

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

In the Matter of the Accusation Against:

**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, DBA
UNIVERSITY OF CALIFORNIA IRVINE MEDICAL CENTER,
Terry Belmont-Chief Operating Officer
Original Hospital Pharmacy Permit Number HPE 49819
Sterile Compounding Permit Number LSE 100230;**

**KATHERINE Y. BOHENEK,
Pharmacist License Number RPH 49572;**

**DANIEL PHUONG HOANG,
Pharmacist License Number 59004;**

**SHIKHA SANJIV PARIKH,
Pharmacist License Number RPH 72781;**

**KEVIN M. KONG,
Pharmacist License Number RPH 39458;**

and

**MELANIE DENISE JOE,
Pharmacist License Number RPH 49712**

Respondents.

Agency Case No. 6997

OAH No. 2021030749

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand 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 January 5, 2022.

It is so ORDERED on December 6, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Seung W. Oh".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 SHANNON M. BRUBAKER
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

14 **THE REGENTS OF THE UNIVERSITY**
15 **OF CALIFORNIA,**
16 **DBA UNIVERSITY OF CALIFORNIA**
17 **IRVINE MEDICAL CENTER**
18 **Terry Belmont – Chief Operating Officer**
19 **Bldg. 23, 2nd Floor**
20 **101 The City Drive, Rt. 32, Bldg. 23**
21 **Orange, CA 92868**

22 **Original Hospital Pharmacy Permit**
23 **Number HPE 49819**
24 **Sterile Compounding Permit Number LSE**
25 **100230,**

26 **KATHERINE Y. BOHENEK**
27 **24 Flores**
28 **Foothill Ranch, CA 92610**

Pharmacist License Number RPH 49572,

DANIEL PHUONG HOANG
26 Lupari
Irvine, CA 92618

Pharmacist License Number RPH 59004,

Case No. 6997

OAH No. 2021030749

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL AS TO RESPONDENT THE
REGENTS OF THE UNIVERSITY OF
CALIFORNIA, DBA UNIVERSITY OF
CALIFORNIA IRVINE MEDICAL
CENTER ONLY

[Bus. & Prof. Code § 495]

1 **SHIKHA SANJIV PARIKH**
2 **96 Desert Pine**
3 **Irvine, CA 92620**
4 **Pharmacist License Number RPH 72781,**

5 **KEVIN M. KONG**
6 **39 Climbing Vine**
7 **Irvine, CA 92603-9497**
8 **Pharmacist License Number RPH 39458,**

9 **and**

10 **MELANIE DENISE JOE**
11 **101 The City Drive South**
12 **Rt. 32 – Pharmacy**
13 **Orange, CA 92868**

14 **Pharmacist License Number RPH 49712**

15 Respondents.

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

18 **PARTIES**

19 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
20 (Board). She brought this action solely in her official capacity and is represented in this matter by
21 Rob Bonta, Attorney General of the State of California, by Shannon M. Brubaker, Deputy
22 Attorney General.

23 2. Respondent The Regents of the University of California, doing business as University
24 of California Irvine Medical Center (Respondent) is represented in this proceeding by attorneys
25 Jordan Keville and Christine Johnson of Davis Wright Tremaine LLP whose address is: 865 S.
26 Figueroa Street, Suite 2400, Los Angeles, California 90017.

27 **JURISDICTION**

28 3. On or about December 22, 2008, the Board issued Original Hospital Pharmacy Permit
Number HPE 49819 to Respondent. The Original Hospital Pharmacy Permit was in full force
and effect at all times relevant to the charges brought herein and will expire on July 1, 2022,
unless renewed.

4. On or about June 19, 2014, the Board issued Sterile Compounding Permit Number LSE 100230 to Respondent. The Sterile Compounding Permit was in full force and effect at all times relevant to the charges brought herein and will expire on July 1, 2022, unless renewed.

5. Accusation Number 6997 was filed before the Board and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 1, 2020. Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation Number 6997 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation Number 6997. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

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

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation Number 6997, if proven at a hearing, constitute cause for imposing discipline upon its Original Hospital Pharmacy Permit and Sterile Compounding Permit.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual

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1 basis for the charges in Accusation Number 6997, and that Respondent hereby gives up its right
2 to contest those charges.

3 11. Respondent agrees that in any future disciplinary proceeding before the Board against
4 Respondent, the allegations set forth in Accusation Number 6997 shall be deemed admitted.

5 12. Respondent agrees that its Original Hospital Pharmacy Permit and Sterile
6 Compounding Permit are subject to discipline, and it agrees to be bound by the Disciplinary
7 Order below.

8 CONTINGENCY

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

18 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including PDF
20 and facsimile signatures thereto, shall have the same force and effect as the originals.

21 15. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by
22 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
23 of their agreement. It supersedes any and all prior or contemporaneous agreements,
24 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
25 Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified,
26 supplemented, or otherwise changed except by a writing executed by an authorized representative
27 of each of the parties.

28 ///

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Original Hospital Pharmacy Permit Number HPE 49819 and Sterile Compounding Permit Number LSE 100230 issued to Respondent The Regents of the University of California, doing business as University of California Irvine Medical Center (Respondent) shall be publicly reprovved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation Number 6997, attached as Exhibit A. This Decision constitutes a record of discipline and shall become a part of Respondent's license history with the Board.

Cost Recovery. Within one year of the effective date of the Decision, Respondent shall pay \$8,538.88 to the Board for its costs associated with the investigation and enforcement of this matter pursuant to Business and Professions Code Section 125.3. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew its Original Hospital Pharmacy Permit and Sterile Compounding Permit until Respondent pays costs in full.

Full Compliance. As a resolution of the charges in Accusation Number 6997, this stipulated settlement is contingent upon Respondent's full compliance with all conditions of this Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent's Original Hospital Pharmacy Permit Number HPE 49819 and Sterile Compounding Permit Number LSE 100230.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with Respondent's attorneys, Jordan Keville and Christine Johnson. I understand the stipulation and the effect it will have on Respondent's Original Hospital Pharmacy Permit and Sterile Compounding Permit. I am authorized to enter the stipulation on behalf of Respondent and enter into this Stipulated Settlement and Disciplinary

Order for Public Repeval voluntarily, knowingly, and intelligently. Respondent agrees to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

CHAD LEFTERIS

As the Authorized Representative of
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, DBA UNIVERSITY OF
CALIFORNIA IRVINE MEDICAL CENTER
Respondent

I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.

DATED: _____

JORDAN KEVILLE

CHRISTINE JOHNSON
Attorneys for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy, Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

SHANNON M. BRUBAKER
Deputy Attorney General
Attorneys for Complainant

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Order for Public Reapproval voluntarily, knowingly, and intelligently. Respondent agrees to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10/15/2021



CHAD LEFTERIS
As the Authorized Representative of
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, DBA UNIVERSITY OF
CALIFORNIA IRVINE MEDICAL CENTER
Respondent

I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reapproval. I approve its form and content.

DATED: 10/16/2021



JORDAN KEVILLE
CHRISTINE JOHNSON
Attorneys for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Pharmacy, Department of Consumer Affairs.

DATED: October 18, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



SHANNON M. BRUBAKER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation Number 6997

1 XAVIER BECERRA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 BRIAN WEISEL
Deputy Attorney General
4 State Bar Number 251111
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E-mail: Brian.Weisel@doj.ca.gov
8 *Attorneys for Complainant*

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

14 In the Matter of the Accusation Against:

Case Number 6997

15 **THE REGENTS OF THE UNIVERSITY**
16 **OF CALIFORNIA,**
17 **DBA UNIVERSITY OF CALIFORNIA**
18 **IRVINE MEDICAL CENTER,**
Terry Belmont – Chief Operating Officer
Bldg. 23, 2nd Floor
101 The City Drive, Rt. 32, Bldg. 23
Orange, CA 92868

ACCUSATION

19 **Original Hospital Pharmacy Permit**
20 **Number HPE 49819**
Sterile Compounding Permit Number LSE
21 **100230,**

22 **KATHERINE Y. BOHENEK**
23 **24 Flores**
24 **Foothill Ranch, CA 92610**

25 **Pharmacist License Number RPH 49572,**

26 **DANIEL PHUONG HOANG**
27 **26 Lupari**
28 **Irvine, CA 92618**

Pharmacist License Number RPH 59004,

1 **SHIKHA SANJIV PARIKH**
2 **96 Desert Pine**
3 **Irvine, CA 92620**

4 **Pharmacist License Number RPH 72781,**

5 **KEVIN M. KONG**
6 **39 Climbing Vine**
7 **Irvine, CA 92603-9497**

8 **Pharmacist License Number RPH 39458,**

9 **and**

10 **MELANIE DENISE JOE**
11 **101 The City Drive South**
12 **Rt. 32 - Pharmacy**
13 **Orange, CA 92868**

14 **Pharmacist License Number RPH 49712**

15 Respondents.

16 **PARTIES**

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

19 2. On or about December 22, 2008, the Board issued Original Hospital Pharmacy Permit
20 Number HPE 49819 to The Regents of the University of California, doing business as the
21 University of California Irvine Medical Center (Respondent UCIMC). The Original Hospital
22 Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein
23 and will expire on July 1, 2021, unless renewed.

24 3. On or about June 19, 2014, the Board issued Sterile Compounding Permit Number
25 LSE 100230 to Respondent UCIMC. The Sterile Compounding Permit was in full force and
26 effect at all times relevant to the charges brought herein and will expire on July 1, 2021, unless
27 renewed.

28 4. On or about August 21, 1997, the Board issued Pharmacist License Number RPH
49572 to Katherine Y. Bohenek (Respondent Bohenek). The Pharmacist License was in full force

1 and effect at all times relevant to the charges brought herein and will expire on November 30,
2 2020, unless renewed.

3 5. On or about October 17, 2006, the Board issued Pharmacist License Number RPH
4 59004 to Daniel Phuong Hoang (Respondent Hoang). The Pharmacist License was in full force
5 and effect at all times relevant to the charges brought herein and will expire on April 30, 2022,
6 unless renewed.

7 6. On or about July 9, 2015, the Board issued Pharmacist License Number RPH 72781
8 to Shikha Sanjiv Parikh (Respondent Parikh). The Pharmacist License was in full force and
9 effect at all times relevant to the charges brought herein and will expire on June 30, 2021, unless
10 renewed.

11 7. On or about August 27, 1985, the Board issued Pharmacist License Number RPH
12 39458 to Kevin M. Kong (Respondent Kong). The Pharmacist License was in full force and
13 effect at all times relevant to the charges brought herein and will expire on August 31, 2021,
14 unless renewed.

15 8. On or about August 27, 1997, the Board issued Pharmacist License Number RPH
16 49712 to Melanie Denise Joe (Respondent Joe). The Pharmacist License was in full force and
17 effect at all times relevant to the charges brought herein and will expire on September 30, 2021,
18 unless renewed.

19 JURISDICTION

20 9. This Accusation is brought before the Board, under the authority of the following
21 laws. All section references are to the Business and Professions Code (Code) unless otherwise
22 indicated.

23 10. Section 4011 of the Code provides that the Board shall administer and enforce both
24 the Pharmacy Law [Code section 4000 et seq.] and the Uniform Controlled Substances Act
25 [Health & Safety Code section 11000 et seq.].

26 11. Section 4032 defines "license" to include any license, permit, registration, certificate
27 or exemption issued by the Board.

28 ///

12. Section 4300 of the Code states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

...

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

13. Section 4300.1 of the Code states:

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

STATUTORY AND REGULATORY PROVISIONS

14. Section 4306.5 of the Code states:

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

(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

(b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement his or her best professional judgment or corresponding responsibility

1 with regard to the dispensing or furnishing of controlled substances, dangerous
2 drugs, or dangerous devices, or with regard to the provision of services.

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

6 (d) Acts or omissions that involve, in whole or in part, the failure to fully
7 maintain and retain appropriate patient-specific information pertaining to the
8 performance of any pharmacy function.

9 15. Section 4307, subdivision (a) of the Code states:

10 (a) Any person who has been denied a license or whose license has been
11 revoked or is under suspension, or who has failed to renew his or her license while
12 it was under suspension, or who has been a manager, administrator, owner,
13 member, officer, director, associate, partner, or any other person with management
14 or control of any partnership, corporation, trust, firm, or association whose
15 application for a license has been denied or revoked, is under suspension or has
16 been placed on probation, and while acting as the manager, administrator, owner,
17 member, officer, director, associate, partner, or any other person with management
18 or control had knowledge of or knowingly participated in any conduct for which
19 the license was denied, revoked, suspended, or placed on probation, shall be
20 prohibited from serving as a manager, administrator, owner, member, officer,
21 director, associate, partner, or any other person with management or control of a
22 licensee as follows:

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

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

28 16. Section 4113 of the Code states, in pertinent part:

(a) Every pharmacy shall designate a pharmacist-in-charge and, within 30 days
thereof, shall notify the board in writing of the identity and license number of that
pharmacist and the date he or she was designated.

(b) The proposed pharmacist-in-charge shall be subject to approval by the board.
The board shall not issue or renew a pharmacy license without identification of an
approved pharmacist-in-charge for the pharmacy.

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

...

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17. Section 4127.1, subdivision (f), of the Code states:

Adverse effects reported or potentially attributable to a pharmacy's sterile drug product shall be reported to the board within 12 hours and immediately reported to the MedWatch program of the federal Food and Drug Administration.

18. Section 4301 of the Code states:

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

...

(b) Incompetence

...

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

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in or 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, including regulations established by the board or by any other state or federal regulatory agency.

...

19. California Code of Regulations, Title 16, section 1761, states:

(a) No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.

...

COST RECOVERY

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

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DEFINITIONS

21. Etoposide, sold under the brand name Vepesid or Etopophos, is a chemotherapy medication used for the treatments of a number of types of cancer.

22. Intrathecal Administration is a route of drug administration directly into the spinal canal, so that it reaches the cerebrospinal fluid, which is sometimes used for administration of chemotherapy or anesthesia.

FACTUAL ALLEGATIONS

23. At all times relevant herein, Respondents Bohenek, Hoang, and Joe were employed as licensed pharmacists for the University of California, Irvine Medical Center (Respondent UCIMC). Respondent Joe was the pharmacist in charge of the UCIMC hospital pharmacy.

24. In 2013, Patient J.A. was diagnosed with Medulloblastoma (commonly known as a brain tumor). Patient J.A. received Radiosurgery in August 2017. On or about July 27, 2017, Patient J.A. also began a cycle of intrathecal chemotherapy through Respondent UCIMC.

25. Sometime between July and November, 2017, UCIMC converted its pharmacy software program from “AllScript” to the “EPIC” software program. Part of this transition included the pharmacist manually entering the previous prescriptions into the new system.

26. Among her chemotherapy treatments, Patient J.A. was prescribed 0.5 mg of intrathecal etoposide. On or about November 14, 2017, during one of her treatments, J.A. received a dosage of 100 mg of intrathecal etoposide, 200 times the prescribed dose. Doses of up to 150 mg of etoposide are not uncommon when given intravenously (IV), but such a dose is orders of magnitude outside the accepted range for spinal administration, which normally falls from ranges of 0.5 mg to 2.5 mg.

27. Almost immediately after the November dose, Patient J.A. developed a severe burning headache, nausea, vomiting, dizziness, and restlessness. J.A. was admitted to the hospital and treated for possible chemical meningitis secondary to chemotherapy.

28. Approximately three days after the incorrect dosage, J.A. stopped responding to stimulus, became fully non-responsive, and required a ventilator to breathe. J.A.’s condition did not improve, and on April 8, 2018, J.A. was released from life support and died.

1 29. The error in dosage was systemic, requiring numerous checks to be failed before a
2 patient could receive such a high dosage of chemotherapy directly into the spinal canal.

3 30. Respondent Kong incorrectly transferred Patient J.A.'s order from AllScript to EPIC,
4 entering 100 mg intrathecal instead of 0.5 mg intrathecal. The new EPIC program did not have an
5 obvious code for intrathecal administration of the drug; therefore, the transcribing pharmacist
6 used the usual IV code. The transcribing pharmacist, and all subsequent treating pharmacists,
7 should have known that a dose as high as 100 mg was far outside the standard of care for a spinal
8 injection.

9 31. According to the logged initials within the software program, the erroneous
10 prescription was handled by several pharmacists at UCIMC, none of whom questioned the
11 extremely high dosage for spinal injection, specifically:

12 a. Respondent Kong transferred the order from the AllScript program to the EPIC
13 program with the incorrect administration procedure, keeping the dosage common for a normal
14 IV treatment, as opposed to a spinal treatment.

15 b. Respondent Parikh reviewed and verified the treatment plan with the order.

16 c. Respondent Hoang reviewed and verified the treatment plan with the order.

17 e. Respondent Bohenek verified the compound preparation and labeling of the
18 order.

19 f. The EPIC program contained a "detailed" view screen which, if viewed, would
20 have shown the proper route of administration of the drug; however, policy under UCIMC and
21 Respondent Joe did not require the verifying pharmacist to view this data screen to verify the
22 drug delivery method.

23 32. Though Respondent UCIMC reported the above to the California Department of
24 Public Health, none of the Respondents reported the above to the Board until a civil settlement
25 with the family of J.A. was reached nearly one year later, on or about November 30, 2018.

26 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Incompetence by Respondent UCIMC)**

3 33. Respondent Regents of California, doing business as University of California Irvine
4 Medical Center, is subject to disciplinary action under Code section 4301, subsection (b), in that
5 it was incompetent when it failed to implement policy to prevent a system failure leading to the
6 excessive and fatal dosage to the patient, as further discussed in paragraphs 23 through 32, which
7 are herein incorporated by reference.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct by Respondent UCIMC)**

10 34. Respondent Regents of California, doing business as University of California Irvine
11 Medical Center, is subject to disciplinary action under Code section 4306.5, subsections (a) and
12 (b), and California Code of Regulation section 1761, subdivision (a), as the facility's acts or
13 omissions in the administration of etoposide 100 mg intrathecal were an inappropriate exercise of
14 the education, training, or experience as a licensed hospital pharmacy and sterile compounding
15 facility. Further, Respondent UCIMC did not report the adverse effects potentially attributable to
16 the pharmacy's sterile drug product as required in Code section 4127.1(f), as further discussed in
17 paragraphs 23 through 32, above, which are herein incorporated by reference.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct by Respondent Katherine Y. Bohenek)**

20 35. Respondent Katherine Bohenek is subject to disciplinary action under Code section
21 4306.5, subsections (a) and (b), and California Code of Regulation section 1761, subdivision (a),
22 in that her acts or omissions in verifying the compounded preparation and labeling of intrathecal
23 etoposide were an inappropriate exercise of her education, training, or experience as a pharmacist,
24 as further discussed in paragraphs 23 through 32, above, which are herein incorporated by
25 reference.

26 ///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct by Respondent Daniel Phuong Hoang)**

3 36. Respondent Daniel Phuong Hoang is subject to disciplinary action under Code
4 section 4306.5, subsections (a) and (b) and California Code of Regulation section 1761,
5 subdivision (a), as his acts or omissions in reviewing and verifying the treatment plan for
6 etoposide 100 mg intrathecal were an inappropriate exercise of his education, training, or
7 experience as a pharmacist, as further discussed in paragraphs 23 through 32, above, which are
8 herein incorporated by reference.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct by Shikha Sanjiv Parikh)**

11 37. Respondent Shikha Sanjiv Parikh is subject to disciplinary action under Code section
12 4306.5, subsections (a) and (b), and California Code of Regulation section 1761, subdivision (a),
13 as her acts or omissions in reviewing and verifying the treatment plan for etoposide 100 mg
14 intrathecal were an inappropriate exercise of her education, training, or experience as a
15 pharmacist, as further discussed in paragraphs 23 through 32, above, which are herein
16 incorporated by reference.

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct by Respondent Kevin Kong)**

19 38. Respondent Kevin Kong is subject to disciplinary action under Code section 4306.5,
20 subsections (a) and (b), and California Code of Regulation section 1761, subdivision (a), in that
21 his acts or omissions in transferring the order for etoposide from the AllScript program to the
22 EPIC program with the incorrect administration procedure and keeping the dosage common for a
23 normal IV treatment, as opposed to intrathecal administration were an inappropriate exercise of
24 his education, training, or experience as a pharmacist, as further discussed in paragraphs 23
25 through 32, above, which are herein incorporated by reference.

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43. Pursuant to Section 4307, if Pharmacist License Number RPH 49572 issued to Katherine Y. Bohenek is suspended, revoked or placed on probation, Respondent Bohenek shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board.

44. Pursuant to Section 4307, if Pharmacist License Number RPH 59004 issued to Daniel Phuong Hoang is suspended or revoked, Respondent Hoang shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

45. Pursuant to Section 4307, if Pharmacist License Number RPH 72781 issued to Shikha Sanjiv Parikh is suspended or revoked, Respondent Parikh shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

46. Pursuant to Section 4307, if Pharmacist License Number RPH 39458 issued to Kevin M. Kong is suspended or revoked, Respondent Kong shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

47. Pursuant to Section 4307, if Pharmacist License Number RPH 49712 issued to Melanie Denise Joe is suspended or revoked, Respondent Joe shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

PRAYER

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

1. Revoking or suspending Original Hospital Pharmacy Permit Number HPE 49819, issued to The Regents of the University of California, dba University of California Irvine Medical Center;

2. Revoking or suspending Sterile Compounding Permit Number LSE 100230, issued to The Regents of the University of California, dba University of California Irvine Medical Center;

3. Revoking or suspending Pharmacist License Number RPH 49572, issued to Katherine Y. Bohenek;

4. Revoking or suspending Pharmacist License Number RPH 59004, issued to Daniel Phuong Hoang;

1 5. Revoking or suspending Pharmacist License Number RPH 72781, issued to Shikha
2 Sanjiv Parikh;

3 6. Revoking or suspending Pharmacist License Number RPH 39458, issued to Kevin M.
4 Kong;

5 7. Revoking or suspending Pharmacist License Number RPH 49712, issued to Melanie
6 Denise Joe;

7 8. Prohibiting The Regents of the University of California, dba University of California
8 Irvine Medical Center from serving as a manager, administrator, owner, member, officer,
9 director, associate, or partner of a licensee for five years if Original Hospital Pharmacy Permit
10 Number HPE 49819 or Sterile Compounding Permit Number LSE 100230 is placed on probation
11 or Original Hospital Pharmacy Permit Number HPE 49819 or Sterile Compounding Permit
12 Number LSE 100230 is reinstated if Original Hospital Pharmacy Permit Number HPE 49819 or
13 Sterile Compounding Permit Number LSE 100230 issued to The Regents of the University of
14 California, dba University of California Irvine Medical Center are revoked;

15 9. Prohibiting Respondent Katherine Y. Bohenek from serving as a manager,
16 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
17 Pharmacist License Number RPH 49572 is placed on probation or until Pharmacist License
18 Number RPH 49572 is reinstated if Pharmacist License Number RPH 49572 issued to Katherine
19 Y. Bohenek is revoked;

20 10. Prohibiting Respondent Daniel Phuong Hoang from serving as a manager,
21 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
22 Pharmacist License Number RPH 59004 is placed on probation or until Pharmacist License
23 Number RPH 59004 is reinstated if Pharmacist License Number RPH 59004 issued to Daniel
24 Phuong Hoang is revoked;

25 11. Prohibiting Respondent Shikha Sanjiv Parikh from serving as a manager,
26 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
27 Pharmacist License Number RPH 72781 is placed on probation or until Pharmacist License
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Number RPH 72781 is reinstated if Pharmacist License Number RPH 72781 issued Shikha Sanjiv Parikh is revoked;

12. Prohibiting Respondent Kevin M. Kong from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 39458 is placed on probation or until Pharmacist License RPH 39458 is reinstated if Pharmacist License Number RPH 39458 issued to Kevin M. Kong is revoked;

13. Prohibiting Respondent Melanie Denise Joe from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 49712 is placed on probation or until Pharmacist License Number RPH 49712 is reinstated if Pharmacist License Number RPH 49712 issued Melanie Denise Joe is revoked;

14. Ordering the Regents of the University of California, Katherine Y. Bohenek, Daniel Phuong Hoang, Shikha Sanjiv Parikh, Kevin M. Kong and Melanie Denise Joe to pay, jointly or severally, 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,

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

DATED: 11/16/2020

Signature on File

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

SD2020800691