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

Case No. 5502

In the Matter of the Accusation Against:

**GOLDEN GATE PHARMACY; YOW  
WEN LIU**

1844 Noriega St  
San Francisco, CA 94122

Pharmacy Permit No. PHY 38113

Respondent.

**STIPULATION FOR  
CONTINUING JURISDICTION**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties that the following is true:

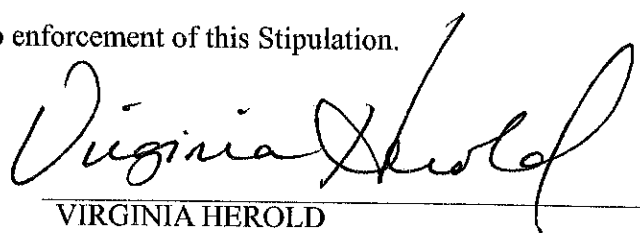
1. The parties to this agreement are **Virginia Herold**, acting in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, and **Yow Wen Liu**, owner of Golden Gate Pharmacy, 1844 Noriega St., San Francisco, California 94122.
2. On or about September 28, 2016, Golden Gate Pharmacy, 1836 Noriega St., San Francisco, California 94122 (hereinafter "applicant") submitted an application to the Board for change of ownership and change of location of Golden Gate Pharmacy, 1844 Noriega St., San Francisco, California 94122 (Original Permit No. PHY 38113). The granting of the application would require the cancellation of Original Permit No. PHY 38113 issued to Golden Gate Pharmacy, 1844 Noriega St., San Francisco, California 94122, and the issuance of a new original permit number to applicant pursuant to Business and Professions Code section 4201(f).
3. The existing permit (Original Permit No. PHY 38113) is currently the subject of a disciplinary order issued effective September 9, 2016, by the Board in the disciplinary matter

1 entitled *In The Matter of Accusation Against Golden Gate Pharmacy, et al.*, Board of Pharmacy  
2 Case No. 5502. A true and correct copy of the decision and order in this matter is attached hereto  
3 as **Exhibit A** and incorporated by this reference.

4 4. In exchange for processing and issuance of the new permit pursuant to the change of  
5 ownership and change of location, applicant understands and agrees that the Board shall have  
6 continuing jurisdiction over the new permit issued to applicant such that the disciplinary order  
7 issued by the Board in Case No. 5502, including any terms and conditions and remaining tenure  
8 of probation, shall carry forward and be applicable to the new permit issued to applicant. The  
9 Board hereby waives any right it may have had to deny issuance of the new permit.

10 5. A portable document format (PDF) or facsimile signature on this document shall be  
11 binding as an original signature. Parties agree to use of PDF or facsimile signatures in lieu of  
12 original signatures for all purposes relevant to enforcement of this Stipulation.

13  
14 Dated: 1/31/17  
15 \_\_\_\_\_  
16

17  
18   
19 VIRGINIA HEROLD  
20 Executive Officer  
21 California Board of Pharmacy

22  
23 Dated: 01/26/2017  
24 \_\_\_\_\_  
25

26   
27 YOW WEN LIU, CEO  
28 Golden Gate Pharmacy

29  
30 Dated: 1/26/2017  
31 \_\_\_\_\_  
32

33   
34 JEAN LIU, CFO  
35 Golden Gate Pharmacy

# **Exhibit A**

**Final Decision and Order  
Pharmacy Board Disciplinary Case No. 5502**

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

In the Matter of the Accusation Against:

**GOLDEN GATE PHARMACY  
1844 Noriega Street  
San Francisco, CA 94122  
Pharmacy Permit No. PHY 38113**

**YOW WEN LIU  
1844 Noriega Street  
San Francisco, CA 94122  
Pharmacist License No. RPH 43206**

Case No. 5502

OAH No. 2016010535

Respondents.

**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 at 5:00 p.m. on September 9, 2016.

It is so ORDERED on August 10, 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 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 KIM M. SETTLES  
Deputy Attorney General  
4 State Bar No. 116945  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2138  
Facsimile: (510) 622-2270  
7 E-mail: kim.settles@doj.ca.gov  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5502

12 ~~**GOLDEN GATE PHARMACY**~~  
13 ~~1844 Noriega Street~~  
14 ~~San Francisco, CA 94122~~  
~~Pharmacy Permit No. PHY 38113~~

OAH-Case-No. 2016010535

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 **YOW WEN LIU**  
16 **1844 Noriega Street**  
**San Francisco, CA 94122**  
17 **Pharmacist License No. RPH 43206**

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 Kamala  
24 D. Harris, Attorney General of the State of California, by Kim M. Settles, Deputy Attorney  
25 General.

26 2. Respondent Golden Gate Pharmacy; Yow Wen Liu ("Respondent") is represented in  
27 this proceeding by attorney Ivan Petrzeka, whose address is: Ivan Petrzeka, Pharm D., J.D.,  
28 M.B.A., California Pharmacy Lawyers - Law Office of Tony J. Park, Inc., 2855 Michelle Drive,

1 Suite 180, Irvine, CA 92606-1027, telephone number (530) 366-8485.

2 3. On or about March 8, 1990, the Board of Pharmacy issued Pharmacist License No.  
3 RPH 43206 to Yow Wen Liu (Respondent). The Pharmacist License was in full force and effect  
4 at all times relevant to the charges brought in Accusation No. 5502, and will expire on July 31,  
5 2017, unless renewed.

6 4. On or about August 21, 1992, the Board of Pharmacy issued Pharmacy Permit  
7 Number PHY 38113 to Yow Wen Liu, doing business as Golden Gate Pharmacy ("Respondent  
8 Golden Gate Pharmacy"). The Pharmacy permit was in full force and effect at all times relevant  
9 to the charges brought in this Accusation and will expire on August 1, 2016, unless renewed.

10 JURISDICTION

11 5. Accusation No. 5502 was filed before the Board of Pharmacy (Board), Department of  
12 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
13 statutorily required documents were properly served on Respondent on December 1, 2015.  
14 Respondent timely filed his Notice of Defense contesting the Accusation.

15 6. A copy of Accusation No. 5502 is attached as exhibit A and incorporated by  
16 reference.

17 ADVISEMENT AND WAIVERS

18 7. Respondent has carefully read, fully discussed with counsel, and understands the  
19 charges and allegations in Accusation No. 5502. Respondent has also carefully read, fully  
20 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
21 Order.

22 8. Respondent is fully aware of his legal rights in this matter, including the right to a  
23 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
24 the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
25 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
26 documents; the right to reconsideration and court review of an adverse decision; and all other  
27 rights accorded by the California Administrative Procedure Act and other applicable laws.

28 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and

1 every right set forth above.

2 CULPABILITY

3 10. Respondent understands and agrees that the charges and allegations in Accusation  
4 No. 5502, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist  
5 License and Pharmacy Permit.

6 11. For the purpose of resolving the Accusation without the expense and uncertainty of  
7 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
8 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
9 those charges.

10 12. Respondent agrees that his Pharmacist License and Pharmacy permit are subject to  
11 discipline and he agrees to be bound by the Board's probationary terms as set forth in the  
12 Disciplinary Order below.

13 CONTINGENCY

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

23 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
24 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
25 signatures thereto, shall have the same force and effect as the originals.

26 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
3 writing executed by an authorized representative of each of the parties.

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

7 DISCIPLINARY ORDER

8 IT IS HEREBY ORDERED that Pharmacist License No. RPH 43206, issued to Respondent  
9 Yow Wen Liu and Pharmacy Permit PHY 38113 issued to Respondent Golden Gate Pharmacy;  
10 Yow Wen Liu are revoked. However, the revocations are stayed and Respondents are placed on  
11 probation for two and one-half (2.5) years on the following terms and conditions.

12 1. **Obey All Laws**

13 Respondents shall obey all state and federal laws and regulations.

14 Respondents shall report any of the following occurrences to the board, in writing, within  
15 seventy-two (72) hours of such occurrence:

- 16 • an arrest or issuance of a criminal complaint for violation of any provision of the  
17 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
18 substances laws  
19 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
20 criminal complaint, information or indictment  
21 • a conviction of any crime  
22 • discipline, citation, or other administrative action filed by any state or federal agency  
23 which involves respondent's pharmacy permit and/or pharmacist license or which is  
24 related to the practice of pharmacy or the manufacturing, obtaining, handling,  
25 distributing, billing, or charging for any drug, device or controlled substance.

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

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1           **2. Report to the Board**

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

10           **3. Interview with the Board**

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

16           **4. Cooperate with Board Staff**

17           Respondents shall cooperate with the board's inspection program and with the board's  
18           monitoring and investigation of respondent's compliance with the terms and conditions of his  
19           probation. Failure to cooperate shall be considered a violation of probation.

20           **5. Continuing Education**

21           Respondent, Yow Wen Liu shall provide evidence of efforts to maintain skill and  
22           knowledge as a pharmacist as directed by the board or its designee.

23           **6. Notice to Employers**

24           During the period of probation, respondent, Yow Wen Liu shall notify all present and  
25           prospective employers of the decision in case number 5502 and the terms, conditions and  
26           restrictions imposed on respondent by the decision, as follows:

27           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
28           respondent undertaking any new employment, respondent shall cause his direct supervisor,

1 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
2 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
3 individual(s) has/have read the decision in case number 5502, and terms and conditions imposed  
4 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)  
5 submit timely acknowledgment(s) to the board.

6 If respondent works for or is employed by or through a pharmacy employment service,  
7 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
8 licensed by the board of the terms and conditions of the decision in case number 5502 in advance  
9 of the respondent commencing work at each licensed entity. A record of this notification must be  
10 provided to the board upon request.

11 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
12 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
13 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
14 report to the board in writing acknowledging that he or she has read the decision in case number  
15 5502 and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
16 ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

27 During the period of probation, respondent, Yow Wen Liu shall not supervise any intern  
28 pharmacist, be the pharmacist-in-charge or designated representative-in-charge of any entity

1 licensed by the board nor serve as a consultant unless otherwise specified in this order.

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

4 **8. Reimbursement of Board Costs**

5 As a condition precedent to successful completion of probation, respondents shall be jointly  
6 and severally liable to pay to the board its costs of investigation and prosecution in the amount of  
7 \$5,615.50. Respondents shall make said payments as follows: \$234.00 per month for 24 months.

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

11 The filing of bankruptcy by respondents shall not relieve respondents of his responsibility  
12 to reimburse the board its costs of investigation and prosecution.

13 **9. Probation Monitoring Costs**

14 Respondents shall pay any costs associated with probation monitoring as determined by the  
15 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
16 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
17 be considered a violation of probation.

18 **10. Status of License**

19 Respondents shall, at all times while on probation, maintain an active, current license  
20 and/or permit with the board, including any period during which suspension or probation is tolled.  
21 Failure to maintain an active, current license and/or permit shall be considered a violation of  
22 probation.

23 If respondents' license and/or permit expires or is cancelled by operation of law or  
24 otherwise at any time during the period of probation, including any extensions thereof due to  
25 tolling or otherwise, upon renewal or reapplication respondents' license and/or permit shall be  
26 subject to all terms and conditions of this probation not previously satisfied.

27 **11. License Surrender While on Probation**

28 Following the effective date of this decision, should respondent, Yow Wen Liu cease

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

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

#### 14       12. License Surrender While on Probation

15       Following the effective date of this decision, should respondent, Golden Gate Pharmacy  
16 discontinue business, respondent, Golden Gate Pharmacy may tender the premises license to the  
17 board for surrender. The board or its designee shall have the discretion whether to grant the  
18 request for surrender or take any other action it deems appropriate and reasonable. Upon formal  
19 acceptance of the surrender of the license, respondent shall no longer be subject to the terms and  
20 conditions of probation.

21       Upon acceptance of the surrender, respondent, Golden Gate Pharmacy shall relinquish the  
22 premises wall and renewal license to the board within ten (10) days of notification by the board  
23 that the surrender is accepted. Respondent, Golden Gate Pharmacy shall further submit a  
24 completed Discontinuance of Business form according to board guidelines and shall notify the  
25 board of the records inventory transfer. Respondent shall also, by the effective date of this  
26 decision, arrange for the continuation of care for ongoing patients of the pharmacy by, at  
27 minimum, providing a written notice to ongoing patients that specifies the anticipated closing  
28 date of the pharmacy and that identifies one or more area pharmacies capable of taking up the

1 patients' care, and by cooperating as may be necessary in the transfer of records or prescriptions  
2 for ongoing patients. Within five days of its provision to the pharmacy's ongoing patients,  
3 respondent shall provide a copy of the written notice to the board. For the purposes of this  
4 provision, "ongoing patients" means those patients for whom the pharmacy has on file a  
5 prescription with one or more refills outstanding, or for whom the pharmacy has filled a  
6 prescription within the preceding sixty (60) days.

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

9 Respondent, Yow Wen Liu shall notify the board in writing within ten (10) days of any  
10 change of employment. Said notification shall include the reasons for leaving, the address of the  
11 new employer, the name of the supervisor and owner, and the work schedule if known.

12 Respondent shall further notify the board in writing within ten (10) days of a change in name,  
13 residence 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, Yow Wen Liu shall, at all times while on  
18 probation, be employed as a pharmacist in California for a minimum of forty hours per calendar  
19 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,  
20 the period of probation shall be extended by one month for each month during which this  
21 minimum is not met. During any such period of tolling of probation, respondent must  
22 nonetheless comply with all 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 forty 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

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

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

9 **15. Violation of Probation**

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

15 If respondents violate probation in any respect, the board, after giving respondents notice  
16 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
17 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
18 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
19 a petition to revoke probation or an accusation is filed against respondent during probation, the  
20 board shall have continuing jurisdiction and the period of probation shall be automatically  
21 extended until the petition to revoke probation or accusation is heard and decided and charges and  
22 allegations in Accusation No. 5502 shall be deemed true and correct.

23 **16. Completion of Probation**

24 Upon written notice by the board or its designee indicating successful completion of  
25 probation, respondents' license and permit will be fully restored.

26 **17. Remedial Education**

27 Within sixty days of the effective date of this decision, respondent, Yow Wen Liu shall  
28 submit to the board or its designee, for prior approval, an appropriate program of remedial

1 education related to the grounds for discipline. The program of remedial education shall consist  
2 of at least ten units of continuing education in compounding and pharmacy law , which shall be  
3 completed within two years and three months at respondent's own expense. All remedial  
4 education shall be in addition to, and shall not be credited toward, continuing education (CE)  
5 courses used for license renewal purposes.

6 Failure to timely submit or complete the approved remedial education shall be considered a  
7 violation of probation. The period of probation will be automatically extended until such  
8 remedial education is successfully completed and written proof, in a form acceptable to the board,  
9 is provided to the board or its designee.

10 Following the completion of each course, the board or its designee may require the  
11 respondent, at his own expense, to take an approved examination to test the respondent's  
12 knowledge of the course. If the respondent does not achieve a passing score on the examination,  
13 this failure shall be considered a violation of probation. Any such examination failure shall  
14 require respondent to take another course approved by the board in the same subject area.

15 **18. Notice to Employees**

16 Respondent, Golden Gate Pharmacy shall, upon or before the effective date of this  
17 decision, ensure that all employees involved in permit operations are made aware of all the terms  
18 and conditions of probation, either by posting a notice of the terms and conditions, circulating  
19 such notice, or both. If the notice required by this provision is posted, it shall be posted in a  
20 prominent place and shall remain posted throughout the probation period. Respondent, Golden  
21 Gate Pharmacy shall ensure that any employees hired or used after the effective date of this  
22 decision are made aware of the terms and conditions of probation by posting a notice, circulating  
23 a notice, or both. Additionally, respondent, Golden Gate Pharmacy shall submit written  
24 notification to the board, within fifteen (15) days of the effective date of this decision, that this  
25 term has been satisfied. Failure to submit such notification to the board shall be considered a  
26 violation of probation.

27 ///

28 ///

1 "Employees" as used in this provision includes all full-time, part-time, volunteer,  
2 temporary and relief employees and independent contractors employed or hired at any time during  
3 probation.

4 **19. Owners and Officers: Knowledge of the Law**

5 Respondent, Golden Gate Pharmacy shall provide, within thirty (30) days after the  
6 effective date of this decision, signed and dated statements from its owners, including any owner  
7 or holder of ten percent (10%) or more of the interest in respondent or respondent's stock, and  
8 any other officer, stating under penalty of perjury that said individuals have read and are familiar  
9 with state and federal laws and regulations governing the practice of pharmacy. The failure to  
10 timely provide said statements under penalty of perjury shall be considered a violation of  
11 probation.

12 **20. Posted Notice of Probation**

13 Respondent, Golden Gate Pharmacy shall prominently post a probation notice provided by  
14 the board in a place conspicuous and readable to the public. The probation notice shall remain  
15 posted during the entire period of probation.

16 Respondent, Golden Gate Pharmacy shall not, directly or indirectly, engage in any  
17 conduct or make any statement which is intended to mislead or is likely to have the effect of  
18 misleading any patient, customer, member of the public, or other person(s) as to the nature of and  
19 reason for the probation of the licensed entity.

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

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

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



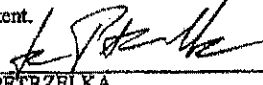
1 licensed by and not on probation with the board and whose name shall be submitted to the board  
2 or its designee, for prior approval, within thirty (30) days of the effective date of this decision.  
3 Respondent shall not be the pharmacist-in-charge at more than one pharmacy or at any pharmacy  
4 of which he is not the sole owner. Failure to timely retain, seek approval of, or ensure timely  
5 reporting by the consultant shall be considered a violation of probation.

6 **ACCEPTANCE**

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

12 DATED: 04/24/2016 Golden Gate Pharmacy; Yow Wen Liu  
13 GOLDEN GATE PHARMACY; YOW WEN LIU  
14 *Respondent*

15 I have read and fully discussed with Respondent Golden Gate Pharmacy; Yow Wen Liu the  
16 terms and conditions and other matters contained in the above Stipulated Settlement and  
17 Disciplinary Order. I approve its form and content.

18 DATED: April 25, 2016   
19 IVAN PETRZELKA  
20 *Attorney for Respondent*

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ENDORSEMENT

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

Dated: *April 25, 2016*

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General

*Kim M. Settles*

KIM M. SETTLES  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**  
**Accusation No. 5502**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SUSANA A. GONZALES  
Deputy Attorney General  
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Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5502

12 **GOLDEN GATE PHARMACY**

**A C C U S A T I O N**

13 **LIU, YOW WEN**

14 **1844 Noriega Street**

**San Francisco, CA 94122**

15 **Pharmacist License No. RPH 43206**

**Pharmacy Permit No. PHY 38113**

16 Respondents.

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 August 21, 1992, the Board of Pharmacy issued Pharmacy Permit  
23 Number PHY 38113 to Yow Wen Liu, doing business as Golden Gate Pharmacy ("Respondent  
24 Golden Gate Pharmacy"). The Pharmacy Permit was in full force and effect at all times relevant to  
25 the charges brought in this Accusation and will expire on August 1, 2016, unless renewed.

26 3. On or about March 8, 1992, the Board of Pharmacy issued Pharmacist License  
27 Number RPH 43206 to Yow Wen Liu ("Respondent Liu"). The Pharmacist License was in full  
28 force and effect at all times relevant to the charges brought in this Accusation and will expire on

1 July 31, 2017, unless renewed.

2 **JURISDICTION**

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

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

9 6. Section 4300, subdivision (a), of the Code provides that every license issued by the  
10 Board may be suspended or revoked.

11 7. Section 4300.1 of the Code states:

12 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation  
13 of law or by order or decision of the board or a court of law, the placement of a license on a  
14 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of  
15 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding  
16 against, the licensee or to render a decision suspending or revoking the license."

17 **STATUTORY AND REGULATORY PROVISIONS**

18 8. Section 4301 of the Code states:

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

22 . . .

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

25 . . .

26 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
27 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
28 federal and state laws and regulations governing pharmacy, including regulations established by the

1 board or any other state or federal regulatory agency.”

2 9. Code section 4113, subdivision (c), states, “[t]he pharmacist-in-charge shall be  
3 responsible for a pharmacy’s compliance with all state and federal laws and regulations pertaining  
4 to the practice of pharmacy.”

5 10. Code section 4169, subdivision (a)(3) states that a person or entity should not  
6 purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have  
7 known were misbranded, as defined in Section 11135 of the Health and Safety Code.

8 11. Code section 4081, subdivision (a) states, in pertinent part that all records of  
9 acquisition of dangerous drugs shall be at all times during business hours open to inspection by  
10 authorized officers of the law, and shall be preserved for at least three years from the date of  
11 making.

12 12. Section 4306.5 of the Code states, in pertinent part:

13 “Unprofessional conduct for a pharmacist may include any of the following:

14 . . . .

15 “(b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement  
16 his or her best professional judgment or corresponding responsibility with regard to the dispensing  
17 or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to  
18 the provision of services.

19 “(c) Acts or omissions that involve, in whole or in part, the failure to consult appropriate  
20 patient, prescription, and other records pertaining to the performance of any pharmacy function.”

21 13. California Code of Regulations, title 16, section 1714, states, in pertinent part:

22 . . .

23 “(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and  
24 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.  
25 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of  
26 pharmacy.

27 “(c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly  
28 condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly

1 lighted. The pharmacy shall be equipped with a sink with hot and cold running water for  
2 pharmaceutical purposes.”

3 14. California Code of Regulations, title 16, section 1735.7, Subdivision (b) states:

4 “(b) The pharmacy shall develop and maintain an on-going competency evaluation process  
5 for pharmacy personnel involved in compounding, and shall maintain documentation of any and all  
6 training related to compounding undertaken by pharmacy personnel.”

7 15. California Code of Regulations, title 16, section 1735.2, subdivision (d), states:

8 “A drug product shall not be compounded until the pharmacy has first prepared a written  
9 master formula record that includes at least the following elements:

- 10 (1) Active ingredients to be used.
- 11 (2) Equipment to be used.
- 12 (3) Expiration dating requirements.
- 13 (4) Inactive ingredients to be used.
- 14 (5) Process and/or procedure used to prepare the drug.
- 15 (6) Quality reviews required at each step in preparation of the drug.
- 16 (7) Post-compounding process or procedures required, if any.”

17 16. California Code of Regulations, title 16, section 1735.3, subdivision (a) states:

18 “For each compounded drug product, the pharmacy records shall include:

- 19 (1) The master formula record.
- 20 (2) The date the drug product was compounded.
- 21 (3) The identity of the pharmacy personnel who compounded the drug product.
- 22 (4) The identity of the pharmacist reviewing the final drug product.
- 23 (5) The quantity of each component used in compounding the drug product.
- 24 (6) The manufacturer, expiration date and lot number of each component. If the  
25 manufacturer name is demonstrably unavailable, the name of the supplier may be substituted.  
26 Exempt from the requirements in this paragraph are sterile products compounded on a one-time  
27 basis for administration within seventy-two (72) hours and stored in accordance with standards for  
28 “Redispensed CSPS” found in Chapter 797 of the United States Pharmacopeia – National

1 Formulary (USP-NF) (35<sup>th</sup> Revision, Effective May 1, 2012), hereby incorporated by reference, to  
2 an inpatient in a health care facility licensed under section 1250 of the Health and Safety Code.

3 (7) A pharmacy assigned reference or lot numbers for the compounded drug product,

4 (8) The expiration date of the final compounded drug product.

5 (9) The quantity or amount of drug product compounded.”

6 10. California Code of Regulations, title 16, section 1735.4, subdivision (a), states:

7 “In addition to the labeling information required under Business and Professions Code section  
8 4076, the label of a compounded drug product shall contain the generic name(s) of the principal  
9 active ingredient(s).

10 DRUGS

11 17 Code section 4021 states:

12 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
13 11053) of Division 10 of the Health and Safety Code.”

14 18. Code section 4022 provides:

15 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in  
16 humans or animals, and includes the following:

17 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
18 prescription,’ ‘Rx only’ or words of similar import.

19 “(b) Any device that bears the statement: ‘Caution: federal law restricts this device to sale  
20 by or on the order of a \_\_\_\_\_,’ ‘Rx only,’ or words of similar import . . .

21 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
22 prescription or furnished pursuant to Section 4006.”

23 19. Liquid Coal Tar Solution (LCD) is a thick brown or black liquid of extremely high  
24 viscosity. It is used to treat eczema, psoriasis, dermatitis, and other skin disorders. It is a  
25 dangerous drug under Code section 4022.

26 20. Triamcinolone 0.1% is a topical corticosteroid that is used to treat swelling,  
27 inflammation, and itching of skin conditions such as eczema, dermatitis, rashes, insect bites, poison  
28 ivy, allergies, and other irritations. It is a dangerous drug under Code section 4022.



1 COST RECOVERY

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

6 FACTUAL ALLEGATIONS

7 22. From August 21, 1992, to the present, Respondent Liu has been the Pharmacist-in-  
8 Charge ("PIC") of Respondent Golden Gate Pharmacy.

9 23. On or about March 12, 2015, Board of Pharmacy inspectors went to Respondent  
10 Golden Gate Pharmacy and conducted a routine inspection. Respondent Liu was present and  
11 assisted with the inspection. During the inspection, the Board inspectors obtained and reviewed  
12 compounding records, prescription vial labels, and other documents.

13 24. During the March 12, 2015 inspection, the Board inspectors observed the following:  
14 (1) two unlabeled, 60 gram, prescription vials filled with unlabeled Triamcinolone 0.1% ointment,  
15 used in compounding, and (2) several prescription vials filled with different tablets without proper  
16 labeling. Board inspectors determined that Respondents had misbranded and sold at least 9  
17 prescriptions for Liquid Coal Tar solution 5% compounded with Triamcinolone 0.1% ointment.  
18 The compounding was performed without a master formula. Respondent Liu was unable to  
19 provide a compounding record or documentation of compounding staff training. Additionally,  
20 Respondent offered at least 9 vials of misbranded tablets for sale.

21 25. On or about April 7, 2015, Board inspectors went to Respondent Golden Gate  
22 Pharmacy and conducted a follow-up inspection. Respondent Liu was present and assisted with  
23 the inspection. The Board inspectors observed a Safeway bag containing drug samples and  
24 physician's office patient charts. Respondent Liu informed the Board inspectors that the physician  
25 who previously had an office in the same building, had left the drug samples (including Nesina,  
26 Oseni, Tradjenta, Kazano, and Oseni), and patient charts so that the patients could pick them up  
27 from the pharmacy. Drug dispensing reports, compounding topical medication reports, faxed  
28 prescriptions, and a compounding self-assessment were obtained and reviewed during and after the

1 inspection.

2 26. During the April 7, 2015 inspection, the Board inspectors observed a large hole with  
3 visible dirt and debris in the ceiling over the automated drug dispensing machine. There was a cart  
4 containing open prescription vials for use with the automated drug dispensing machine directly  
5 underneath the hole. Respondent Liu failed to provide a monthly cleaning log. Respondent Liu  
6 had not contacted the landlord to repair the hole.

7 **FIRST CAUSE FOR DISCIPLINE**  
8 **(Misbranding of Dangerous Drugs)**

9 27. Respondent Golden Gate Pharmacy and Respondent Liu have subjected their licenses  
10 to disciplinary action pursuant to Code sections 4301, subdivisions (j) and (o) and 4169,  
11 subdivision (a)(3), as defined in Health and Safety Code sections 111330, 111440, and 111335, in  
12 that Respondents misbranded and sold at least 9 prescriptions for Liquid Coal Tar solution 5%  
13 compounded with triamcinolone 0.1% ointment., and offered at least 9 vials of misbranded tablets  
14 for sale, in violation of Health and Safety Code section 11130 and Code section 4169, subdivision  
15 (a)(3). The circumstances are set forth in paragraphs 22 through 24, above.

16 **SECOND CAUSE FOR DISCIPLINE**  
17 **(Failure to Maintain Clean and Sanitary Conditions)**

18 28. Respondent Golden Gate Pharmacy and Respondent Liu have subjected their licenses  
19 to disciplinary action pursuant to Code section 4301, subdivisions (j) and (o), as defined in Health  
20 and Safety Code section 1261.6 and California Code of Regulations, title 16, section 1714,  
21 subdivision (b), in that they failed to maintain Golden Gate Pharmacy's facility, space, fixtures, and  
22 equipment so that drugs could be safely and properly prepared, maintained, secured and  
23 distributed. The circumstances are set forth in paragraphs 22, 25, and 26, above.

24 **THIRD CAUSE FOR DISCIPLINE**  
25 **(Failure to Have Master Formula Prior to Compounding)**

26 29. Respondent Golden Gate Pharmacy and Respondent Liu have subjected their licenses  
27 to disciplinary action pursuant to Code section 4301, subdivisions (j) and (o), as defined in  
28 California Code of Regulations, title 16, section 1735.2, subdivision (b), in that they compounded

1 at least 9 prescriptions for Liquid Coal Tar solution 5% with Triamcinolone 0.1% ointment,  
2 without a master formula. The circumstances are set forth in paragraphs 22 and 24, above.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 **(Failure to Have a Compounding Record for Compounded Medications)**

5 30. Respondent Golden Gate Pharmacy and Respondent Liu have subjected their licenses  
6 to disciplinary action pursuant to Code section 4301, subdivisions (j) and (o), as defined in  
7 California Code of Regulations, title 16, section 1735.3, subdivision (a)(1-10) in that they failed to  
8 maintain a compounding record for at least 9 prescriptions for Liquid Coal Tar solution 5% with  
9 Triamcinolone 0.1% ointment. The circumstances are set forth in paragraphs 22 through 24,  
10 above.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Failure to Maintain Training Records for Staff that Compound Medications)**

13 31. Respondent Golden Gate Pharmacy and Respondent Liu have subjected their licenses  
14 to disciplinary action pursuant to Code section 4301, subdivisions (j) and (o), as defined in  
15 California Code of Regulations, title 16, section 1735.7, subdivision (b), in that they failed to  
16 maintain documentation of compounding staff training. The circumstances are set forth in  
17 paragraphs 22 through 24, above.

18 **SIXTH CAUSE FOR DISCIPLINE**

19 **(Failure To Verify Authenticity of Controlled Prescriptions)**

20 32. Respondent Golden Gate Pharmacy and Respondent Liu have subjected their licenses  
21 to disciplinary action pursuant to Code section 4301, subdivisions (j) and (o), as defined in Health  
22 and Safety Code section 1164, subdivision (a)(1) in that they failed to verify the authenticity of  
23 controlled prescriptions and filled two faxed prescriptions for controlled substances that did not  
24 have the prescribers wet signature and date.

25 **SEVENTH CAUSE FOR DISCIPLINE**

26 **(Failure to Provide Records of Acquisition for Drug Samples)**

27 33. Respondent Golden Gate Pharmacy and Respondent Liu have subjected their licenses  
28 to disciplinary action pursuant to Business and Professions Code sections 4301, subdivisions (j)  
and (o) and 4081, subdivision (a) in that Respondents failed to provide records of acquisition for

1 drug samples that were found in the facility. Specifically, on April 7, 2015, during a follow-up  
2 inspection, Board inspectors observed drug samples for Nesina (42 tablets), Oseni (70 tablets),  
3 Tradjenta (14 tablets), Kazano (28 tablets), Oseni (70 tablets). The circumstances are set forth in  
4 paragraphs 22 and 25, above.

5 **EIGHTH CAUSE FOR DISCIPLINE**  
6 **(Incorrectly Labeled Compound Drugs )**

7 34. Respondents Golden Gate Pharmacy and Respondent Liu have subjected their licenses  
8 to disciplinary action pursuant to Business and Professions Code section 4301, subdivisions (j) and  
9 (o), as defined in California Code of Regulations, title 16, section 1735.4, subdivision (a), in that  
10 Respondents dispensed Liquid Coal Tar Solution 5% and Triamcinolone 0.1% ointment that was  
11 labeled only as "LCD 5%/TAC 0.1% ont."

12 **NINTH CAUSE FOR DISCIPLINE**  
13 **(Unlawful Trade and Distribution of Drug Samples)**

14 35. Respondents Golden Gate Pharmacy and Respondent Liu have subjected their licenses  
15 to disciplinary action pursuant to Code section 4301, subdivisions (j) and (o), as defined in Title  
16 21, United States Code, section 353, subdivision (c)(1), in that Respondent's accepted drug  
17 samples as described in paragraph 33, above, with the intent to distribute them. The circumstances  
18 are set forth in paragraphs 22 and 25, above.

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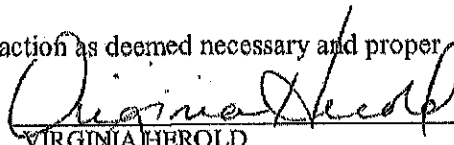
**PRAYER**

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

1. Revoking or suspending Pharmacy Permit Number PHY 38113, issued to Golden Gate Pharmacy;
2. Revoking or suspending Pharmacist License Number RPH 43206, issued to Yow Wen Liu;
3. Ordering Respondents 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;
4. Taking such other and further action as deemed necessary and proper

DATED:

9/11/15



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

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