

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

In the Matter of the Accusation Against:

PO LONG LEW

Pharmacist License No. RPH 35614, Respondent.

Agency Case No. 7136

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 May 24, 2023.

It is so ORDERED on April 24, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7136

13 **PO LONG LEW**
14 **9308 E. Valley Blvd.**
Rosemead, CA 91770

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacist License No. RPH 35614**

16 Respondent.

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

20 **PARTIES**

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

25 2. Po Long Lew (Respondent) is represented in this proceeding by attorney Peter
26 Osinoff, whose address is:

27 Bonne Bridges

28 355 South Grand Avenue, Suite 1750

1 Los Angeles, CA 90071-1562

2 3. On or about August 20, 1980, the Board issued Pharmacist License No. RPH 35614
3 to Po Long Lew (Respondent). The Pharmacist License was in full force and effect at all times
4 relevant to the charges brought in First Amended Accusation No. 7136 and will expire on May
5 31, 2023, unless renewed.

6 **JURISDICTION**

7 4. First Amended Accusation No. 7136 was filed before the Board, and is currently
8 pending against Respondent. The First Amended Accusation and all other statutorily required
9 documents were properly served on Respondent on March 4, 2022. Respondent timely filed his
10 Notice of Defense contesting the First Amended Accusation. A copy of First Amended
11 Accusation No. 7136 is attached as Exhibit A and incorporated by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in First Amended Accusation No. 7136. Respondent also has carefully
15 read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of
16 License and Order.

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

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

1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in First
3 Amended Accusation No. 7136, agrees that cause exists for discipline and hereby surrenders his
4 Pharmacist License No. RPH 35614 for the Board's formal acceptance.

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

7 **CONTINGENCY**

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

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

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

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following Order:
28

1 **ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 35614, issued to Respondent
3 Po Long Lew, is surrendered and accepted by the Board.

4 1. The surrender of Respondent's Pharmacist License and the acceptance of the
5 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
6 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
7 license history with the Board. Respondent understands and agrees that for purposes of Business
8 and Professions Code section 4307, this surrender shall be construed the same as revocation.

9 2. Respondent shall lose all rights and privileges as a pharmacist in California as of the
10 effective date of the Board's Decision and Order.

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

13 4. If he ever applies for licensure or petitions for reinstatement in the State of California,
14 the Board shall treat it as a new application for licensure. Respondent must comply with all the
15 laws, regulations and procedures for licensure in effect at the time the application or petition is
16 filed, and all of the charges and allegations contained in First Amended Accusation No. 7136
17 shall be deemed to be true, correct and admitted by Respondent when the Board determines
18 whether to grant or deny the application or petition.

19 5. Respondent shall pay the agency its costs of investigation and enforcement in the
20 amount of \$7,747.50 prior to issuance of a new or reinstated license.

21 6. If Respondent should ever apply or reapply for a new license or certification, or
22 petition for reinstatement of a license, by any other health care licensing agency in the State of
23 California, all of the charges and allegations contained in First Amended Accusation, No. 7136
24 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
25 of Issues or any other proceeding seeking to deny or restrict licensure.

26 7. Respondent may not apply, reapply, or petition for any Board-issued licensure or
27 registration for 3 years from the effective date of the Decision and Order.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Peter Osinoff. 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: _____
PO LONG LEW
Respondent

I have read and fully discussed with Respondent Po Long Lew the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____
PETER OSINOFF
Attorney for Respondent

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,
ROB BONTA
Attorney General of California
NANCY A. KAISER
Supervising Deputy Attorney General

MELISSA TYNER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 7136

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 MELISSA TYNER
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Attorneys for Complainant
7

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. 7136

13 **PO LONG LEW**
14 **9308 E. Valley Blvd.**
Rosemead, CA 91770

FIRST AMENDED ACCUSATION

15 **Pharmacist License No. RPH 35614**

16 Respondent.

17
18
19 **PARTIES**

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

22 2. On or about August 20, 1980, the Board issued Pharmacist License
23 Number RPH 35614 to Po Long Lew (Respondent). The Pharmacist License was in full force
24 and effect at all times relevant to the charges brought herein and will expire on May 31, 2022,
25 unless renewed.

26 **JURISDICTION**

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

1

2 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
3 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.

4

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

7

8 (l) The conviction of a crime substantially related to the qualifications,
9 functions, and duties of a licensee under this chapter. The record of conviction of a
10 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
11 States Code regulating controlled substances or of a violation of the statutes of this
12 state regulating controlled substances or dangerous drugs shall be conclusive
13 evidence of unprofessional conduct. In all other cases, the record of conviction shall
14 be conclusive evidence only of the fact that the conviction occurred. The board may
15 inquire into the circumstances surrounding the commission of the crime, in order to
16 fix the degree of discipline or, in the case of a conviction not involving controlled
17 substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

18

19 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
20 abetting the violation of or conspiring to violate any provision or term of this chapter
[the Pharmacy Law, Bus. & Prof. Code, § 4000, et seq.] or of the applicable federal
21 and state laws and regulations governing pharmacy, including regulations established
by the board or by any other state or federal regulatory agency. . . .

22 9. Section 4306.5 states, in pertinent part:

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

24 (a) Acts or omissions that involve, in whole or in part, the inappropriate
25 exercise of his or her education, training, or experience as a pharmacist, whether or
26 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.

27 (b) Acts or omissions that involve, in whole or in part, the failure to exercise or
28 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. . . .

REGULATORY PROVISIONS

10. 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

11. Section 125.3 provides 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.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime – October 13, 2021,

Engaged in Aiding and Abetting the Unauthorized Practice of Medicine)

12. Respondent is subject to disciplinary action under sections 490, 4300, and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a registered pharmacist, as follows:

a. On or about October 31, 2021, Respondent was convicted of one felony interlineated Count 11 of violating Business and Professions Code section 2052(b) [engaged in aiding and abetting the unauthorized practice of medicine] in the criminal proceeding entitled *The People of the State of California v. Po Long Lew* (Super. Ct. L.A. County, 2021, No. BA484213). The Court ordered Respondent to complete 200 hours of community service, and upon completion by October 23, 2023, would reduce the conviction to a misdemeanor and place him one year of summary probation. The circumstances underlying the conviction are that during the period of on or about December 4, 2018, through on or about October 30, 2019, through his medical clinic located in Rosemead, CA, Respondent engaged in aiding and abetting the unauthorized practice

1 of medicine related to his prescribing of controlled substances.

2 **PRAYER**

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

- 5 1. Revoking or suspending Pharmacist License Number RPH 35614, issued to Po Long
6 Lew;
- 7 2. Ordering Po Long Lew to pay the Board the reasonable costs of the investigation and
8 enforcement of this case, pursuant to section 125.3; and,
- 9 3. Taking such other and further action as deemed necessary and proper.

10
11
12 DATED: 2/26/2023

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2023.02.26 19:38:07
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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