

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

In the Matter of the Accusation Against:

LOLA BAE, Respondent

Pharmacist License No. RPH 83345

Agency Case No. 7344

OAH No. 2023050410

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 December 6, 2023.

It is so ORDERED on November 6, 2023.

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 **LOLA BAE**
15 **2731 Williamsburg Road**
16 **Fullerton, CA 92833**

17 **Pharmacist License No. RPH 83345**

18 Respondent.

Case No. 7344

OAH No. 2023050410

**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 Shannon M. Brubaker, Deputy
25 Attorney General.

26 2. Lola Bae (Respondent) is represented in this proceeding by attorney Ivan Petrzelka,
27 Pharm.D., J.D, MBA, whose address is: 9090 Irvine Center Drive, Irvine, CA 92618.

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1 3. On or about September 18, 2020, the Board issued Pharmacist License Number RPH
2 83345 to Respondent. The Pharmacist License was in full force and effect at all times relevant to
3 the charges brought in Accusation Number 7344, and will expire on May 31, 2024, unless
4 renewed.

5 **JURISDICTION**

6 4. Accusation Number 7344 was filed before the Board, and is currently pending against
7 Respondent. The Accusation and all other statutorily required documents were properly served
8 on Respondent on November 10, 2022. Respondent timely filed her Notice of Defense contesting
9 the Accusation.

10 5. A copy of Accusation Number 7344 is attached as Exhibit A and incorporated herein
11 by reference.

12 **ADVISEMENT AND WAIVERS**

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation Number 7344. Respondent has also carefully read, fully
15 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
16 Order.

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

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

25 **CULPABILITY**

26 9. Respondent admits the truth of each and every charge and allegation in Accusation
27 Number 7344.

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10. Respondent agrees that her Pharmacist License is subject to discipline and she 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. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her 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 Number RPH 83345 issued to Respondent Lola Bae is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions:

1 **1. Obey All Laws**

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

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

- 5 • an arrest or issuance of a criminal complaint for violation of any provision of
6 the Pharmacy Law, state and federal food and drug laws, or state and federal
7 controlled substances laws
8 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
9 criminal proceeding to any criminal complaint, information or indictment
10 • a conviction of any crime
11 • the filing of a disciplinary pleading, issuance of a citation, or initiation of
12 another

13 administrative action filed by any state or federal agency which involves
14 respondent's license or which is related to the practice of pharmacy or the
15 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
16 device or controlled substance.

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

18 **2. Report to the Board**

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

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

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1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

8 Respondent shall timely cooperate with the Board's inspection program and with the
9 Board's monitoring and investigation of Respondent's compliance with the terms and conditions
10 of her probation, including but not limited to: timely responses to requests for information by
11 Board staff; timely compliance with directives from Board staff regarding requirements of any
12 term or condition of probation; and timely completion of documentation pertaining to a term or
13 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

14 **5. Continuing Education**

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

17 **6. Reporting of Employment and Notice to Employers**

18 During the period of probation, Respondent shall notify all present and prospective
19 employers of the decision in case number 7344 and the terms, conditions and restrictions imposed
20 on Respondent by the decision, as follows:

21 Within thirty (30) days of the effective date of the Decision in Case Number 7344, and
22 within ten (10) days of undertaking any new employment, Respondent shall report to the Board in
23 writing the name, physical address, and mailing address of each of her employer(s), and the
24 name(s) and telephone number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-
25 in- charge, designated representative(s)-in-charge, responsible manager, or other compliance
26 supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for
27 leaving the prior employment. Respondent shall sign and return to the Board a written consent
28 authorizing the Board or its designee to communicate with all of Respondent's employer(s) and

1 supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the board
2 or its designee, concerning respondent's work status, performance, and monitoring. Failure to
3 comply with the requirements or deadlines of this condition shall be considered a violation of
4 probation.

5 Within thirty (30) days of the effective date of this Decision, and within fifteen (15) days of
6 Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor,
7 (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
8 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the
9 Board in writing acknowledging that the listed individual(s) has/have read the decision in case
10 number 7344, and terms and conditions imposed thereby. If one person serves in more than one
11 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
12 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the
13 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
14 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in
15 writing within fifteen (15) days of the change acknowledging that he or she has read the Decision
16 in Case Number 7344, and the terms and conditions imposed thereby.

17 If Respondent works for or is employed by or through an employment service, Respondent
18 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board
19 of the Decision in Case Number 7344, and the terms and conditions imposed thereby in advance
20 of Respondent commencing work at such licensed entity. A record of this notification must be
21 provided to the Board upon request.

22 Furthermore, within thirty (30) days of the effective date of this Decision, and within fifteen
23 (15) days of Respondent undertaking any new employment by or through an employment service,
24 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment
25 service to report to the Board in writing acknowledging that he or she has read the Decision in
26 Case Number 7344, and the terms and conditions imposed thereby. It shall be Respondent's
27 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

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

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

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

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

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

13 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

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

18 **9. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent shall pay to the
20 Board its costs of investigation and prosecution in the amount of \$2,500. Respondent shall make
21 said payments as follows: Beginning on the effective date of the decision, and due on the first of
22 each month thereafter, Respondent shall pay \$104.17 per month until paid in full.

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

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

10. **Probation Monitoring Costs**

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

11. **Status of License**

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

If Respondent's Pharmacist License expires or is cancelled by operation of law or otherwise 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.

12. **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 her 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 her 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

1 of the date the application for that license is submitted to the board, including any outstanding
2 costs.

3 13. Practice Requirement – Extension of Probation

4 Except during periods of suspension, Respondent shall, at all times while on probation, be
5 employed as a pharmacist in California for a minimum of 80 hours per calendar month, unless
6 otherwise directed by the Pharmacist Recovery Program. Any month during which this minimum
7 is not met shall extend the period of probation by one month. During any such period of
8 insufficient employment, Respondent must nonetheless comply with all terms and conditions of
9 probation, unless Respondent receives a waiver in writing from the Board or its designee.

10 If Respondent does not practice as a pharmacist in California for the minimum number of
11 hours in any calendar month, for any reason (including vacation), Respondent shall notify the
12 Board in writing within ten (10) days of the conclusion of that calendar month. This notification
13 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
14 interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume
15 practice at the required level. Respondent shall further notify the Board in writing within ten (10)
16 days following the next calendar month during which Respondent practices as a pharmacist in
17 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
18 considered a violation of probation.

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

23 14. Violation of Probation

24 If Respondent has not complied with any term or condition of probation, the Board shall
25 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent
26 that probation shall automatically be extended, until all terms and conditions have been satisfied
27 or the Board has taken other action as deemed appropriate to treat the failure to comply as a

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1 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
2 Board or its designee may post a notice of the extended probation period on its website.

3 If Respondent violates probation in any respect, the Board, after giving Respondent notice
4 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
5 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
6 probation, or the preparation of an accusation or petition to revoke probation is requested from
7 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of
8 probation shall be automatically extended until the petition to revoke probation or accusation is
9 heard and decided.

10 **15. Completion of Probation**

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

13 **16. Pharmacists Recovery Program (PRP)**

14 By no later than ten (10) days after the effective date of this Decision, Respondent shall
15 have contacted the Pharmacists Recovery Program (PRP) for evaluation. If the PRP evaluator
16 determines that enrollment in the PRP is necessary, then within ten (10) days of that
17 determination, Respondent shall have completed all of the following: enrolled in the PRP;
18 completed, signed, and returned the treatment contract as well as any addendums required or
19 suggested by the PRP; successfully completed registration for any drug or alcohol testing
20 mandated by the treatment contract and/or by enrollment in the PRP; and begun compliance with
21 the drug or alcohol testing protocol(s). Respondent shall successfully participate in the PRP (if
22 deemed necessary by the PRP evaluator) and complete the treatment contract and any addendums
23 required or suggested by the PRP. The costs for PRP participation shall be borne by Respondent.

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

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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 the PRP for evaluation within ten (10) days of the effective date of this Decision;

Failure to complete enrollment, and execute and return the treatment contract with the PRP, including any addendum(s), within ten (10) days of the PRP evaluator's determination that enrollment in the PRP is necessary;

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 PRP evaluator's determination that enrollment in the PRP is necessary;

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

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

Respondent may not resume the practice of pharmacy until notified by the board in writing.

Probation shall be automatically extended until respondent successfully completes the PRP. The Board will provide notice of any such suspension or extension of probation.

During any 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 as a pharmacist 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

1 access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs
2 and/or dangerous devices or controlled substances.

3 During any suspension, Respondent shall not engage in any activity that requires the
4 professional judgment of 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 17. Drug and Alcohol Testing

10 Respondent, at her own expense, shall participate in testing as directed by the Board or its
11 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
12 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
13 breathalyzer, hair follicle testing, or other testing protocols as directed by the Board or its
14 designee. All testing must be pursuant to an observed testing protocol, unless Respondent is
15 informed otherwise in writing by the Board or its designee. Respondent may be required to
16 participate in testing for the entire probation period and frequency of testing will be determined
17 by the Board or its designee.

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

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

1 Prior to any vacation or other period of absence from the area where the approved testing
2 vendor provides services, Respondent shall seek and receive approval from the Board or its
3 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,
4 Respondent shall enroll and register with the approved alternate drug testing vendor, provide to
5 that alternate vendor any documentation required by the vendor, including any necessary payment
6 by Respondent. During the period of absence of the area, Respondent shall commence testing
7 protocols with the alternate vendor, including required daily contacts with the testing vendor to
8 determine if testing is required, and required testing. Any failure to timely seek or receive
9 approval from the Board or its designee, or to timely enroll and register with, timely commence
10 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
11 considered a violation of probation.

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

17 Any of the following shall be considered a violation of probation and shall result in
18 Respondent being immediately suspended from practice as a pharmacist until notified by the
19 Board in writing that she may resume practice: failure to timely complete all of the steps required
20 for enrollment/registration with the drug testing vendor, including making arrangements for
21 payment; failure to timely commence drug testing protocols; failure to contact the drug testing
22 vendor as required to determine testing date(s); failure to test as required; failure to timely supply
23 documentation demonstrating that a detected substance was taken pursuant to a legitimate
24 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
25 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
26 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
27 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
28 controlled substance or dangerous drug absent documentation that the detected substance was

1 taken pursuant to a legitimate prescription and a necessary treatment, the Board or its designee
2 shall inform respondent of the suspension and inform her to immediately leave work, and shall
3 notify respondent's employer(s) and work site monitor(s) of the suspension.

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

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

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

20 18. Notification of Departure

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

25 19. Abstain from Drugs and Alcohol

26 Respondent shall completely abstain from the possession or use of alcohol, controlled
27 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
28 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a

1 necessary part of treatment. Respondent shall ensure that she is not in the same physical location
2 as individuals who are using illicit substances even if Respondent is not personally ingesting the
3 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled
4 substances, or their associated paraphernalia for which a legitimate prescription has not been
5 issued as a necessary part of treatment, or any physical proximity to persons using illicit
6 substances, shall be considered a violation of probation.

7 **20. Prescription Coordination and Monitoring of Prescription Use**

8 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
9 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
10 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the
11 Respondent's history with the use of alcohol and who will coordinate and monitor any
12 prescriptions for Respondent for dangerous drugs and/or dangerous devices, controlled substances
13 or mood-altering drugs. The approved practitioner shall be provided with a copy of the Board's
14 Accusation and Decision. A record of this notification must be provided to the Board or its
15 designee upon request. Respondent shall sign a release authorizing the practitioner to
16 communicate with the Board or its designee about Respondent's treatment(s). The coordinating
17 physician, nurse practitioner, physician assistant, or psychiatrist shall report to the Board on a
18 quarterly basis for the duration of probation regarding Respondent's compliance with this
19 condition. If any substances considered addictive have been prescribed, the report shall identify a
20 program for the time limited use of any such substances. The Board or its designee may require
21 that the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a
22 specialist in addictive medicine, or consult a specialist in addictive medicine. Should
23 Respondent, for any reason, cease supervision by the approved practitioner, Respondent shall
24 notify the board or its designee immediately and, within thirty (30) days of ceasing supervision,
25 submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist
26 of Respondent's choice to the board or its designee for its prior approval. Failure to timely
27 submit the selected practitioner or replacement practitioner to the Board or its designee for

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1 approval, or to ensure the required quarterly reporting thereby, shall be considered a violation of
2 probation.

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

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

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

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

25 **21. Facilitated Group Recovery and/or Support Meetings**

26 Within thirty (30) days of the effective date of this Decision, Respondent shall begin
27 regular attendance at a group recovery and/or support meeting that is run by a trained facilitator
28 approved in advance by the Board or its designee. The required frequency of group meeting

attendance shall be determined by the Board or its designee. Respondent shall continue regular attendance as directed at an approved facilitated group meeting until the Board or its designee advises the Respondent in writing that she may cease regular attendance. Respondent shall provide signed and dated documentation of attendance as required with each quarterly report. Failure to attend as required or to submit documentation of attendance shall be considered a violation of probation.

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

22. Attend Substance Abuse Recovery Relapse Prevention and Support Groups

Within thirty (30) days of the effective date of this Decision, Respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board or its designee. Respondent must attend the number of group meetings per week or month directed by the Board or its designee, which shall typically be at least one per week. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

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

23. Work Site Monitor

Within ten (10) days of the effective date of this decision, Respondent shall identify a work site monitor, for prior approval by the Board or its designee, who shall be responsible for supervising respondent during working hours. Respondent shall be responsible for ensuring that

1 the work site monitor reports in writing to the Board monthly or on another schedule as directed
2 by the Board or its designee. Should the designated work site monitor suspect at any time during
3 the probationary period that respondent has abused alcohol or drugs, he or she shall notify the
4 Board immediately.

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

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

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

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

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

1 **24. Community Services Program**

2 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
3 Board or its designee, for prior approval, a community service program in which Respondent
4 shall provide two (2) free presentations on substance use disorder during each year of probation.
5 Within thirty (30) days of Board approval thereof, Respondent shall submit documentation to the
6 Board or its designee demonstrating commencement of the community service program.
7 Respondent shall report on progress with the community service program in the quarterly reports
8 and provide satisfactory documentary evidence of such progress to the Board or its designee upon
9 request. Failure to timely submit, commence, or comply with the program shall be considered a
10 violation of probation.

11 **25. No Ownership or Management of Licensed Premises**

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

19 **26. Criminal Probation/Parole Reports**

20 Within ten (10) days of the effective date of this Decision, or within ten (10) days of the
21 issuance or assignment/replacement of same, whichever is earlier, Respondent shall provide the
22 Board or its designee in writing: a copy of the conditions of any criminal probation/parole
23 applicable to Respondent; and the name and contact information of any probation, parole or
24 similar supervisory officer assigned to Respondent. Respondent shall provide a copy of all
25 criminal probation/parole reports to the board within ten (10) days after such report is issued.
26 Failure to timely make any of the submissions required hereby shall be considered a violation of
27 probation.

28 ///

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Petrzelka, Pharm.D., J.D, MBA. 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: _____
LOLA BAE
Respondent

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

DATED: _____
IVAN PETRZELKA, PHARM.D., J.D, MBA
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
ERIN M. SUNSERI
Supervising Deputy Attorney General

SHANNON M. BRUBAKER
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Petrzelka, Pharm.D., J.D, MBA. 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: 9/21/23



LOLA BAE
Respondent

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

DATED: September 21, 2023



IVAN PETRZELKA, PHARM.D., J.D, MBA
Attorney for Respondent

ENDORSEMENT

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

DATED: September 22, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
ERIN M. SUNSERI
Supervising Deputy Attorney General



SHANNON M. BRUBAKER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7344

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 RITA M. LANE
Deputy Attorney General
4 State Bar No. 171352
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9421
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. 7344

14 **LOLA BAE**
2731 Williamsburg Road
15 Fullerton, CA 92833

ACCUSATION

16 **Pharmacist License No. RPH 83345**

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 September 18, 2020, the Board issued Pharmacist License Number
23 RPH 83345 to Lola Bae (Respondent). The Pharmacist License was in full force and effect at all
24 times relevant to the charges brought herein and will expire on May 31, 2024, unless renewed.

25 **JURISDICTION**

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

1 4. Code section 4300, subdivision (a), states, “Every license issued may be suspended or
2 revoked.”

3 5. Code section 4300.1 states:

4 The expiration, cancellation, forfeiture, or suspension of a board-issued license
5 by operation of law or by order or decision of the board or a court of law, the placement
6 of a license on a retired status, or the voluntary surrender of a license by a licensee shall
7 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.

8 STATUTORY PROVISIONS

9 6. Code section 482 states:

10 (a) Each board under this code shall develop criteria to evaluate the rehabilitation
11 of a person when doing either of the following:

12 (1) Considering the denial of a license by the board under Section 480.

13 (2) Considering suspension or revocation of a license under Section 490.

14 (b) Each board shall consider whether an applicant or licensee has made a
 showing of rehabilitation if either of the following are met:

15 (1) The applicant or licensee has completed the criminal sentence at issue
16 without a violation of parole or probation.

17 (2) The board, applying its criteria for rehabilitation, finds that the applicant
 is rehabilitated.

18 ...

19 (d) This section shall become operative on July 1, 2020.

20 7. Code section 490 provides, in pertinent part, that a board may suspend or revoke a
21 license on the ground that the licensee has been convicted of a crime substantially related to the
22 qualifications, functions, or duties of the business or profession for which the license was issued.

23 8. Code section 493 states:

24 (a) Notwithstanding any other law, in a proceeding conducted by a board within
25 the department pursuant to law to deny an application for a license or to suspend or
26 revoke a license or otherwise take disciplinary action against a person who holds a
27 license, upon the ground that the applicant or the licensee has been convicted of a crime
 substantially related to the qualifications, functions, and duties of the licensee in
 question, the record of conviction of the crime shall be conclusive evidence of the fact
 that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

(A) The nature and gravity of the offense.

(B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

...

(e) This section shall become operative on July 1, 2020.

9. Code section 4301 states:

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

...

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be 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.

...

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

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1 aside the verdict of guilty, or dismissing the accusation, information, or indictment.

2

3 **REGULATORY PROVISIONS**

4 10. California Code of Regulations, title 16, section 1769, subdivision (c), states:

5 When considering the suspension or revocation of a facility or a personal
6 license on the ground that the licensee has been convicted of a crime, the board will
7 consider whether the licensee made a showing of rehabilitation and is presently fit for
8 a license, if the licensee completed the criminal sentence at issue without a violation
9 of parole or probation. In making this determination, the board will consider the
10 criteria in subdivisions (b)(1)(A) through (E). If the licensee has not completed the
11 criminal sentence at issue without a violation of parole or probation or the board
12 determines that the licensee did not make the showing of rehabilitation based on the
13 criteria in subdivisions (b)(1)(A) through (E), the board will apply the following
14 criteria in evaluating the licensee's rehabilitation:

15 (1) Nature and gravity of the act(s) or offenses.

16 (2) Total criminal record.

17 (3) The time that has elapsed since commission of the act(s) or offenses.

18 (4) Whether the licensee has complied with all terms of parole, probation,
19 restitution or any other sanctions lawfully imposed against the licensee.

20 (5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

21 (6) Evidence, if any, of rehabilitation submitted by the licensee, including as
22 provided in the board's Disciplinary Guidelines, identified in section 1760.

23 11. California Code of Regulations, title 16, section 1770, states:

24 (a) For the purpose of denial, suspension, or revocation of a personal or facility
25 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
26 Business and Professions Code, a crime, professional misconduct, or act shall be
27 considered substantially related to the qualifications, functions or duties of the
28 practice, profession, or occupation that may be performed under the license type
sought or held if to a substantial degree it evidences present or potential unfitness of
an applicant or licensee to perform the functions authorized by the license in a
manner consistent with the public health, safety, or welfare.

(b) In making the substantial relationship determination required under
subdivision (a) for a crime, the board will consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of the practice, profession, or occupation that
may be performed under the license type sought or held.

1 (c) For purposes of subdivision (a), substantially related crimes, professional
2 misconduct, or acts shall include, but are not limited to, those which:

3 ...

4 (5) Involve a conviction for driving under the influence of drugs or
5 alcohol.

6 **COST RECOVERY**

7 12. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
11 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
12 included in a stipulated settlement.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(May 13, 2022 Criminal Convictions for DUI on March 13, 2022)**

15 13. Respondent has subjected her Pharmacist License to disciplinary action under Code
16 sections 490 and 4301, subdivision (I), because she was convicted of crimes that are substantially
17 related to the qualifications, functions, and duties of a licensed pharmacist. On May 13, 2022, in
18 a criminal proceeding entitled *The People of the State of California v. Lola Bae*, in Orange
19 County Superior Court, Case Number 22HM02921, Respondent pled guilty and was convicted of
20 driving under the influence of alcohol (DUI) (Veh. Code, § 23152, subd. (a)), and driving while
21 having a blood alcohol concentration (BAC) of 0.08 percent and more (Veh. Code, § 23152,
22 subd. (b)), both misdemeanors. Respondent also admitted to an additional allegation because she
23 had a BAC of .15 percent and more (Veh. Code, § 23578) in the commission of this DUI. The
24 court suspended the imposition of Respondent's sentence and granted her informal probation for
25 three years. Respondent was ordered to complete a three-month Level 1 First Conviction DUI
26 Program and to pay various court fines and fees.

27 14. The circumstances that led to the convictions are that on March 13, 2022, at about
28 1:40 a.m., an officer with the Newport Beach Police Department was on duty when he observed a
vehicle make a U-turn at an intersection, in violation of the posted signs, while the light was red.

1 During the enforcement stop, the officer observed the vehicle almost strike a raised center median
2 while pulling over. The officer made contact Respondent through the driver's side window of the
3 vehicle and immediately detected the strong odor of an alcoholic beverage emitting from her
4 breath and person. Respondent had bloodshot and watery eyes, and was observed on the verge of
5 falling upon exiting her vehicle. During questioning, Respondent admitted to consuming three
6 alcoholic beverages containing Vodka and stated that she did not feel the effects of the alcohol,
7 but rated her intoxication level at a "12 out of 10." Additional officers arrived at the scene to
8 conduct a DUI investigation. Respondent was observed on the verge of falling when exiting her
9 vehicle and she was unable to perform the field sobriety tests as explained and demonstrated by
10 the officers. Respondent was arrested for DUI. During processing, Respondent submitted to a
11 breath test which registered her BAC at .189 and .200 percent, respectively.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Dangerous Use of Alcohol on March 13, 2022)**

14 15. Respondent has further subjected her Pharmacist License to disciplinary action under
15 Code sections 490 and 4301, subdivision (h), because she used alcohol in a manner dangerous to
16 herself and others, as set forth above in paragraphs 13 and 14 above, incorporated herein by
17 reference.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacist License Number RPH 83345, issued to
22 Respondent Lola Bae;

23 2. Ordering Respondent Lola Bae to pay the Board of Pharmacy the reasonable costs of
24 the investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3; and,

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

DATED: 11/3/2022

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2022.11.03 22:33:00
-07'00'

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

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