

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

In the Matter of the Accusation Against:

CHRISTOPHER KENJI ANDO, Respondent

Pharmacist License No. RPH 51762

Agency Case No. 6896

DECISION AND ORDER

The attached Stipulated Surrender of License 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 February 11, 2021.

It is so ORDERED on January 12, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
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7

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

12 In the Matter of the Accusation Against:

Case No. 6896

13 **CHRISTOPHER KENJI ANDO**
14 **50 Black Fox Way**
15 **Redwood City, CA 94062**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 **Pharmacist License No. RPH 51762**

Respondent.

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. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
21 (Board). She brought this action solely in her official capacity and is represented in this matter by
22 Xavier Becerra, Attorney General of the State of California, by Leslie E. Brast, Deputy Attorney
23 General.

24 2. Christopher Kenji Ando (Respondent) is representing himself in this proceeding and
25 has chosen not to exercise his right to be represented by counsel.

26 3. On or about August 29, 2000, the Board issued Pharmacist License No. RPH 51762
27 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the
28 charges brought in Accusation No. 6896, and will expire on November 30, 2021, unless renewed.

1 **JURISDICTION**

2 4. Accusation No. 6896 was filed before the Board, and is currently pending against
3 Respondent. The Accusation and all other statutorily required documents were properly served
4 on Respondent on April 27, 2020. Respondent timely filed his Notice of Defense contesting the
5 Accusation. A copy of Accusation No. 6896 is attached as Exhibit A and incorporated by
6 reference.

7 **ADVISEMENT AND WAIVERS**

8 5. Respondent has carefully read and understands the charges and allegations in
9 Accusation No. 6896. Respondent also has carefully read and understands the effects of this
10 Stipulated Surrender of License and Order.

11 6. Respondent is fully aware of his legal rights in this matter, including the right to a
12 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
13 his own expense; the right to confront and cross-examine the witnesses against him; the right to
14 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
15 the attendance of witnesses and the production of documents; the right to reconsideration and
16 court review of an adverse decision; and all other rights accorded by the California
17 Administrative Procedure Act and other applicable laws.

18 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
19 every right set forth above.

20 **CULPABILITY**

21 8. Respondent admits the truth of each and every charge and allegation in Accusation
22 No. 6896, agrees that cause exists for discipline, and hereby surrenders his Pharmacist License
23 No. RPH 51762 for the Board's formal acceptance.

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

26 **CONTINGENCY**

27 10. This stipulation shall be subject to approval by the Board. Respondent understands
28 and agrees that counsel for Complainant and the staff of the Board may communicate directly

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

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

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

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

19
20 **ORDER**

21 IT IS HEREBY ORDERED that Pharmacist License No. RPH 51762, issued to Respondent
22 Christopher Kenji Ando, is surrendered and accepted by the Board.

23 1. The surrender of Respondent's Pharmacist License, and the acceptance of the
24 surrendered license by the Board, shall constitute the imposition of discipline against Respondent.
25 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
26 license history with the Board.

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

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

4. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of this Decision and Order.

5. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all charges and allegations contained in Accusation No. 6896 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny.

6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$11,703.00 prior to issuance of a new or reinstated license.

7. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 6896 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacist License. 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.

DATED:

CHRISTOPHER KENJI ANDO
Respondent

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I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacist License. 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.

DATED:

10/20/2020

CHRISTOPHER KENJI ANDO
Respondent

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General

LESLIE E. BRAST
Deputy Attorney General
Attorneys for Complainant

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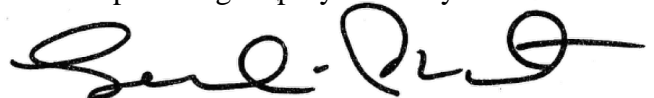
ENDORSEMENT

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

DATED: November 19, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General



LESLIE E. BRAST
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6896

1 XAVIER BECERRA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
4 State Bar No. 203296
455 Golden Gate Avenue, Suite 11000
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Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6896

13 **CHRISTOPHER KENJI ANDO**
14 **50 Black Fox Way**
Redwood City, CA 94062

ACCUSATION

15 **Pharmacist License No. RPH 51762**

16 Respondent.

17
18 **PARTIES**

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

21 2. On or about August 29, 2000, the Board issued Pharmacist License Number RPH
22 51762 to Christopher Kenji Ando (Respondent). The Pharmacist License was in full force and
23 effect at all times relevant to the charges brought herein, and will expire on November 30, 2021,
24 unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code (Code) unless otherwise
28 indicated.

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

4 5. Code section 4300(a) provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Code section 4300.1 provides that the expiration, cancellation, forfeiture, or
7 suspension of a Board-issued license, the placement of a license on a retired status, or the
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
10 licensee or to render a decision suspending or revoking the license.

11 **STATUTORY AND REGULATORY PROVISIONS**

12 7. Code section 4301 states:

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

15 ...

16 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
17 deceit, or corruption, whether the act is committed in the course of relations as a
licensee or otherwise, and whether the act is a felony or misdemeanor or not.

18 ...

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

22 ...

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

25 ...

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

1 8. Code section 4307, subdivision (a), states:

2 Any person who has been denied a license or whose license has been revoked
3 or is under suspension, or who has failed to renew his or her license while it was
4 under suspension, or who has been a manager, administrator, owner member, officer,
5 director, associate, or partner of any partnership, corporation, firm, or association
6 whose application for a license has been denied or revoked, is under suspension or
7 has been placed on probation, and while acting as the manger, administrator, owner,
8 member, officer, director, associate, or partner had knowledge or knowingly
9 participated in any conduct for which the license was denied, revoked, suspended, or
10 placed on probation, shall be prohibited from serving as a manager, administrator,
11 owner, member, officer, director, associate, or partner of a licensee as follows:

12 (1) Where a probationary license is issued or where an existing license is placed
13 on probation, this prohibition shall remain in effect for a period not to exceed five
14 years.

15 (2) Where the license is denied or revoked, the prohibition shall continue until
16 the license is issued or reinstated.

17 9. Code section 4113, subdivision (c), states:

18 The pharmacist-in-charge shall be responsible for a pharmacy's compliance
19 with all state and federal laws and regulations pertaining to the practice of pharmacy.

20 10. Code section 4059 (a) prohibits furnishing of any dangerous drug or dangerous device
21 except upon the prescription of an authorized prescriber.

22 11. Code section 4060 provides, in pertinent part, that no person shall possess any
23 controlled substance, except that furnished upon a valid prescription/drug order.

24 12. Health and Safety Code section 11170 provides that no person shall prescribe,
25 administer, or furnish a controlled substance for himself or herself.

26 13. Health and Safety Code section 11173, subdivision (a), provides that no person shall
27 obtain or attempt to obtain controlled substances, or procure or attempt to procure the
28 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
or subterfuge; or (2) by the concealment of a material fact.

14. Health and Safety Code section 11350, in pertinent part, makes it unlawful to possess
any controlled substance listed in Schedule II (Health and Safety Code section 11055),
subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

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REGULATORY PROVISIONS

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

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

COST RECOVERY

16. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

CONTROLLED SUBSTANCES / DANGEROUS DRUGS

17. Code section 4021 states:

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

18. Code section 4022 states, in pertinent part:

“Dangerous drug” or “dangerous device” means any drug or device unsafe for self use, except veterinary drugs that are labeled as such, and includes the following:

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

...

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

19. **Morphine sulfate** is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(L), and a dangerous drug pursuant to Code section 4022. It is used to treat moderate to severe pain.

20. **Cocaine** is a Schedule I (in base/rock/crack form) or Schedule II controlled substance as designated by Health and Safety Code sections 11054(f)(1) and/or 11055(b)(6), and a dangerous drug pursuant to Code section 4022. It is used as a recreational stimulant.

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1 **FACTUAL BACKGROUND**

2 21. On or about August 22, 2019, Respondent diverted a 90 ml bottle of morphine sulfate
3 20mg/ml (oral solution) while working as the pharmacist-in-charge (PIC) at Kaiser's outpatient
4 pharmacy (PHY 36589) in Novato, California. Respondent ingested a portion of the bottle's
5 contents and collapsed on the job shortly thereafter, requiring emergency transport to the hospital
6 by ambulance. Respondent also ingested cocaine the night prior to this incident. Respondent did
7 not have a valid prescription for either drug. Following his collapse, Respondent required
8 psychiatric hospitalization and treatment, and was placed on an extended medical leave of
9 absence from work. His employment was terminated on or about January 6, 2020.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Obtaining a Controlled Substance by Fraud, Deceit or Subterfuge)**

12 22. Respondent is subject to discipline under Code sections 4301 (j), 4301 (o) and/or
13 Health and Safety Code section 11173 (a), in that Respondent obtained, conspired to obtain,
14 and/or assisted in or abetted the obtaining of a controlled substance, by fraud, deceit, subterfuge,
15 or concealment of material fact, as described in paragraph 21, above, and herein incorporated.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Possession of a Controlled Substance)**

18 23. Respondent is subject to discipline under Code sections 4301 (j), 4301 (o), 4060
19 and/or Health and Safety Code section 11350, for possession of a controlled substance or
20 substances without a prescription, as described in paragraph 21, above, and herein incorporated.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Furnishing a Dangerous Drug/Controlled Substance)**

23 24. Respondent is subject to discipline under Code sections 4301 (j), 4301 (o), 4059 (a),
24 and/or Health and Safety Code section 11170, in that Respondent furnished to himself or another
25 without a valid prescription, and/or conspired to furnish, and/or assisted or abetted furnishing of,
26 a dangerous drug and/or a controlled substance, as described in paragraph 21, above, and herein
27 incorporated.

28 ///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Dangerous/Injurious/Unsafe Use)**

3 25. Respondent is subject to discipline under Code sections 4301 (h), and/or Health and
4 Safety Code section 11170, in that Respondent used a controlled substance and/or dangerous drug
5 in a manner dangerous or injurious to himself, others, or the public, and/or to the extent that his
6 use impaired his ability practice safely, as described in paragraph 21, above, and herein
7 incorporated.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Acts Involving Moral Turpitude, Dishonesty or Fraud)**

10 26. Respondent is subject to discipline under Code section 4301 (f) for committing an act
11 or acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as described in
12 paragraph 21, above, and herein incorporated.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct)**

15 27. Respondent is subject to discipline under section 4301 for general unprofessional
16 conduct in that he stole morphine sulfate from his employer while working as the pharmacy's
17 PIC, used the drug on the job, and became incapacitated at work, as further described in
18 paragraph 21, above, and herein incorporated.

19 **OTHER MATTERS**

20 28. Pursuant to Code section 4307, if discipline is imposed on Respondent's Pharmacist
21 License No. RPH 51762, he shall be prohibited from serving as a manager, administrator, owner,
22 member, officer, director, associate, or partner of a licensee for: five years if the license is placed
23 on probation; or if the license is revoked, until it is reinstated or reissued.

24 **PRAYER**

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

27 1. Revoking or suspending Pharmacist License Number RPH 51762, issued to
28 Christopher Kenji Ando;

2. Prohibiting Christopher Kenji Ando from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for: five years if an applicable license is placed on probation; or until any license revoked or denied is issued or reinstated;

3. Ordering Christopher Kenji Ando 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; and,

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

DATED: March 26, 2020



ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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