

**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 Repeval 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". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly distinguishable.

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  
Deputy Attorney General  
4 State Bar No. 234517  
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*Attorneys for Complainant*

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12 **STATE OF CALIFORNIA**

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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**  
**KEVIN M. KONG 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 Kevin M. Kong (Respondent) is represented in this proceeding by  
24 attorney Robert K. Weinberg whose address is: 19200 Von Karman, Suite 380, Irvine, California  
25 92612.

26 **JURISDICTION**

27 3. On or about August 27, 1985, the Board issued Pharmacist License Number RPH  
28 39458 to Respondent. The Pharmacist License was in full force and effect at all times relevant to  
the charges brought in Accusation Number 6997 and will expire on August 31, 2023, unless  
renewed.

///

4. 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 his 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**

5. 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.

6. Respondent is fully aware of his 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 him; the right to present evidence and to testify on his 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.

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

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation Number 6997.

9. Respondent agrees that his Pharmacist License is subject to discipline and he agrees to be bound by the Disciplinary Order below.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he

1 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board  
2 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
3 the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force or  
4 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
5 and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that Pharmacist License Number RPH 39458 issued to  
21 Respondent Kevin M. Kong (Respondent) shall be publicly reproved by the Board of Pharmacy  
22 under Business and Professions Code section 495 in resolution of Accusation Number 6997,  
23 attached as Exhibit A. This Decision constitutes a record of discipline and shall become a part of  
24 Respondent's license history with the Board.

25 **Remedial Education.** No later than two years from the effective date of the Decision,  
26 Respondent, at his own expense, shall enroll, successfully complete and submit verification of ten  
27 (10) hours of remedial education in sterile compounding, including high risk drugs. Respondent  
28 shall obtain prior approval from the Board before enrolling in the course(s), and at least 50% of

1 the course(s) shall be live webinar or in-person. Respondent shall submit to the Board the  
2 original transcripts or certificates of completion for the above-required course(s).

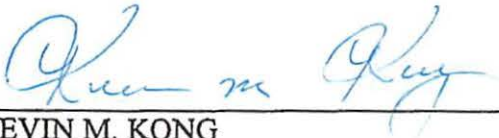
3 **Cost Recovery.** Within one year of the effective date of the Decision, Respondent shall  
4 pay \$1,707.78 to the Board for its costs associated with the investigation and enforcement of this  
5 matter pursuant to Business and Professions Code Section 125.3. Respondent shall be permitted  
6 to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board  
7 costs as ordered, Respondent shall not be allowed to renew his Pharmacist License until  
8 Respondent pays costs in full.

9 **Full Compliance.** As a resolution of the charges in Accusation Number 6997, this  
10 stipulated settlement is contingent upon Respondent's full compliance with all conditions of this  
11 Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes  
12 cause for discipline, including outright revocation, of Respondent's Pharmacist License Number  
13 RPH 39458.

#### 14 ACCEPTANCE

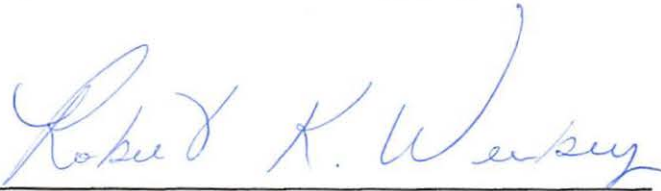
15 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
16 Reproval and have fully discussed it with my attorney, Robert K. Weinberg. I understand the  
17 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated  
18 Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently,  
19 and agree to be bound by the Decision and Order of the Board of Pharmacy.

20  
21 DATED: 10-14-2021

  
22 KEVIN M. KONG  
Respondent

23 I have read and fully discussed with Respondent Kevin M. Kong the terms and conditions  
24 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public  
25 Reproval. I approve its form and content.

26  
27 DATED: 10-14-21

  
28 ROBERT K. WEINBERG  
Attorney 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 14, 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  
600 West Broadway, Suite 1800  
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6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061  
E-mail: Brian.Weisel@doj.ca.gov  
8 *Attorneys for Complainant*

9  
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**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

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

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

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

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

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

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

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

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.

...

///

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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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Incompetence by Respondent Melanie Denise Joe)**

3 39. Respondent Melanie Denise Joe is subject to disciplinary action under Code section  
4 4301, subsection (b), in that she was incompetent as pharmacist-in-charge of UCIMC pharmacy  
5 when she failed to implement a policy to prevent a system failure leading to the excessive and  
6 fatal dosage to the patient, as further discussed in paragraphs 23 through 32, which are herein  
7 incorporated by reference.

8 **EIGHTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct by Respondent Melanie Denise Joe)**

10 40. Respondent Melanie Denise Joe is subject to disciplinary action under Code section  
11 4113, subsection (c), 4306.5, subsections (a) and (b), and California Code of Regulation section  
12 1761, subdivision (a), as her acts or omissions as pharmacist-in-charge of UCIMC in dispensing  
13 etoposide 100 mg intrathecal were an inappropriate exercise of the education, training, or  
14 experience as a licensed pharmacist as further discussed in paragraphs 23 through 32, above,  
15 which are herein incorporated by reference.

16 **OTHER MATTERS**

17 41. Pursuant to Section 4307, if Original Hospital Pharmacy Permit Number HPE 49819  
18 issued to the Regents of the University of California, doing business as the University of  
19 California Irvine Medical Center is suspended, revoked or placed on probation, Respondent  
20 UCIMC shall be prohibited from serving as a manager, administrator, owner, member, officer,  
21 director, associate, or partner of a licensee of the Board.

22 42. Pursuant to Section 4307, if Sterile Compounding Permit Number LSE 100230 issued  
23 to the Regents of the University of California, doing business as the University of California  
24 Irvine Medical Center is suspended, revoked or placed on probation, Respondent UCIMC shall be  
25 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
26 or partner of a licensee of the Board.

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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  
28

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