 State Bar No. 91740
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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. 4884

11 **JACQUELINE CHEUN TOY WONG**
12 **452 35th Avenue**
13 **San Francisco, CA 94121**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician Registration**
15 **No. TCH 49473**

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 Frank H. Pacoe, Supervising Deputy
23 Attorney General.

24 2. Jacqueline Cheun Toy Wong (Respondent) is represented in this proceeding by
25 attorney James J. Murphy, whose address is 333 West Portal Avenue, Suite A, San Francisco, CA
26 94127.

27 3. On or about June 6, 2003, the Board of Pharmacy issued Pharmacy Technician
28 Registration No. TCH 49473 to Jacqueline Cheun Toy Wong (Respondent). The Pharmacy

1 Technician Registration was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 4884 and will expire on February 28, 2017, unless renewed.

3 JURISDICTION

4 4. Accusation No. 4884 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on June 22, 2015.
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 4884 is attached as Exhibit A and incorporated 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. 4884. Respondent also has carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
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. 4884, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
26 Registration No. TCH 49473 for the Board's formal acceptance.

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

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

7 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
8 issued, her wall certificate on or before the effective date of the Decision and Order.

9 4. If Respondent ever files an application for licensure or a petition for reinstatement in
10 the State of California, the Board shall treat it as a petition for reinstatement. Respondent must
11 comply with all the laws, regulations and procedures for reinstatement of a revoked license in
12 effect at the time the petition is filed, and all of the charges and allegations contained in
13 Accusation No. 4884 shall be deemed to be true, correct and admitted by Respondent when the
14 Board determines whether to grant or deny the petition.

15 5. Respondent shall pay the agency its costs of investigation and enforcement in the
16 amount of \$3,197.50 prior to issuance of a new or reinstated license.

17 6. If Respondent should ever apply or reapply for a new license or certification, or
18 petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in Accusation, No. 4884 shall be deemed
20 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
21 other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

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


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DATED: 5/17/16


JACQUELINE CHEUN TOY WONG
Respondent

I have read and fully discussed with Respondent Jacqueline Cheun Toy Wong the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 05/18/16



JAMES J. MURPHY
Attorney for Respondent

ENDORSEMENT

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

Dated: 5/18/2016

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General


FRANK H. PACOE
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4884

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Attorney General of California
2 FRANK H. PACOE
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3 JONATHAN D. COOPER
Deputy Attorney General
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BOARD OF PHARMACY
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10 In the Matter of the Accusation Against:

Case No. 4884

11 **JACQUELINE CHEUN TOY WONG**
12 **452 35th Avenue**
13 **San Francisco, CA 94121**

ACCUSATION

14 **Pharmacy Technician Registration No.**
TCH 49473

15
16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about June 6, 2003, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 49473 to Jacquelyn Cheun Toy Wong (Respondent). The Registration
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 February 28, 2017, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
28 Consumer Affairs, under the authority of the following laws. All section references are to the

1 Business and Professions Code unless otherwise indicated.

2 4. Section 4011 of the Code provides that the Board shall administer and enforce both
3 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
4 Act [Health & Safety Code, § 11000 et seq.].

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

7 **STATUTORY AND REGULATORY PROVISIONS**

8 6. Section 4301 of the Code states, in pertinent part:

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

12 ...

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

18 ...

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

21 ...

22 7. California Code of Regulations, title 16, section 1770, states:

23 For the purpose of denial, suspension, or revocation of a personal or facility license
24 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
25 crime or act shall be considered substantially related to the qualifications, functions or duties of a
26 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
27 licensee or registrant to perform the functions authorized by his license or registration in a manner
28 consistent with the public health, safety, or welfare.

1 CONTROLLED SUBSTANCES

2 8. Section 4021 of the Code states:

3 "Controlled substance" means any substance listed in Chapter 2 (commencing with Section
4 11053) of Division 10 of the Health and Safety Code.

5 9. Section 4022 of the Code states:

6 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use,
7 except veterinary drugs that are labeled as such, 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 10. Section 4060 of the Code states:

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. This section shall not
23 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
24 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
25 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
26 labeled with the name and address of the supplier or producer.

27 Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
28 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and

1 devices."

2 **COST RECOVERY**

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

7 **FIRST CAUSE FOR DISCIPLINE**

8 (Dangerous Use of Drugs and/or Alcohol)

9 12. Respondent is subject to disciplinary action under Code section 4301, subsection (h),
10 in that she administered to herself, or used, controlled substances and/or alcoholic beverages to
11 the extent or in a manner as to be dangerous or injurious to herself, to a person holding a license
12 or registration under this chapter, or to any other person or to the public, and/or to the extent that
13 the use impaired the her ability to conduct with safety to the public the practice authorized by her
14 registration, as follows:

15 13. On or about January 29, 2013, in San Francisco, California, Respondent drove a
16 vehicle while substantially impaired by, and while under the influence of, Carisoprodol, also
17 known as Soma, a controlled substance and dangerous drug. Witnesses observed Respondent
18 driving erratically, nearly hitting other vehicles. Police officers detained Respondent and, based
19 on observation of Respondent, determined that she was under the influence of a drug.
20 Respondent admitted to the officers that she had recently ingested Soma. Respondent had sixteen
21 Soma tablets in her purse. Respondent did not have a prescription for Soma.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Unlawful Possession and Use of Drugs)

24 14. Respondent is subject to disciplinary action under section 4301, subsection (j), in that
25 she violated state statutes regulating possession and use of controlled substances and dangerous
26 drugs by possessing and using Soma, in violation of Code sections 4051 and 4060 and in
27 violation of Health and Safety Code sections 11350, 11377 and 11550, as described above in
28 paragraph 13.

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PRAYER

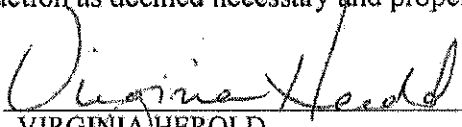
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending pharmacy technician registration number TCH 49473, issued to Jacquelyn Cheun Toy Wong;

2. Ordering Jacquelyn Cheun Toy Wong to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 5/28/15


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