

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

In the Matter of the Accusation Against:

HENRY HAN-NING CHANG

Pharmacist License No. RPH 64395

Respondent.

Agency Case No. 7139

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 May 25, 2022.

It is so ORDERED on April 25, 2022.

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 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
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300 So. Spring Street, Suite 1702
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7 *Attorneys for Complainant*

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. 7139

13
14 **HENRY HAN-NING CHANG**
15 **102 Casuda Canyon Drive, #B**
Monterey Park, CA 91754

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL

[Bus. & Prof. Code § 495]

16 **Pharmacist License No. RPH 64395**

17
18 Respondent.
19
20

21
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
26 (Board). She brought this action solely in her official capacity and is represented in this matter by
27 Rob Bonta, Attorney General of the State of California, by Marissa N. Hamilton, Deputy
28 Attorney General.

2. Respondent Henry Han-Ning Chang (Respondent) is represented in this proceeding by attorney Armond Marcarian, whose address is: 21650 Oxnard Street, Suite 1980, Woodland Hills, CA 91367.

JURISDICTION

3. On or about August 17, 2010, the Board issued Pharmacist License No. RPH 64395 to Henry Han-Ning Chang (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 7139 and will expire on April 30, 2022, unless renewed.

4. Accusation No. 7139 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 12, 2021. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 7139 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 No. 7139. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.

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 be represented by counsel at his own expense; 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.

///

1 **CULPABILITY**

2 8. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 7139, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
4 License.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
8 those charges.

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

11 **CONTINGENCY**

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

22 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
23 copies of this Stipulated Settlement and Disciplinary Order for Public Repeval, including PDF
24 and facsimile signatures thereto, shall have the same force and effect as the originals.

25 13. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by
26 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
27 of their agreement. It supersedes any and all prior or contemporaneous agreements,
28 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated

1 Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified,
2 supplemented, or otherwise changed except by a writing executed by an authorized representative
3 of each of the parties.

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Pharmacist License No. RPH 64395 issued to Respondent
9 Henry Han-Ning Chang (Respondent) shall be publicly reproved by the Board of Pharmacy under
10 Business and Professions Code section 495 in resolution of Accusation No. 7139, attached as
11 Exhibit A.

12 **Ethics Course.** Within sixty (60) calendar days of the effective date of this decision,
13 Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by
14 the Board or its designee that complies with Title 16 California Code of Regulations section
15 1773.5. Respondent shall provide proof of enrollment upon request. Within five (5) days of
16 completion, Respondent shall submit a copy of the certificate of completion to the Board or its
17 designee. If Respondent fails to timely enroll in an approved ethics course, successfully complete
18 the course, and submit proof of completion within two (2) years as ordered, Respondent shall not
19 be allowed to renew his Pharmacist License until he has completed the ethics course.

20 **No Ownership or Management of Licensed Premises.** Respondent shall not own, have
21 any legal or beneficial interest in, nor serve as a manger, administrator, member, officer, director,
22 trustee, associate, or partner of any business, firm, partnership, or corporation currently or
23 hereinafter licensed by the Board for three (3) years beginning on the effective date of this
24 decision. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed
25 by the Board within ninety (90) days following the effective date of this decision and shall
26 immediately thereafter provide written proof thereof to the Board.

27 **Restrictions on Supervision and Oversight of Licensed Facilities.** Respondent shall not
28 supervise any intern pharmacist, be the pharmacist-in-charge, designated representative-in-

1 charge, responsible manager or other compliance supervisor of any entity licensed by the Board,
2 nor serve as a consultant for three (3) years beginning on the effective date of this decision.

3 **Cost Recovery.** Respondent shall pay \$12,500 to the Board for its costs associated with
4 the investigation and enforcement of this matter pursuant to Business and Professions Code
5 Section 125.3. Respondent shall be permitted to pay these costs in a payment plan approved by
6 the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed
7 to renew his Pharmacist License until Respondent pays costs in full.

8 **Full Compliance.** As a resolution of the charges in Accusation No. 7139, this stipulated
9 settlement is contingent upon Respondent's full compliance with all conditions of this Order.
10 If Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause
11 for discipline, including outright revocation, of Respondent's Pharmacist License No. RPH 64395.

12 **ACCEPTANCE**

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

18
19 DATED: _____

20 HENRY HAN-NING CHANG
21 *Respondent*

22 I have read and fully discussed with Respondent Henry Han-Ning Chang the terms and
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
24 for Public Reproval. I approve its form and content.

25
26 DATED: _____

27 ARMOND MARCARIAN
28 *Attorney for Respondent*

1 charge, responsible manager or other compliance supervisor of any entity licensed by the Board,
2 nor serve as a consultant for three (3) years beginning on the effective date of this decision.

3 **Cost Recovery.** Respondent shall pay \$12,500 to the Board for its costs associated with
4 the investigation and enforcement of this matter pursuant to Business and Professions Code
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6 the Board. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed
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9 settlement is contingent upon Respondent's full compliance with all conditions of this Order.
10 If Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause
11 for discipline, including outright revocation, of Respondent's Pharmacist License No. RPH 64395.

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

18
19 DATED: 3/24/22


HENRY HAN-NING CHANG
Respondent

21
22 I have read and fully discussed with Respondent Henry Han-Ning Chang the terms and
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
24 Order for Public Reproval. I approve its form and content.

25
26 DATED: March 24, 2022


ARMOND MARCARIAN
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 of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: 3/24/2022

Respectfully submitted,

ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

Marissa N. Hamilton

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

LA2021601666
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Exhibit A

Accusation No. 7139

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
4 State Bar No. 322489
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6 Facsimile: (916) 731-2126
E-mail: Marissa.Hamilton@doj.ca.gov
7 *Attorneys for Complainant*

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BOARD OF PHARMACY
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12 In the Matter of the Accusation Against:

Case No. 7139

13 **HENRY HAN-NING CHANG**
14 **102 Casuda Canyon Drive, #B**
Monterey Park, CA 91754

ACCUSATION

15 **Pharmacist License No. RPH 64395**

16 Respondent.
17

18
19
20 **PARTIES**

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

23 2. On or about August 17, 2010, the Board of Pharmacy issued Pharmacist License
24 Number RPH 64395 to Henry Han-Ning Chang (Respondent). The Pharmacist License was in
25 full force and effect at all times relevant to the charges brought herein and will expire on April 30,
26 2022, unless renewed.

27 ///

28 ///

1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 4300 of the Code provides, in pertinent part, that every license issued by the
6 Board is subject to discipline, including suspension or revocation.

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued license
9 by operation of law or by order or decision of the board or a court of law, the
10 placement of a license on a retired status, or the voluntary surrender of a license by a
11 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.

12 **STATUTORY PROVISIONS**

13 6. Section 4301 of the Code states, in pertinent part:

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

16 . . .

17 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
18 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.

19 . . .

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

22 . . .

23 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
24 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.

25 . . .
26
27 ///
28 ///

1 7. Section 4306.5 of the Code states:

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

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

8 . . .

9 8. Section 4307 of the Code states, in pertinent part:

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

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

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

27 (b) "Manager, administrator, owner, member, officer, director, associate,
28 partner, or any other person with management or control of a license" as used in this
29 section and Section 4308, may refer to a pharmacist or to any other person who serves
30 in such capacity in or for a licensee.

31 (c) The provisions of subdivision (a) may be alleged in any pleading filed
32 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
33 the Government Code. However, no order may be issued in that case except as to a
34 person who is named in the caption, as to whom the pleading alleges the applicability
35 of this section, and where the person has been given notice of the proceeding as
36 required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
37 the Government Code. The authority to proceed as provided by this subdivision shall
38 be in addition to the board's authority to proceed under Section 4339 or any other
39 provision of law.

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This documentation shall be kept on site and available for inspection.

(c) Continuing Education: A pharmacist must complete one hour of ongoing continuing education focused on immunizations and vaccines from an approved provider once every two years.

(d) Notifications: A pharmacist shall notify, each patient's primary care provider of any vaccine administered to the patient, or enter the appropriate information in a patient record system shared with the primary care provider, as permitted by the primary care provider. Primary care provider notification must take place within 14 days of the administration of any vaccine. If a patient does not have a primary care provider, or is unable to provide contact information for his or her primary care provider, the pharmacist shall advise the patient to consult an appropriate health care provider of the patient's choice. A pharmacist shall notify each pregnant patient's prenatal care provider, if known, of any vaccine administered to the patient within 14 days of the administration of any vaccine.

(e) Immunization Registry: A pharmacist shall report, in accordance with section 4052.8, subdivision (b)(3), of the Business and Professions Code, the information described in section 120440, subdivision (c), of the Health and Safety Code within 14 days of the administration of any vaccine. A pharmacist shall inform each patient or the patient's guardian of immunization record sharing preferences, detailed in section 120440, subdivision (e), of the Health and Safety Code.

(f) Documentation: For each vaccine administered by a pharmacist, a patient vaccine administration record shall be maintained in an automated data processing or manual record mode such that the information required under section 300aa-25 of title 42 of the United States Code is readily retrievable during the pharmacy or facility's normal operating hours. A pharmacist shall provide each patient with a vaccine administration record, which fully documents the vaccines administered by the pharmacist. An example of an appropriate vaccine administration record is available on the Board of Pharmacy's website.

COST RECOVERY

12. Section 125.3 of the Code provides, 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DANGEROUS DRUGS

13. Code Section 4022 states:

Dangerous drug" or "dangerous device" means any drug or device unsafe for self use in humans or animals, and includes the following:

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

(b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

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

14. The Pfizer-BioNTech Covid-19 Vaccine is a dangerous drug pursuant to Code section 4022.

FACTUAL ALLEGATIONS

15. At all times relevant herein, Respondent was employed as a pharmacist at the El Monte Comprehensive Health Center Pharmacy (Pharmacy) in Los Angeles, California.

16. On or about January 21, 2021, the Pharmacy began providing the Pfizer-BioNTech Covid-19 vaccination (Covid-19 vaccine) for Los Angeles County Department of Health Services empaneled patients. The Pharmacy was following protocols which were set by the Department of Public Health for vaccination, which included criteria for who is eligible to receive a Covid-19 vaccine during specific dates/phases of rollout. The vaccination procedure involved a standardized protocol in which only patients who met the Department of Public Health's vaccination criteria were allowed to make an appointment and receive the Covid-19 vaccine. In addition the Pharmacy was only providing vaccines to patients who were empaneled to Los Angeles County Department of Health Services providers, and was not offering Covid-19 vaccinations to the general public.

17. The Pharmacy followed a set procedure for Covid-19 vaccinations, and all staff had been instructed and trained on the process. The Pharmacy's required Covid-19 vaccination procedure is summarized as follows:

- Eligible patients with scheduled appointments were to check in at the registration site for their appointment time and submit a current consent for treatment.
- Pharmacists and technicians were individually reconstituting the Covid-19 vaccine vials as necessary and drawing up the syringes on demand as the patients were being prepared for vaccination. Per the Food and Drug Administration (FDA) Emergency Use Authorization for the Covid-19 vaccine, six (6) doses maximum were to be

drawn up from each vial. Once reconstituted, the vaccine remains viable for six (6) hours. After six (6) doses are drawn up, the vial and any remaining contents were to be properly discarded in an approved pharmaceutical waste bin.

- Staff would administer the vaccination to the patient in the designated clinic area, and then complete the required documentation in the California Immunization Registry (CAIR) computer system. Patients were given a vaccination card and fact sheet and sent to the observation area, which was staffed by a provider and nursing staff, to be observed for approximately fifteen (15) minutes after injection for side effects or adverse reactions.

18. On or about January 28, 2021 at approximately 1900 hours, a security officer observed Respondent on the Pharmacy's live surveillance video escorting (2) two males and one (1) female into the Pharmacy's rear loading dock area. Respondent entered the facility through the back door and escorted the (3) individuals into a restricted area of the Pharmacy. Respondent drew up the remnants from discarded Covid-19 vaccine vials into two syringes and administered the vaccine to one (1) elderly male individual and one (1) elderly female individual. In addition, Respondent gave the other male individual an empty Covid-19 vaccine vial. Respondent provided the elderly male and elderly female individuals with a Covid-19 vaccination card and escorted the three (3) individuals back outside through the Pharmacy's rear loading dock area.

19. The security officer who observed the above-described suspicious activity on the video surveillance, approached Respondent and, upon questioning, Respondent admitted that he administered the Covid-19 vaccine to the two (2) elderly individuals.

20. The Center for Disease Control (CDC), FDA, and Covid-19 vaccine manufacturer guidelines state not to pool excess Covid-19 vaccine from multiple vials in order to make a vaccine dose. Moreover, the individuals did not come through the facility's front door for screening per standard protocol for proper registration, but rather entered through the back door into a restricted part of the Pharmacy. Further, Respondent failed to document the clinical interaction in the electronic health record as required by the facility's policy. Respondent also did not obtain the required patient consent forms, and Respondent did not enter the data for these

1 vaccinations into the CAIR computer system as required. In addition, the individuals Respondent
2 vaccinated did not stay for observation of side effects or adverse reactions for fifteen (15) minutes
3 after injection as required.

4 21. On or about January 29, 2021, Respondent met with the Pharmacist-In-Charge and
5 several other facility and security staff regarding the incident. Respondent admitted that he took
6 discarded Covid-19 vaccine vials and pooled the remaining contents to make full doses in order to
7 administer vaccinations to these individuals. Respondent also admitted that he had been keeping
8 track of when the vials were reconstituted, so that he could administer the combined remnants of
9 the vaccine before expiration (i.e., within the six (6) hour window). Respondent stated that the
10 two (2) elderly individuals he vaccinated in the restricted area of the Pharmacy on January 28,
11 2021 were the parents of a colleague he worked with at another pharmacy. Respondent also
12 admitted that he did not register these two (2) vaccinations in the CAIR computer system.
13 Respondent acknowledged that he was aware it was against protocol to pool remnants of the
14 vaccine from discarded vials in order to make a full dose and that it was against policy to
15 administer the vaccine to family, friends, or anyone that was not an eligible Los Angeles County
16 Department of Health Services empaneled patient with a valid appointment.

17 22. On or about January 29, 2021, Respondent was placed on Ordered Absence
18 (administrative leave without pay) from his pharmacist position at the Pharmacy pending further
19 investigation of this incident.

20 23. The Pharmacy thereafter conducted an audit of the pharmaceutical waste container
21 and security video footage. Based on the Pharmacy's Covid-19 vaccine logs from January 25,
22 2021 through January 28, 2021, which documented the number of Covid-19 vaccine vials used
23 and discarded each day, the pharmaceutical waste container should have contained fifty-two (52)
24 vials; however, only forty (40) vials found. Therefore, a total of twelve (12) vials were missing
25 and unaccounted for. When pooled together, twelve (12) vials provides enough discarded
26 remnants to make eight (8) doses of the Covid-19 vaccine. Upon review of the Pharmacy's
27 security video footage from January 25, 2021 through January 28, 2021, Respondent was
28 observed on multiple occasions taking syringes and discarded Covid-19 vaccine vials, going into

1 the restroom with Pharmacy items, taking photos of the Pharmacy vaccine logs with his
2 cellphone, and exiting the Pharmacy to the patient parking lot and returning with used syringes.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Inappropriate Exercise of Education, Training, or Experience as Pharmacist)**

5 24. Respondent is subject to disciplinary action under Code sections 4301, subdivisions
6 (j) and (o), in conjunction with Code sections 4306.5, subdivision (a), on the grounds of
7 unprofessional conduct, in that Respondent committed acts or omissions that involve, in whole or
8 in part, the inappropriate exercise of his education, training, or experience as a pharmacist when
9 he violated Covid-19 vaccination protocols, requirements, and procedures resulting in the misuse
10 of the Covid-19 vaccine while employed as a pharmacist at El Monte Comprehensive Health
11 Center Pharmacy. Complainant refers to, and by this reference incorporates the allegations set
12 forth above in paragraphs 15 through 23, inclusive, as though fully set forth herein.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Pharmacist Immunization Protocol**
15 **and/or Record Keeping Requirements)**

16 25. Respondent is subject to disciplinary action under Code sections 4301, subdivisions
17 (j) and (o), in conjunction with Code sections 4052, subdivision (a)(11), and 4052.8, subdivisions
18 (a) and (b)(3), and Code of Regulations, title 16, section 1746.4, subdivisions (a), (e), and (f), on
19 the grounds of unprofessional conduct, in that on or about January 28, 2021, Respondent failed to
20 comply with prescriber protocols and/or all state and federal recordkeeping and reporting
21 requirements in initiating and administering the Covid-19 vaccine in that Respondent failed to
22 record the vaccinations for the two (2) elderly individuals in the CAIR computer system as
23 required. Complainant refers to, and by this reference incorporates the allegations set forth above
24 in paragraphs 15 through 23, inclusive, as though fully set forth herein.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct)**

27 26. Respondent is subject to disciplinary action under Code sections 4301, in that
28 Respondent committed acts constituting unprofessional conduct when he violated Covid-19

1 vaccination protocols, requirements, and procedures resulting in the misuse of the Covid-19
2 vaccine while employed as a pharmacist at El Monte Comprehensive Health Center Pharmacy.
3 Complainant refers to, and by this reference incorporates the allegations set forth above in
4 paragraphs 15 through 23, inclusive, as though fully set forth herein.

5 **OTHER MATTERS**

6 27. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
7 Number RPH 64395, issued to Henry Han-Ning Chang, Respondent Chang shall be prohibited
8 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
9 of a licensee for five years if Pharmacist License Number RPH 64395 is placed on probation or
10 until Pharmacist License Number RPH 64395 is reinstated if it is revoked.

11 **PRAYER**

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

- 14 1. Revoking or suspending Pharmacist License Number RPH 64395, issued to Henry
15 Han-Ning Chang;
- 16 2. Ordering Henry Han-Ning Chang to pay the Board of Pharmacy the reasonable costs
17 of the investigation and enforcement of this case, pursuant to Business and Professions Code
18 section 125.3; and,
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20
21

22 DATED: 11/6/2021

Signature on File

23 ANNE SODERGREN
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 *Complainant*

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