

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

In the Matter of the Statement of Issues
Against:

Case No. 5756

**KAM CHU TAM
1201 Naples Street
San Francisco, CA 94112**

Applicant for Intern Pharmacist License

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 at 5:00 p.m. on October 28, 2016.

It is so ORDERED September 28, 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 LINDA K. SCHNEIDER
Senior Assistant Attorney General
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Attorneys for Complainant

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

12 In the Matter of the Statement of Issues Against:

Case No. 5756

13 **KAM CHU TAM**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Applicant for Intern Pharmacist License**

Respondent.

15 In the interest of a prompt and speedy settlement of this matter, consistent with the public
16 interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs, the parties
17 hereby agree to the following Stipulated Settlement and Disciplinary Order to be submitted to the
18 Board for approval and adoption as the final disposition of the Statement of Issues.

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 Joshua A. Room, Supervising Deputy
23 Attorney General.

24 2. Respondent Kam Chu Tam ("Respondent") is represented in this proceeding by
25 attorney Ivan Petrzelka, PharmD, J.D., M.B.A., whose address is: Gemini Law, P.O. Box 552
26 Red Bluff, CA 95080 (telephone (530) 387-2452).

27 3. On or about August 18, 2015, Respondent filed an application dated August 3, 2015,
28 with the Board of Pharmacy to obtain an Intern Pharmacist License.

1 IT IS FURTHER HEREBY ORDERED that, should Respondent subsequently be issued a
2 Pharmacist License by the Board, any remaining probation period shall apply to that Pharmacist
3 License. That is, upon satisfaction of statutory and regulatory requirements for issuance thereof,
4 a Pharmacist License shall be issued to Respondent Kam Chu Tam and shall be immediately
5 revoked, with the revocation stayed and Respondent placed on probation for the remainder of the
6 three (3) years originally ordered (plus any extensions), on the following terms and conditions.

7 **1. Obey All Laws**

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

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

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

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

22 **2. Report to the Board**

23 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
24 designee. The report shall be made either in person or in writing, as directed. Among other
25 requirements, respondent shall state in each report under penalty of perjury whether there has
26 been compliance with all the terms and conditions of probation. Failure to submit timely reports
27 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
28 in submission of reports as directed may be added to the total period of probation.

1 Moreover, if the final probation report is not made as directed, probation shall be
2 automatically extended until such time as the final report is made and accepted by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

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

13 **5. Continuing Education**

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

16 **6. Employment Requirement: Tolling of Probation**

17 Except during periods of suspension, respondent shall, at all times while on probation, be
18 employed for the following minimum number of hours per calendar month in California: If she
19 holds only an intern pharmacist license, she shall be employed as an intern pharmacist for a
20 minimum of ten (10) hours per month. If she holds a pharmacist license, she shall be employed
21 as a pharmacist in California for a minimum of forty (40) hours per month.

22 Any month during which the applicable minimum is not met tolls the period of probation,
23 i.e., the period of probation is extended by one month for each month in which the minimum is
24 not met. During any period of tolling, respondent must comply with all terms and conditions of
25 probation. Should respondent, regardless of residency, for any reason (including vacation) cease
26 practicing for the applicable minimum number of hours per calendar month in California,
27 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
28 must further notify the board in writing within ten (10) days of the resumption of practice.

1 Any failure to provide such notification(s) shall be considered a violation of probation.

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

5 "Cessation of practice" means any calendar month during which respondent is not
6 practicing as an intern pharmacist or pharmacist as defined by Business and Professions
7 Code section 4000 et seq. for the applicable minimum number of hours. "Resumption of
8 practice" means any calendar month during which respondent is practicing as an intern
9 pharmacist or pharmacist as defined by Business and Professions Code section 4000 et seq.
10 for the applicable minimum number of hours..

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

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

17 **8. Notice to Employers**

18 During the period of probation, respondent shall notify all present and prospective
19 employers of the decision in case number 5756 and the terms, conditions and restrictions imposed
20 on respondent by the decision, as follows:

21 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
22 respondent undertaking any new employment, respondent shall cause her direct supervisor,
23 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
24 tenure of employment) and owner to report to the board in writing acknowledging that the listed
25 individual(s) has/have read the decision in case number 5756, and terms and conditions imposed
26 thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s)
27 submit timely acknowledgment(s) to the board.

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1 If respondent works for or is employed by or through a pharmacy employment service,
2 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
3 licensed by the board of the terms and conditions of the decision in case number 5756 in advance
4 of the respondent commencing work at each licensed entity. A record of this notification must be
5 provided to the board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of respondent undertaking any new employment by or through a pharmacy employment
8 service, respondent shall cause her direct supervisor with the pharmacy employment service to
9 report to the board in writing acknowledging that she has read the decision in case number 5756
10 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
11 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

12 Failure to timely notify present or prospective employer(s) or to cause employer(s) to
13 submit timely acknowledgments to the board shall be considered a violation of probation.

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

18 **9. Probation Monitoring Costs**

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

23 **10. Notification of a Change in Employment, Name, Address or Phone Number**

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

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

3 **11. Status of License**

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

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

11 **12. Pharmacists Recovery Program (PRP)**

12 Within thirty (30) days of the effective date of this decision, respondent shall contact the
13 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,
14 successfully participate in, and complete the treatment contract and any subsequent addendums as
15 recommended and provided by the PRP and as approved by the board or its designee. The costs
16 for PRP participation shall be borne by the respondent. If respondent is currently enrolled in the
17 PRP, said participation is now mandatory and as of the effective date of this decision is no longer
18 considered a self-referral. Respondent shall successfully participate in and complete her current
19 contract and any subsequent addendums with the PRP.

20 Failure to timely contact or enroll in the PRP, or successfully participate in and complete
21 the treatment contract and/or any addendums, shall be considered a violation of probation.

22 Probation shall be automatically extended until respondent successfully completes the PRP.
23 Any person terminated from the PRP program shall be automatically suspended by the board.
24 Respondent may not resume the practice of pharmacy until notified by the board in writing.

25 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
26 licensed practitioner as part of a documented medical treatment shall result in the automatic
27 suspension of practice by respondent and shall be considered a violation of probation.

28 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

9 During any suspension, respondent shall not engage in any activity that requires the
10 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
11 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
12 designated representative for any entity licensed by the board.

13 Failure to comply with any suspension shall be considered a violation of probation.

14 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
15 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid
16 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

17 **13. Random Drug Screening**

18 Respondent, at her own expense, shall participate in random testing, including but not
19 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
20 screening program as directed by the board or its designee. Respondent may be required to
21 participate in testing for the entire probation period and the frequency of testing will be
22 determined by the board or its designee. At all times, respondent shall fully cooperate with the
23 board or its designee, and shall, when directed, submit to such tests and samples for the detection
24 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
25 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
26 of probation. Upon request of the board or its designee, respondent shall provide documentation
27 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
28 a necessary part of the treatment of the respondent.

1 Failure to timely provide such documentation shall be considered a violation of probation.
2 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed
3 practitioner as part of a documented medical treatment shall be considered a violation of
4 probation and shall result in the automatic suspension of practice of pharmacy by respondent.
5 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

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

18 Failure to comply with any suspension shall be considered a violation of probation.

19 **14. Abstain from Drugs and Alcohol Use**

20 Respondent shall completely abstain from the possession or use of alcohol, controlled
21 substances, dangerous drugs and their associated paraphernalia except when the drugs are
22 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
23 request of the board or its designee, respondent shall provide documentation from the licensed
24 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
25 treatment of the respondent. Failure to timely provide such documentation shall be considered a
26 violation of probation. Respondent shall ensure that she is not in the same physical location as
27 individuals who are using illicit substances even if respondent is not personally ingesting drugs.

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1 Any possession or use of alcohol, controlled substances, or their associated paraphernalia
2 not supported by the documentation timely provided, and/or any physical proximity to persons
3 using illicit substances, shall be considered a violation of probation.

4 **15. Prescription Coordination and Monitoring of Prescription Use**

5 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
6 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
7 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
8 history with the use of alcohol and who will coordinate and monitor any prescriptions for
9 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
10 practitioner shall be provided with a copy of the board's Statement of Issues and decision. A
11 record of this notification must be provided to the board upon request. Respondent shall sign a
12 release authorizing the practitioner to communicate with the board about respondent's
13 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist
14 shall report to the board on a quarterly basis for the duration of probation regarding respondent's
15 compliance with this condition. If any substances considered addictive have been prescribed, the
16 report shall identify a program for the time limited use of any such substances. The board may
17 require that the single coordinating physician, nurse practitioner, physician assistant or
18 psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.
19 Should respondent, for any reason, cease supervision by the approved practitioner, respondent
20 shall notify the board immediately and, within thirty (30) days of ceasing treatment, submit the
21 name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of
22 respondent's choice to the board or its designee for its prior approval. Failure to timely submit
23 the selected practitioner or replacement practitioner to the board for approval, or to ensure the
24 required reporting thereby on the quarterly reports, shall be considered a violation of probation.

25 If at any time an approved practitioner determines that respondent is unable to practice
26 safely or independently as a pharmacist, the practitioner shall notify the board immediately by
27 telephone and follow up by written letter within three (3) working days.

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1 Upon notification from the board or its designee of this determination, respondent shall be
2 automatically suspended and shall not resume practice until notified by the board.

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

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

15 Failure to comply with any suspension shall be considered a violation of probation.

16 **16. Supervised Practice**

17 For so long as she is enrolled in the Pharmacists Recovery Program (PRP), respondent shall
18 practice only under the supervision of a licensed pharmacist not on probation with the board.

19 Upon and after the date of her enrollment in PRP, respondent shall not practice pharmacy and her
20 license shall be automatically suspended until a supervisor is approved by the board or its
21 designee. The supervision shall be, as required by the board or its designee, either:

22 Continuous – At least 75% of a work week

23 Substantial - At least 50% of a work week

24 Partial - At least 25% of a work week

25 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

26 Within thirty (30) days of enrollment in PRP, respondent shall have her supervisor submit
27 notification to the board in writing stating that the supervisor has read the decision in case number
28 5756 and is familiar with the required level of supervision.

1 It shall be the respondent's responsibility to ensure that her employer(s), pharmacist-in-
2 charge and/or supervisor(s) submit timely acknowledgement(s) to the board. Failure to cause the
3 direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to the board
4 shall be considered a violation of probation.

5 If respondent changes employment, it shall be the respondent's responsibility to ensure that
6 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
7 the board. Respondent shall have her new supervisor, within fifteen (15) days after employment
8 commences, submit notification to the board in writing stating the direct supervisor and
9 pharmacist-in-charge have read the decision in case number 5756 and is familiar with the level of
10 supervision as determined by the board. Respondent shall not practice pharmacy and her license
11 shall be automatically suspended until the board or its designee approves a new supervisor.
12 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
13 acknowledgements to the board shall be considered a violation of probation.

14 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

15 During any suspension, respondent shall not enter any pharmacy area or any portion of the
16 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
17 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
18 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
19 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
20 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
21 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
22 and controlled substances. Respondent shall not resume practice until notified by the board.

23 During any suspension, respondent shall not engage in any activity that requires the
24 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
25 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
26 designated representative for any entity licensed by the board.

27 Failure to comply with any suspension shall be considered a violation of probation.

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1 **17. No Ownership of Licensed Premises**

2 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
3 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
4 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
5 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
6 days following the effective date of this decision and shall immediately thereafter provide written
7 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
8 documentation thereof shall be considered a violation of probation.

9 **18. License Surrender While on Probation/Suspension**

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

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

22 **19. Violation of Probation**

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

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1 If respondent violates probation in any respect, the board, after giving respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
4 probation, the board shall have continuing jurisdiction and the period of probation shall be
5 automatically extended until the petition to revoke probation or accusation is heard and decided.

6 **20. Completion of Probation**

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

9
10
11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
13 discussed it with my attorney, Ivan Petrzelka, PharmD, J.D., M.B.A.. I understand the stipulation
14 and the effect it will have on my application for an Intern Pharmacist License, on the Intern
15 Pharmacist License that will be issued, and on any subsequent Pharmacist License I might
16 receive. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
17 and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

18
19 DATED: 8/22/2016 
20 KAM CHU TAM
Respondent

21
22 I have read and fully discussed with Respondent Kam Chu Tam the terms and conditions
23 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
24 its form and content.

25
26 DATED: August 23, 2016 
27 IVAN PETRZELKA, PHARMD, J.D., M.B.A.
Attorney for Respondent

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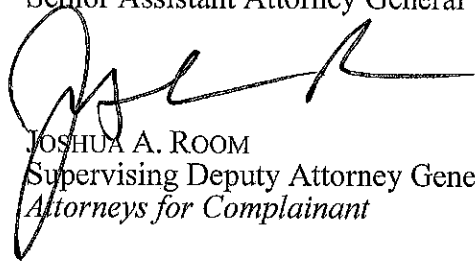
ENDORSEMENT

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

Dated: 8/24/2016

Respectfully submitted,

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



JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 5756

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2 LINDA K. SCHNEIDER
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues Against:
11 **KAM CHU TAM**
12 **Applicant for Intern Pharmacist License**
13 **Respondent.**
14

Case No. 5756

STATEMENT OF ISSUES

15 Complainant alleges:

16 PARTIES

- 17 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
18 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
19 2. On or about August 18, 2015, the Board of Pharmacy, Department of Consumer
20 Affairs received an application for an Application for Registration as an Intern Pharmacist from
21 Kam Chu Tam (Respondent). On or about August 3, 2015, Kam Chu Tam certified under penalty
22 of perjury the truthfulness of all statements, answers, and representations in the Application. The
23 Board denied the Application on or about January 8, 2016.

24 JURISDICTION

- 25 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code (Code) unless otherwise indicated.

28 ///

1 "The board may deny a license pursuant to this subdivision only if the crime or act is
2 substantially related to the qualifications, functions or duties of the . . . [license]."

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

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

10
11 FIRST CAUSE FOR DENIAL OF APPLICATION

12 (Conviction of Substantially Related Crime(s))

13 8. Respondent's application is subject to denial under the following section(s) of the
14 Code: 480(a)(1); 480(a)(3) by reference to 4301(l); and/or 4300(c) by reference to 4301(l) and
15 California Code of Regulations, title 16, section 1770, for conviction of a substantially related
16 crime, in that on or about June 15, 2011, in the criminal case *People v. Kam Chu Tam*, Case No.
17 CRM11-1299 in Yolo County Superior Court, Respondent was convicted of violating Vehicle
18 Code section 23152, subdivision (b) (Driving With Blood Alcohol of 0.08% or More), a
19 misdemeanor. The conviction was entered as follows:

20 a. On or about January 22, 2011, a car driven by Respondent was observed driving
21 onto the sidewalk in Davis, California. Responding officer(s) from the Davis Police Department
22 observed that Respondent displayed symptoms consistent with alcohol intoxication, and she
23 admitted to consuming alcohol. A Preliminary Alcohol Screening (PAS) test measured blood
24 alcohol concentrations of 0.19% and 0.18%. Respondent was placed under arrest, booked, and
25 released with an Agreement to Appeal on charges pursuant to Vehicle Code section 23152,
26 subdivision (a) (Driving Under the Influence of Alcohol) and section 23152, subdivision (b)
27 (Driving With Blood Alcohol of 0.08% or More), both misdemeanors.

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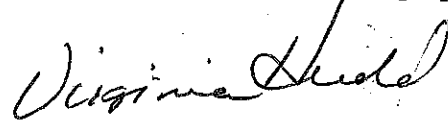
PRAYER

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. Denying the application of Kam Chu Tam for an Intern Pharmacist License;
2. Taking such other and further action as is deemed necessary and proper.

DATED: _____

5/3/16



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

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