

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

In the Matter of the Accusation Against:

JUDE MENG-FENG HSIEH, Respondent

Pharmacist License No. RPH 50908

Agency Case No. 7292

OAH No. 2022080141

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 November 2, 2022.

It is so ORDERED on October 3, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light blue rectangular background.

Seung W. Oh, Pharm.D.
Board President

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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 **JUDE MENG-FENG HSIEH**
15 **27890 Clinton Keith Road, #D326**
16 **Murrieta, CA 92562**

17 **Pharmacist License No. RPH 50908**

18 Respondent.

Case No. 7292

OAH No. 2022080141

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

21 **PARTIES**

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

26 2. Respondent Jude Meng-Feng Hsieh (Respondent) is represented in this proceeding by
27 attorney Sharla L. Evert, Esq., whose address is: 23811 Washington Ave. Ste. C110, #435
28 Murrieta, CA 92562

3. On or about August 30, 1999, the Board issued Pharmacist License No. RPH 50908 to Jude Meng-Feng Hsieh (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 7292, and will expire on July 31, 2023, unless renewed.

JURISDICTION

4. Accusation No. 7292 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 June 6, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 7292 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 No. 7292. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. 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.

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 7292.

10. Respondent agrees that his Pharmacist License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy 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 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

14. 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 Pharmacist License No. RPH 50908 issued to Respondent Jude Meng-Feng Hsieh is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1 **1. Suspension**

2 As part of probation, Respondent is suspended from practice as a pharmacist beginning the
3 effective date of this Decision and until such time that the Pharmacist Recovery Program deems
4 him safe to practice.

5 During suspension, Respondent shall not enter any pharmacy area or any portion of the
6 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
7 retailer, or any other distributor of drugs that is licensed by the Board, or any manufacturer, or
8 any area where dangerous drugs and/or dangerous devices or controlled substances are
9 maintained.

10 Respondent shall not practice pharmacy nor do any act involving drug selection, selection
11 of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Respondent
12 manage, administer, or be a consultant to any licensee of the Board, or have access to or control
13 the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous
14 devices or controlled substances.

15 During this suspension, Respondent shall not engage in any activity that requires the
16 professional judgment of and/or licensure as a pharmacist. Respondent shall not direct or control
17 any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling, or
18 retailing of dangerous drugs and/or dangerous devices or controlled substances.

19 Failure to comply with this suspension shall be considered a violation of probation.

20 **2. Obey All Laws**

21 Respondent shall obey all state and federal laws and regulations.

22 Respondent shall report any of the following occurrences to the Board, in writing, within
23 seventy- two (72) hours of such occurrence:

- 24 • an arrest or issuance of a criminal complaint for violation of any provision of the
25 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
26 substances laws
- 27 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
28 criminal proceeding to any criminal complaint, information or indictment

- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

3. Report to the Board

Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

4. Interview with the Board

Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

5. Cooperate with Board Staff

Respondent shall timely cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of his probation, including but not limited to: timely responses to requests for information by Board staff; timely compliance with directives from Board staff regarding requirements of any

term or condition of probation; and timely completion of documentation pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a violation of probation.

6. Continuing Education

Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board or its designee.

7. Reporting of Employment and Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the Decision in case number 7292 and the terms, conditions and restrictions imposed on Respondent by the Decision, as follows:

Within thirty (30) days of the effective date of this Decision, and within ten (10) days of undertaking any new employment, Respondent shall report to the Board in writing the name, physical address, and mailing address of each of his employer(s), and the name(s) and telephone number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for leaving the prior employment. Respondent shall sign and return to the Board a written consent authorizing the Board or its designee to communicate with all of Respondent's employer(s) and supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the Board or its designee, concerning Respondent's work status, performance, and monitoring. Failure to comply with the requirements or deadlines of this condition shall be considered a violation of probation.

Within thirty (30) days of the effective date of this Decision, and within fifteen (15) days of Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor, (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor, and (c) the owner or owner representative of his employer, to report to the Board in writing acknowledging that the listed individual(s) has/have read the Decision in case number 7292, and terms and conditions imposed thereby. If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the

1 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
2 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in
3 writing within fifteen (15) days of the change acknowledging that he or she has read the Decision
4 in case number 7292, and the terms and conditions imposed thereby.

5 If Respondent works for or is employed by or through an employment service, Respondent
6 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board
7 of the Decision in case number 7292, and the terms and conditions imposed thereby in advance of
8 Respondent commencing work at such licensed entity. A record of this notification must be
9 provided to the Board upon request.

10 Furthermore, within thirty (30) days of the effective date of this Decision, and within fifteen
11 (15) days of Respondent undertaking any new employment by or through an employment service,
12 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment
13 service to report to the Board in writing acknowledging that he or she has read the Decision in
14 case number, and the terms and conditions imposed thereby. It shall be Respondent's
15 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

16 Failure to timely notify present or prospective employer(s) or failure to cause the identified
17 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board
18 shall be considered a violation of probation.

19 "Employment" within the meaning of this provision includes any full-time, part-time,
20 temporary, relief, or employment/management service position as a pharmacist, or any position
21 for which a pharmacist is a requirement or criterion for employment, whether the Respondent is
22 an employee, independent contractor or volunteer.

23 **8. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

24 Respondent shall further notify the Board in writing within ten (10) days of any change in
25 name, residence address, mailing address, e-mail address or phone number.

26 Failure to timely notify the Board of any change in employer, name, address, or phone
27 number shall be considered a violation of probation.
28

1 **9. Restrictions on Supervision and Oversight of Licensed Facilities –**

2 During the period of probation, Respondent shall not supervise any intern pharmacist, be
3 the pharmacist-in-charge, designated representative-in-charge, responsible manager or other
4 compliance supervisor of any entity licensed by the Board, nor serve as a consultant. Assumption
5 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

6 **10. Reimbursement of Board Costs**

7 As a condition precedent to successful completion of probation, Respondent shall pay to the
8 Board its costs of investigation and prosecution in the amount of \$9,516. Respondent shall make
9 said payments as follows: Beginning on the effective date of the decision, and due on the first of
10 each month thereafter, Respondent shall pay \$198.25 per month until paid in full.

11 There shall be no deviation from this schedule absent prior written approval by the Board or
12 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
13 probation.

14 Respondent shall be permitted to pay these costs in a payment plan approved by the Board
15 or its designee, so long as full payment is completed no later than one (1) year prior to the end
16 date of probation.

17 **11. Probation Monitoring Costs**

18 Respondent shall pay any costs associated with probation monitoring as determined by the
19 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
20 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
21 shall be considered a violation of probation.

22 **12. Status of License**

23 Respondent shall, at all times while on probation, maintain an active, current Pharmacist
24 License with the Board, including any period during which suspension or probation is tolled.
25 Failure to maintain an active, current Pharmacist License shall be considered a violation of
26 probation.

27 If Respondent's Pharmacist License expires or is cancelled by operation of law or otherwise
28 at any time during the period of probation, including any extensions thereof due to tolling or

otherwise, upon renewal or reapplication Respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

13. License Surrender While on Probation/Suspension

Following the effective date of this Decision, should Respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may relinquish His license, including any indicia of licensure issued by the Board, along with a request to surrender the license. The Board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board.

Upon acceptance of the surrender, Respondent shall relinquish His pocket and/or wall license, including any indicia of licensure not previously provided to the Board within ten (10) days of notification by the Board that the surrender is accepted if not already provided. Respondent may not reapply for any license from the Board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

14. Practice Requirement – Extension of Probation

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a pharmacist in California for a minimum of one-hundred (100) hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, Respondent must nonetheless comply with all terms and conditions of probation, unless Respondent receives a waiver in writing from the Board or its designee.

If Respondent does not practice as a pharmacist in California for the minimum number of hours in any calendar month, for any reason (including vacation), Respondent shall notify the Board in writing within ten (10) days of the conclusion of that calendar month. This notification

1 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
2 interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume
3 practice at the required level. Respondent shall further notify the Board in writing within ten (10)
4 days following the next calendar month during which Respondent practices as a pharmacist in
5 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
6 considered a violation of probation.

7 It is a violation of probation for Respondent's probation to be extended pursuant to the
8 provisions of this condition for a total period, counting consecutive and non-consecutive months,
9 exceeding thirty-six (36) months. The Board or its designee may post a notice of the extended
10 probation period on its website.

11 **15. Violation of Probation**

12 If Respondent has not complied with any term or condition of probation, the Board shall
13 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent
14 that probation shall automatically be extended, until all terms and conditions have been satisfied
15 or the Board has taken other action as deemed appropriate to treat the failure to comply as a
16 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
17 Board or its designee may post a notice of the extended probation period on its website.

18 If Respondent violates probation in any respect, the Board, after giving Respondent notice
19 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
20 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
21 probation, or the preparation of an accusation or petition to revoke probation is requested from
22 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of
23 probation shall be automatically extended until the petition to revoke probation or accusation is
24 heard and decided.

25 **16. Completion of Probation**

26 Upon written notice by the Board or its designee indicating successful completion of
27 probation, Respondent's license will be fully restored.
28

17. **Pharmacists Recovery Program (PRP)**

By no later than ten (10) days after the effective date of this Decision, Respondent shall have completed all of the following: contacted the Pharmacists Recovery Program (PRP) for evaluation; enrolled in the PRP; completed, signed, and returned the treatment contract as well as any addendums required or suggested by the PRP; successfully completed registration for any drug or alcohol testing mandated by the treatment contract and/or by enrollment in the PRP; and begun compliance with the drug or alcohol testing protocol(s). Respondent shall successfully participate in the PRP and complete the treatment contract and any addendums required or suggested by the PRP. The costs for PRP participation shall be borne by the Respondent.

If Respondent is currently enrolled in the PRP, said participation is now mandatory and as of the effective date of this Decision is no longer considered a self-referral under Business and Professions Code section 4362 (a)(2). Respondent shall successfully participate in and complete his current contract and any subsequent addendums with the PRP.

Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not timely paid to the PRP shall constitute a violation of probation. The Board will collect unpaid administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

Any of the following shall result in the automatic suspension of practice by Respondent and shall be considered a violation of probation:

Failure to contact, complete enrollment, and execute and return the treatment contract with the PRP, including any addendum(s), within ten (10) days of the effective date of the Decision as directed by the PRP;

Failure to complete registration for any drug or alcohol testing mandated by the treatment contract and/or by the PRP, and begin compliance with the testing protocol(s), within ten (10) days of the effective date of the Decision as directed by the PRP;

Failure to comply with testing protocols regarding daily check-in and/or failure to complete a mandated test as directed by the PRP;

Any report from the PRP of material non-compliance with the terms and conditions of the treatment contract and/or any addendum(s); or

1 Termination by the PRP for non-compliance, failure to derive benefit, or as a public risk.

2 Respondent may not resume the practice of pharmacy until notified by the Board in writing.
3 Probation shall be automatically extended until Respondent successfully completes the PRP. The
4 Board will provide notice of any such suspension or extension of probation.

5 During any suspension, Respondent shall not enter any pharmacy area or any portion of the
6 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
7 retailer, or any other distributor of drugs which is licensed by the Board, or any manufacturer, or
8 any area where dangerous drugs and/or dangerous devices or controlled substances are
9 maintained. Respondent shall not practice as a pharmacist nor do any act involving drug
10 selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor
11 shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have
12 access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs
13 and/or dangerous devices or controlled substances.

14 During any suspension, Respondent shall not engage in any activity that requires the
15 professional judgment of and/or licensure as a pharmacist. Respondent shall not direct or control
16 any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or
17 retailing of dangerous drugs and/or dangerous devices or controlled substances.

18 Failure to comply with any requirement or deadline stated by this term shall be considered a
19 violation of probation.

20 18. Drug and Alcohol Testing

21 Respondent, at his own expense, shall participate in testing as directed by the Board or its
22 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
23 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
24 breathalyzer, hair follicle testing, or other testing protocols as directed by the Board or its
25 designee. All testing must be pursuant to an observed testing protocol, unless Respondent is
26 informed otherwise in writing by the Board or its designee. Respondent may be required to
27 participate in testing for the entire probation period and frequency of testing will be determined
28 by the Board or its designee.

1 By no later than thirty (30) days after the effective date of this Decision, Respondent shall
2 have completed all of the following tasks: enrolled and registered with an approved drug and
3 alcohol testing vendor; provided that vendor with any documentation, and any information
4 necessary for payment by Respondent; commenced testing protocols, including all required
5 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,
6 Respondent shall fully cooperate with the testing vendor, and with the Board or its designee, with
7 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to
8 cooperate timely shall be considered a violation of probation.

9 Respondent may be required to test on any day, including weekends and holidays.
10 Respondent is required to make daily contact with the testing vendor to determine if a test is
11 required, and if a test is required must submit to testing on the same day.

12 Prior to any vacation or other period of absence from the area where the approved testing
13 vendor provides services, Respondent shall seek and receive approval from the Board or its
14 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,
15 Respondent shall enroll and register with the approved alternate drug testing vendor, provide to
16 that alternate vendor any documentation required by the vendor, including any necessary payment
17 by Respondent. During the period of absence of the area, Respondent shall commence testing
18 protocols with the alternate vendor, including required daily contacts with the testing vendor to
19 determine if testing is required, and required testing. Any failure to timely seek or receive
20 approval from the Board or its designee, or to timely enroll and register with, timely commence
21 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
22 considered a violation of probation.

23 Upon detection of an illicit drug, controlled substance or dangerous drug, the Board or its
24 designee may require Respondent to timely provide documentation from a licensed practitioner
25 authorized to prescribe the detected substance demonstrating that the substance was administered
26 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such
27 documentation shall be provided by Respondent within ten (10) days of being requested.
28

Any of the following shall be considered a violation of probation and shall result in Respondent being immediately suspended from practice as a pharmacist until notified by the Board in writing that he may resume practice: failure to timely complete all of the steps required for enrollment/registration with the drug testing vendor, including making arrangements for payment; failure to timely commence drug testing protocols; failure to contact the drug testing vendor as required to determine testing date(s); failure to test as required; failure to timely supply documentation demonstrating that a detected substance was taken pursuant to a legitimate prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a controlled substance or dangerous drug absent documentation that the detected substance was taken pursuant to a legitimate prescription and a necessary treatment, the Board or its designee shall inform Respondent of the suspension and inform him to immediately leave work, and shall notify Respondent's employer(s) and work site monitor(s) of the suspension.

During any such suspension, Respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal drug retailer, or any other distributor of drugs which is licensed by the Board, or any manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices and controlled substances.

During any such suspension, Respondent shall not engage in any activity that requires the professional judgment of and/or licensure as a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or retailing of dangerous drugs and/or dangerous devices.

1 Failure to comply with any such suspension shall be considered a violation of probation.
2 Failure to comply with any requirement or deadline stated by this term shall be considered a
3 violation of probation.

4 **19. Notification of Departure**

5 Prior to leaving the probationary geographic area designated by the Board or its designee
6 for a period greater than twenty-four (24) hours, Respondent shall notify the Board verbally and
7 in writing of the dates of departure and return. Failure to comply with this provision shall be
8 considered a violation of probation.

9 **20. Abstain from Drugs and Alcohol**

10 Respondent shall completely abstain from the possession or use of alcohol, controlled
11 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
12 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
13 necessary part of treatment. Respondent shall ensure that he is not in the same physical location
14 as individuals who are using illicit substances even if Respondent is not personally ingesting the
15 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled
16 substances, or their associated paraphernalia for which a legitimate prescription has not been
17 issued as a necessary part of treatment, or any physical proximity to persons using illicit
18 substances, shall be considered a violation of probation.

19 **21. Prescription Coordination and Monitoring of Prescription Use**

20 Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the
21 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
22 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
23 Respondent's history with the use of controlled substances and/or dangerous drugs, and who will
24 coordinate and monitor any prescriptions for Respondent for dangerous drugs and/or dangerous
25 devices, controlled substances or mood-altering drugs. The approved practitioner shall be
26 provided with a copy of the Board's Accusation and Decision. A record of this notification must
27 be provided to the Board or its designee upon request. Respondent shall sign a release
28 authorizing the practitioner to communicate with the Board or its designee about Respondent's

1 treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist
2 shall report to the Board on a quarterly basis for the duration of probation regarding Respondent's
3 compliance with this condition. If any substances considered addictive have been prescribed, the
4 report shall identify a program for the time limited use of any such substances. The Board or its
5 designee may require that the single coordinating physician, nurse practitioner, physician assistant
6 or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine.
7 Should Respondent, for any reason, cease supervision by the approved practitioner, Respondent
8 shall notify the Board or its designee immediately and, within thirty (30) days of ceasing
9 supervision, submit the name of a replacement physician, nurse practitioner, physician assistant,
10 or psychiatrist of Respondent's choice to the Board or its designee for its prior approval. Failure
11 to timely submit the selected practitioner or replacement practitioner to the Board or its designee
12 for approval, or to ensure the required quarterly reporting thereby, shall be considered a violation
13 of probation.

14 If at any time an approved practitioner determines that Respondent is unable to practice
15 safely or independently as a pharmacist, the practitioner shall notify the Board or its designee
16 immediately by telephone and follow up by written letter within three (3) working days. Upon
17 notification from the Board or its designee of this determination, Respondent shall be
18 automatically suspended and shall not resume practice as a pharmacist until notified by the Board
19 or its designee that practice may be resumed.

20 During any suspension, Respondent shall not enter any pharmacy area or any portion of the
21 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
22 retailer, or any other distributor of drugs which is licensed by the Board, or any manufacturer, or
23 any area where dangerous drugs and/or dangerous devices or controlled substances are
24 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
25 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
26 Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to
27 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
28

1 dangerous devices and controlled substances. Respondent shall not resume practice until notified
2 by the Board.

3 During any suspension, Respondent shall not engage in any activity that requires the
4 professional judgment and/or licensure as a pharmacist. Respondent shall not direct or control
5 any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling, or
6 retailing of dangerous drugs and/or dangerous devices or controlled substances.

7 Failure to comply with any requirement or deadline stated by this term shall be considered a
8 violation of probation.

9 **22. Facilitated Group Recovery and/or Support Meetings**

10 Within thirty (30) days of the effective date of this Decision, Respondent shall begin
11 regular attendance at a group recovery and/or support meeting that is run by a trained facilitator
12 approved in advance by the Board or its designee. The required frequency of group meeting
13 attendance shall be determined by the Board or its designee. Respondent shall continue regular
14 attendance as directed at an approved facilitated group meeting until the Board or its designee
15 advises the Respondent in writing that he may cease regular attendance. Respondent shall
16 provide signed and dated documentation of attendance as required with each quarterly report.
17 Failure to attend as required or to submit documentation of attendance shall be considered a
18 violation of probation.

19 If Respondent is required to participate in the PRP, compliance with this term can be
20 demonstrated through that program. Where Respondent is enrolled in the PRP, participation as
21 required in a facilitated group meeting approved by the PRP shall be sufficient for satisfaction of
22 this requirement. Any deviation from participation requirements for the PRP-approved group
23 shall be considered a violation of probation.

24 **23. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

25 Within thirty (30) days of the effective date of this Decision, Respondent shall begin
26 regular attendance at a recognized and established substance abuse recovery support group in
27 California (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved
28 by the Board or its designee. Respondent must attend the number of group meetings per week or

1 month directed by the Board or its designee, which shall typically be at least one per week.
2 Respondent shall continue regular attendance and submit signed and dated documentation
3 confirming attendance with each quarterly report for the duration of probation. Failure to attend
4 or submit documentation thereof shall be considered a violation of probation.

5 Where Respondent is enrolled in the PRP, participation as required in a recovery group
6 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any
7 deviation from participation requirements for the PRP-approved group shall be considered a
8 violation of probation.

9 24. **Work Site Monitor**

10 Within ten (10) days of the effective date of this Decision, Respondent shall identify a work
11 site monitor, for prior approval by the Board or its designee, who shall be responsible for
12 supervising Respondent during working hours. Respondent shall be responsible for ensuring that
13 the work site monitor reports in writing to the Board monthly or on another schedule as directed
14 by the Board or its designee. Should the designated work site monitor suspect at any time during
15 the probationary period that Respondent has abused alcohol or drugs, he or she shall notify the
16 Board immediately.

17 In the event of suspected abuse, the monitor shall make at least oral notification within one
18 (1) business day of the occurrence, and shall be followed by written notification within two (2)
19 business days of the occurrence. If, for any reason, including change of employment, Respondent
20 is no longer able to be monitored by the approved work site monitor, within ten (10) days
21 Respondent shall designate a new work site monitor for approval by the Board or its designee.
22 Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure
23 monthly reports are submitted to the Board by the monitor, shall be considered a violation of
24 probation.

25 Within thirty (30) days of being approved by the Board or its designee, the work site
26 monitor shall sign an affirmation that he or she has reviewed the terms and conditions of
27 Respondent's disciplinary order and agrees to monitor Respondent. The work site monitor shall
28 at least:

- 1) Have regular face-to-face contact with Respondent in the work environment, at least once per week or with greater frequency if required by the Board or its designee;
- 2) Interview other staff in the office regarding Respondent's behavior, if applicable; and
- 3) Review Respondent's work attendance.

The written reports submitted to the Board or its designee by the work site monitor shall include at least the following information: Respondent's name and license number; the monitor's name, license number (if applicable) and work site location; the date(s) the monitor had face-to-face contact with Respondent; the staff interviewed, if applicable; an attendance report; notes on any changes in Respondent's behavior or personal habits; notes on any indicators that may lead to substance abuse; and the work site monitor's signature.

Respondent shall complete the required consent forms and sign an agreement with the work site monitor and the Board to allow the Board to communicate with the work site monitor.

25. Ethics Course

Within sixty (60) calendar days of the effective date of this Decision, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall provide proof of enrollment upon request. Within five (5) days of completion, Respondent shall submit a copy of the certificate of completion to the Board or its designee. Failure to timely enroll in an approved ethics course, to initiate the course during the first year of probation, to successfully complete it before the end of the second year of probation, or to timely submit proof of completion to the Board or its designee, shall be considered a violation of probation.

26. Supervised Practice

Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the Board or its designee, for prior approval, the name of a pharmacist by and not on probation with the Board, to serve as Respondent's practice supervisor. As part of the documentation submitted, Respondent shall cause the proposed practice supervisor to report to the Board in writing acknowledging that he or she has read the Decision in case number 7292, and is familiar with the terms and conditions imposed thereby, including the level of supervision required by the Board or

1 its designee. This level will be determined by the Board or its designee, will be communicated to
2 the Respondent on or before the effective date of this Decision and shall be one of the following:

3 Continuous – At least 75% of a work week

4 Substantial - At least 50% of a work week

5 Partial - At least 25% of a work week

6 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

7 Respondent may practice only under the required level of supervision by an approved
8 practice supervisor. If, for any reason, including change of employment, Respondent is no longer
9 supervised at the required level by an approved practice supervisor, within ten (10) days of this
10 change in supervision Respondent shall submit to the Board or its designee, for prior approval,
11 the name of a pharmacist by and not on probation with the Board, to serve as Respondent's
12 replacement practice supervisor. As part of the documentation submitted, Respondent shall cause
13 the proposed replacement practice supervisor to report to the Board in writing acknowledging that
14 he or she has read the Decision in case number 7292, and is familiar with the terms and
15 conditions imposed thereby, including the level of supervision required.

16 Any of the following shall result in the automatic suspension of practice by a Respondent
17 and shall be considered a violation of probation:

18 Failure to nominate an initial practice supervisor, and to have that practice supervisor report
19 to the Board in writing acknowledging the Decision, terms and conditions, and supervision level,
20 within thirty (30) days;

21 Failure to nominate a replacement practice supervisor, and to have that practice supervisor
22 report to the Board in writing acknowledging the Decision, terms and conditions, and supervision
23 level, within ten (10) days;

24 Practicing in the absence of an approved practice supervisor beyond the initial or
25 replacement nomination period; or

26 Any failure to adhere to the required level of supervision.

27 Respondent shall not resume practice until notified in writing by the Board or its designee.
28

1 During any suspension, Respondent shall not enter any pharmacy area or any portion of the
2 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
3 retailer or any other distributor of drugs which is licensed by the Board, or any manufacturer, or
4 any area where dangerous drugs and/or dangerous devices or controlled substances are
5 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
6 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
7 Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to
8 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
9 dangerous devices or controlled substances.

10 During any suspension, Respondent shall not engage in any activity that requires the
11 professional judgment and/or licensure as a pharmacist. Respondent shall not direct or control
12 any aspect of the practice of pharmacy or of the manufacture, distribution, wholesaling, or
13 retailing of dangerous drugs and/or dangerous devices or controlled substances.

14 Failure to comply with any suspension shall be considered a violation of probation.

15 **27. No Ownership or Management of Licensed Premises**

16 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
17 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
18 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
19 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
20 days following the effective date of this Decision and shall immediately thereafter provide written
21 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
22 documentation thereof shall be considered a violation of probation.

23 ///

24 ///

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Sharla L. Evert, Esq. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

JUDE MENG-FENG HSIEH
Respondent

I have read and fully discussed with Respondent Jude Meng-Feng Hsieh the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

SHARLA L. EVERT, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: _____

Respectfully submitted,

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


NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

SD2022800989

1 ACCEPTANCE

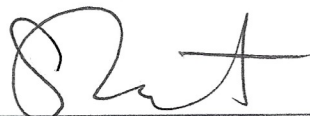
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Sharla L. Evert, Esq. I understand the stipulation and the effect it
4 will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Board of Pharmacy.

7
8 DATED: 8/26/22


9 JUDE MENG-FENG HSIEH
Respondent

10 I have read and fully discussed with Respondent Jude Meng-Feng Hsieh the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: 8/26/22


14 SHARLA L. EVERT, ESQ.
Attorney for Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for consideration by the Board of Pharmacy.

18
19 DATED: 8/29/2022

Respectfully submitted,

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

22 *Nicole R. Trama*

23 NICOLE R. TRAMA
24 Deputy Attorney General
Attorneys for Complainant

25
26
27
28 SD2022800989

Exhibit A

Accusation No. 7292

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
4 State Bar No. 263607
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9441
7 Facsimile: (619) 645-2061
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:

Case No. 7292

14 **JUDE MENG-FENG HSIEH**
15 **27890 Clinton Keith Rd., #D326**
Murrieta, CA 92562

ACCUSATION

16 **Pharmacist License No. RPH 50908**

17 Respondent.

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 (Board), Department of Consumer Affairs.

22 2. On or about August 30, 1999, the Board issued Pharmacist License Number RPH
23 50908 to Jude Meng-Feng Hsieh (Respondent). The Pharmacist License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on July 31, 2023, unless
25 renewed.

26 ///

27 ///

28 ///

JURISDICTION

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

4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act (Health & Safety Code, § 11000 *et seq.*).

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

6. Code section 4300.1 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 PROVISIONS

7. 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.

8. Code section 4059 states in part:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

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

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

4 10. Section 4301 of the Code states:

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

7 ...

8 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
9 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.

10 ...

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

14 ...

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

17 ...

18 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
19 abetting the violation of or conspiring to violate any provision or term of this chapter
20 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.

21 ...

22 11. Code section 4307, subdivision (a) states:

23 Any person who has been denied a license or whose license has been revoked
24 or is under suspension, or who has failed to renew his or her license while it was
25 under suspension, or who has been a manager, administrator, owner member, officer,
26 director, associate, or partner of any partnership, corporation, firm, or association
27 whose application for a license has been denied or revoked, is under suspension or
28 has been placed on probation, and while acting as the manger, administrator, owner,
 member, officer, director, associate, or partner had knowledge 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 manger, administrator,
 owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

6 12. Health and Safety Code section 11170 states that no person shall prescribe,
7 administer, or furnish a controlled substance for himself.

8 **REGULATORY PROVISIONS**

9 13. California Code of Regulations, title 16, section 1714, states in part:

10 . . .

11 (b) Each pharmacy licensed by the board shall maintain its facilities, space,
12 fixtures, and equipment so that drugs are safely and properly prepared, maintained,
13 secured and distributed. The pharmacy shall be of sufficient size and unobstructed
14 area to accommodate the safe practice of pharmacy.

15 . . .

16 14. California Code of Regulations, title 16, section 1715.6 requires the owner to
17 report losses of controlled substances to the Board within thirty (30) days after the date of
18 discovery.

19 **COST RECOVERY**

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

24 **DRUGS**

25 16. Denavir, the brand name for the generic Penciclovir, is a dangerous drug pursuant to
26 Business and Professions Code section 4022.

27 17. Fioricet, the brand name for Butalbital/caffeine/acetaminophen, is a dangerous drug
28 pursuant to Business and Professions Code section 4022. These products have an exemption
from the federal designation of a controlled substance, but were considered controlled substances

(Schedule III) per California's Health and Safety Code section 11056(c)(3). Beginning January 1, 2022, these products are exempted from scheduling per Health and Safety Code section 11059(a).

18. Kenalog, the brand name for Triamcinolone cream, is a dangerous drug pursuant to Business and Professions Code section 4022.

19. Norco, the brand name for hydrocodone/acetaminophen, is a dangerous drug pursuant to Business and Professions Code section 4022 and a Schedule II, controlled substance pursuant to Health and Safety Code section 11055(b)(1)I).

20. Soma, the brand name for Carisoprodol, is a dangerous drug pursuant to Business and Professions Code section 4022 and a Schedule IV, controlled substance pursuant to Health and Safety Code section 11057(d).

21. Ultram, the brand name for Tramadol, is a dangerous drug pursuant to Business and Professions Code section 4022 and a Schedule IV, controlled substance pursuant to Title 21, California Federal Regulations, section 1308.14(b)(3).

22. Xanax, the brand name for Alprazolam, is a dangerous drug pursuant to Business and Professions Code section 4022 and a Schedule II, controlled substance pursuant to Health and Safety Code section 11057(d)(1).

FACTUAL ALLEGATIONS

23. Respondent was employed as the Pharmacist-in-Charge at CVS Pharmacy located in Hemet, California. On or about October 12, 2021, Respondent stole Denavir cream from the pharmacy. Respondent was interviewed and admitted that he pocketed, and took home the Denavir cream, and 1 tube of triamcinolone. He also admitted that he took from the pharmacy shelf and self-administered alprazolam (10 tablets), and generic Fioricet (10 tablets). In addition, he admitted that he shorted customers their prescriptions for hydrocodone/acetaminophen 10-325 (20 tablets) and tramadol 50 mg (10 tablets) to self-medicate for his back pain. In a written statement, Respondent stated that he began taking tramadol about six months prior and that he would take medications and ingest them from either the shelf or from patients. He stated that he knew what he did was wrong.

///

24. A Board of Pharmacy inspector conducted an inspection at the CVS Pharmacy and discovered the following losses which were not reported within 30 days as required:

a) Loss of 60 tablets of hydrocodone-acetaminophen 10-325mg, which was identified on October 30, 2018, but not reported to the Board until February 14, 2019.

b) Loss of 30 tablets of hydrocodone-acetaminophen 10-325mg, which was identified on April 28, 2019, but not reported to the Board until June 13, 2019.

c) Loss of 50 tablets of tramadol 50mg, which was identified on July 15, 2019, but not reported to the Board until September 10, 2019.

d) Loss of 197 tablets of hydrocodone-acetaminophen 10-325mg, which was identified in a quarterly reconciliation report from August 2, 2021 to October 31, 2021.

25. The Board inspector also conducted an audit and discovered that the pharmacy could not account for shortages of the following controlled substances:

a) From April 1, 2019 to October 27, 2021:

- Hydrocodone/Acetaminophen 5-325mg, #931 tablets
- Hydrocodone/Acetaminophen 10-325mg, # 1940 tablets
- Alprazolam 0.5mg, #1175 tablets
- Tramadol 50mg, #2319 tablets

b) From April 1, 2019 to April 30, 2020:

- Carisoprodol 350mg, #1293 tablets

c) From April 30, 2019 to January 5, 2022:

- Butalbital/Acetaminophen/Caffeine 50-325-40mg, #47 tablets

FIRST CAUSE FOR DISCIPLINE

(Dishonesty)

26. Respondent's pharmacist license is subject to disciplinary action under Code section 4301, subdivision (f), in that Respondent committed an act of dishonesty when he diverted drugs from his employer, as set forth in paragraphs 23 through 25, above.

///

///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unlawful Administration of Controlled Substances)**

3 27. Respondent's pharmacist license is subject to disciplinary action under Code section
4 4301, subdivision (h), in that Respondent administered controlled substances to himself, as set
5 forth in paragraphs 23 through 25, above.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Violation of Health and Safety Code Regulating Controlled Substances)**

8 28. Respondent's pharmacist license is subject to disciplinary action under Code section
9 4301, subdivision (j), for violating statutes regulating controlled substances in that Respondent
10 violated Health and Safety Code section 11170, when he illegally furnished controlled substances
11 to himself, as set forth in paragraphs 23 through 25, above.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Violation of Business and Professions Code Regulating Controlled Substances &**
14 **Dangerous Drugs)**

15 29. Respondent's pharmacist license is subject to disciplinary action under Code section
16 4301, subdivision (j), for violating statutes regulating controlled substances and dangerous drugs,
17 in that Respondent violated Code section 4059, subdivision (a), for diverting controlled
18 substances and dangerous drugs, as set forth in paragraphs 23 through 25, above.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Operational Standards and Security)**

21 30. Respondent's pharmacist license is subject to disciplinary action under Code section
22 4301, subdivision (o), for violating California Code of Regulations, title 16, section 1714,
23 subdivision (b), in that Respondent failed to maintain the pharmacy's facilities, spaces and
24 equipment so that drugs were safely and properly secured, as set forth in paragraphs 23 through
25 25, above.

26 ///

27 ///

28 ///

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Failure to Report to the Board a Drug Loss)**

3 31. Respondent's pharmacist license is subject to disciplinary action under Code
4 section 4301, subdivision (o), for violating California Code of Regulations, title 16, section
5 1715.6, for failing to report to the Board within thirty days the discovery of any loss of controlled
6 substances, as set forth in paragraphs 23 through 25, above.

7 **DISCIPLINARY CONSIDERATION**

8 32. To determine the degree of discipline, if any, to be imposed on Respondent,
9 Complainant alleges on or about September 1, 2017, the Board of Pharmacy issued Citation
10 Number CI 2017 76098 for violation of California Code of Regulations, title 16, sections 1715(a)
11 and 1735.2(j) (self-assessment requirements) and 1707.2(b)(1)(A) (duty to consult), and issued a
12 fine in the amount of \$2,000. The circumstances that led to the citation are that on or about
13 October 27, 2016, Respondent did not have a previous self-assessment or compounding self-
14 assessment completed and did not provide consultation on a new prescription. The citation was
15 not appealed and is now final.

16 **OTHER MATTERS**

17 33. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
18 Number RPH 50908, issued to Jude Meng-Feng Hsieh, Respondent Jude Meng-Feng Hsieh shall
19 be prohibited from serving as a manager, administrator, owner, member, officer, director,
20 associate, or partner of a licensee for five years if Pharmacist License Number RPH 50908 is
21 placed on probation or until Pharmacist License Number RPH 50908 is reinstated if it is revoked

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacist License Number RPH 50908, issued to Jude
26 Meng-Feng Hsieh;

27 2. Prohibiting Jude Meng-Feng Hsieh from serving as a manager, administrator, owner,
28 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License

1 Number RPH 50908 is placed on probation or until Pharmacist License Number RPH 50908 is
2 reinstated if Pharmacist License Number RPH 77470 issued to Jude Meng-Feng Hsieh is revoked;

3 3. Ordering Jude Meng-Feng Hsieh to pay the Board of Pharmacy the reasonable costs
4 of the investigation and enforcement of this case, pursuant to Business and Professions Code
5 section 125.3; and,

6 4. Taking such other and further action as deemed necessary and proper.
7
8

9 DATED: 5/31/2022
10 _____

Signature on File

11

12 ANNE SODERGREN
13 Executive Officer
14 Board of Pharmacy
15 Department of Consumer Affairs
16 State of California
17 *Complainant*
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