

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

**In the Matter of the Accusation Against:**

**JAE HEON CHUNG**

**Pharmacy License No. RPH 80159**

**Respondent.**

**Agency Case No. 7612**

**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 October 3, 2024.

It is so ORDERED on September 3, 2024.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh".

Seung W. Oh, Pharm.D.  
Board President

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7

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7612

13 **JAE HEON CHUNG**  
14 **6150 Canoga Avenue, #315**  
15 **Woodland Hills, CA 91367**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 **Pharmacist License No. RPH 80159**

17 Respondent.

18  
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 Christina Thomas, Deputy Attorney  
25 General.

26 2. Respondent Jae Heon Chung (Respondent) is represented in this proceeding by  
27 attorney Tony J. Park, whose address is: 9090 Irvine Center Drive, Irvine, CA 92618-4658.  
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1           3.     On or about January 7, 2019, the Board issued Pharmacist License No. RPH 80159 to  
2 Jae Heon Chung. The Pharmacist License was in full force and effect at all times relevant to the  
3 charges brought in Accusation No. 7612, and will expire on May 31, 2026, unless renewed.

4                                   **JURISDICTION**

5           4.     Accusation No. 7612 was filed before the Board, and is currently pending against  
6 Respondent. The Accusation and all other statutorily required documents were properly served  
7 on Respondent on February 27, 2024. Respondent timely filed his Notice of Defense contesting  
8 the Accusation.

9           5.     A copy of Accusation No. 7612 is attached as exhibit A and incorporated herein by  
10 reference.

11                                   **ADVISEMENT AND WAIVERS**

12           6.     Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in Accusation No. 7612. Respondent has also carefully read, fully  
14 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
15 Order.

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

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

24                                   **CULPABILITY**

25           9.     Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 7612.

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 80159 issued to Respondent Jae Heon Chung is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1 STANDARD CONDITIONS OF PROBATIONS:

2 1. **Obey All Laws**

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

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

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

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 its  
4 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
5 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
6 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 board's  
9 monitoring and investigation of respondent's compliance with the terms and conditions of his  
10 probation, including but not limited to: timely responses to requests for information by board  
11 staff; timely compliance with directives from board staff regarding requirements of any term or  
12 condition of probation; and timely completion of documentation pertaining to a term or condition  
13 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

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

19                   During the period of probation, respondent shall notify all present and prospective  
20 employers of the decision in case number 7612 and the terms, conditions and restrictions imposed  
21 on respondent by the decision, as follows:

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

1 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and  
2 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,  
3 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
4 requirements or deadlines of this condition shall be considered a violation of 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) his direct supervisor, (b)  
7 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
8 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
9 board in writing acknowledging that the listed individual(s) has/have read the decision in case  
10 number 7612, 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/she has read the decision in  
16 case number 7612, 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 7612, and the terms and conditions imposed thereby in advance of  
20 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 service  
25 to report to the board in writing acknowledging that he or she has read the decision in case  
26 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
27 ensure that these acknowledgment(s) are timely submitted to the board.  
28

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 the respondent is an  
7 employee, independent contractor or volunteer.

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

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

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

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

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

19  
20 **9. Reimbursement of Board Costs**

21 As a condition precedent to successful completion of probation, respondent shall pay to the  
22 board its costs of investigation and prosecution in the amount of \$8,957.50. Respondent shall  
23 make said payments as follows:

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



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

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

7  
8       **13. Practice Requirement – Extension of Probation**

9       Except during periods of suspension, respondent shall, at all times while on probation, be  
10 employed as a Pharmacist in California for a minimum of 100 hours per calendar month, unless  
11 otherwise determined by the PRP. Any month during which this minimum is not met shall  
12 extend the period of probation by one month. During any such period of insufficient  
13 employment, respondent must nonetheless comply with all terms and conditions of probation,  
14 unless respondent receives a waiver in writing from the board or its designee.

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

24       It is a violation of probation for respondent's probation to be extended pursuant to the  
25 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
26 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
27 probation period on its website.  
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**14. Violation of Probation**

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

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

**15. Completion of Probation**

Upon written notice by the board or its designee indicating successful completion of probation, respondent's license will be fully restored.

**16. 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.

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

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

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

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

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

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

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

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

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

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

24 During any suspension, respondent shall not enter any pharmacy area or any portion of the  
25 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
26 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
27 any area where dangerous drugs and/or dangerous devices or controlled substances are  
28 maintained. Respondent shall not practice as a Pharmacist nor do any act involving drug

1 selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor  
2 shall respondent manage, administer, or be a consultant to any licensee of the board, or have  
3 access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs  
4 and/or dangerous devices or controlled substances.

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

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

#### 11 **17. Drug and Alcohol Testing**

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

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

2 Respondent is required to make daily contact with the testing vendor to determine if a test is  
3 required, and if a test is required must submit to testing on the same day.

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

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

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

1 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In  
2 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a  
3 controlled substance or dangerous drug absent documentation that the detected substance was  
4 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee  
5 shall inform respondent of the suspension and inform him to immediately leave work, and shall  
6 notify respondent's employer(s) and work site monitor(s) of the suspension.

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

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

20 Failure to comply with any such suspension shall be considered a violation of probation.  
21 Failure to comply with any requirement or deadline stated by this term shall be considered a  
22 violation of probation.

### 23 18. Notification of Departure

24 Prior to leaving the probationary geographic area designated by the board or its designee for  
25 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
26 writing of the dates of departure and return. Failure to comply with this provision shall be  
27 considered a violation of probation.  
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2           **19. Abstain from Drugs and Alcohol**

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

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

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



1 shall notify the board or its designee immediately and, within thirty (30) days of ceasing  
2 supervision, submit the name of a replacement physician, nurse practitioner, physician assistant,  
3 or psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to  
4 timely submit the selected practitioner or replacement practitioner to the board or its designee for  
5 approval, or to ensure the required quarterly reporting thereby, shall be considered a violation of  
6 probation.

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

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

23 During any suspension, respondent shall not engage in any activity that requires the  
24 professional judgment and/or licensure as a Pharmacist. Respondent shall not direct or control  
25 any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling, or  
26 retailing of dangerous drugs and/or dangerous devices or controlled substances.

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

1  
2           **21.   Facilitated Group Recovery and/or Support Meetings**

3           Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
4 attendance at a group recovery and/or support meeting that is run by a trained facilitator approved  
5 in advance by the board or its designee. The required frequency of group meeting attendance  
6 shall be determined by the board or its designee. Respondent shall continue regular attendance as  
7 directed at an approved facilitated group meeting until the board or its designee advises the  
8 respondent in writing that he may cease regular attendance. Respondent shall provide signed and  
9 dated documentation of attendance as required with each quarterly report. Failure to attend as  
10 required or to submit documentation of attendance shall be considered a violation of probation.

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

16           **22.   Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

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

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

1  
2       **23. Work Site Monitor**

3       Within ten (10) days of the effective date of this decision, respondent shall identify a work  
4 site monitor, for prior approval by the board or its designee, who shall be responsible for  
5 supervising respondent during working hours. Respondent shall be responsible for ensuring that  
6 the work site monitor reports in writing to the board monthly or on another schedule as directed  
7 by the board or its designee. Should the designated work site monitor suspect at any time during  
8 the probationary period that respondent has abused alcohol or drugs, he or she shall notify the  
9 board immediately.

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

18       Within thirty (30) days of being approved by the board or its designee, the work site  
19 monitor shall sign an affirmation that he or she has reviewed the terms and conditions of  
20 respondent's disciplinary order and agrees to monitor respondent. The work site monitor shall at  
21 least:

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

26       The written reports submitted to the board or its designee by the work site monitor shall  
27 include at least the following information: respondent's name and license number; the monitor's  
28 name, license number (if applicable) and work site location; the date(s) the monitor had face-to-

1 face contact with respondent; the staff interviewed, if applicable; an attendance report; notes on  
2 any changes in respondent's behavior or personal habits; notes on any indicators that may lead to  
3 substance abuse; and the work site monitor's signature.

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

6 It is a condition of respondent's enrollment in the Pharmacists Recovery Program (PRP)  
7 that he is required to have a work site monitor approved by the PRP who shall be responsible for  
8 supervising respondent during working hours. Respondent shall be responsible for ensuring that  
9 the work site monitor reports in writing to the PRP monthly or on another schedule as directed by  
10 the PRP. Should the designated work site monitor suspect at any time during the probationary  
11 period that respondent has abused alcohol or drugs, he or she shall notify the PRP immediately.  
12 The initial notification shall be made orally within one (1) business day of the occurrence, which  
13 shall be followed by written notification within two (2) business days of the occurrence. If, for  
14 any reason, including change of employment, respondent is not longer able to be monitored by  
15 the approved work site monitor, within ten (10) days of commencing new employment for prior  
16 approval by the PRP. Failure to identify an acceptable initial or replacement work site monitor, or  
17 to ensure monthly reports are submitted to the PRP by the work site monitor, shall be considered  
18 a violation of probation.

19 Within thirty (30) days of being approved by the PRP, the work site monitor shall sign an  
20 affirmation that he or she has reviewed the terms and conditions of respondent's disciplinary  
21 order and agrees to monitor respondent. The work site monitor shall at least:

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

26 The written reports submitted to the PRP by the work site monitor shall include at least the  
27 following information: respondent's name and license number; the monitor's name, license  
28 number (if applicable) and work site location; the date(s) the monitor had face-to-face contact

1 with respondent; the staff interviewed, if applicable; an attendance report; notes on any changes  
2 in respondent's behavior or personal habits; notes on any indicators that may lead to substance  
3 abuse; and the work site monitor's signature.

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

6  
7  
8 **24. Ethics Course**

9 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll  
10 in a course in ethics, at respondent's expense, approved in advance by the board or its designee  
11 that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall  
12 provide proof of enrollment upon request. Respondent shall receive credit for a Board-approved  
13 Ethics course he attended on January 27-28, 2024. In addition, Respondent is required to  
14 complete the 6-month and 12-month ethics follow up courses in order to be in compliance with  
15 this condition. Within five (5) days of completion, respondent shall submit a copy of the  
16 certificate of completion to the board or its designee.

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

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

25  
26 **26. Criminal Probation/Parole Reports**

27 Within ten (10) days of the effective date of this decision, or within ten (10) days of the  
28 issuance or assignment/replacement of same, whichever is earlier, respondent shall provide the

board or its designee in writing: a copy of the conditions of any criminal probation/parole applicable to respondent; and the name and contact information of any probation, parole or similar supervisory officer assigned to respondent. Respondent shall provide a copy of all criminal probation/parole reports to the board within ten (10) days after such report is issued. Failure to timely make any of the submissions required hereby shall be considered a violation of probation.

### **ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Tony J. Park. 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: \_\_\_\_\_

\_\_\_\_\_  
JAE HEON CHUNG  
*Respondent*

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

DATED: \_\_\_\_\_

\_\_\_\_\_  
TONY J. PARK  
*Attorney for Respondent*

### **ENDORSEMENT**

board or its designee in writing: a copy of the conditions of any criminal probation/parole applicable to respondent; and the name and contact information of any probation, parole or similar supervisory officer assigned to respondent. Respondent shall provide a copy of all criminal probation/parole reports to the board within ten (10) days after such report is issued. Failure to timely make any of the submissions required hereby shall be considered a violation of probation.

### ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Tony J. Park. 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: 7/15/2024

DocuSigned by:  
Jae Heon Chung  
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JAE HEON CHUNG  
Respondent

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

DATED: 7/16/2024

DocuSigned by:  
Tony J. Park  
BBE9CC7A0C1B440...  
TONY J. PARK  
Attorney for Respondent

### ENDORSEMENT

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

3           DATED: \_\_\_\_\_  
4

Respectfully submitted,

5           ROB BONTA  
6           Attorney General of California  
7           SHAWN P. COOK  
8           Supervising Deputy Attorney General

9           CHRISTINA THOMAS  
10          Deputy Attorney General  
11          Attorneys for Complainant

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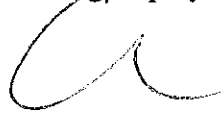
1 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
2 submitted for consideration by the Board of Pharmacy.

3  
4 DATED: \_\_\_\_\_

7/18/24

Respectfully submitted,

5 ROB BONTA  
6 Attorney General of California  
7 SHAWN P. COOK  
8 Supervising Deputy Attorney General

9  
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11 CHRISTINA THOMAS  
12 Deputy Attorney General  
13 *Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 7612**

1 ROB BONTA  
Attorney General of California  
2 SHAWN P. COOK  
Supervising Deputy Attorney General  
3 CHRISTINA THOMAS  
Deputy Attorney General  
4 State Bar No. 171168  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6291  
6 Facsimile: (916) 731-2126  
E-mail: Shawn.Cook@doj.ca.gov  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7612

13 **JAE HEON CHUNG**  
14 **6150 Canoga Avenue, #315**  
**Woodland Hills, CA 91367**

**FIRST AMENDED ACCUSATION**

15 **Pharmacist License No. RPH 80159**

16 Respondent.

17  
18 **PARTIES**

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

22 2. On or about January 7, 2019, the Board issued Pharmacist License Number RPH  
23 80159 to Jae Heon Chung (Respondent). The Pharmacist License was in full force and effect at  
24 all times relevant to the charges brought herein and will expire on May 31, 2024, unless renewed.

25 **JURISDICTION**

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

4. Section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board, Registrar, or Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

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

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

8. Section 493 states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a 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, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question. As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

9. Section 4301 states, in pertinent part:

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.

....

(l) 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 aside the verdict of guilty, or dismissing the accusation, information, or indictment.

### **REGULATORY PROVISIONS**

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

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the 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.

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

(1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, governing the practice of pharmacy.

1 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
2 conspire to violate, any provision of Chapter 13 (commencing with Section 801 ) of  
3 Title 21 of the United States Code regulating controlled substances or any law of this  
4 state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

5 (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
6 conspire to violate, any provision of law of this state, or any other jurisdiction,  
7 relating to government provided or government supported healthcare.

8 (4) Involve dishonesty, fraud, deceit, or corruption related to money, items,  
9 documents, or personal information.

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

### 11 **COST RECOVERY**

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

### 16 **FIRST CAUSE FOR DISCIPLINE**

17 12. Respondent is subject to disciplinary action under Code sections 490 and 4301,  
18 subdivision (1), in conjunction with California Code of Regulations, title 16, section 1770, in that  
19 Respondent was convicted of a crime substantially related to the qualifications, functions, and  
20 duties of pharmacist. Specifically, on or about December 5, 2023, after his guilty plea,  
21 Respondent was convicted of one (1) misdemeanor count of violating Vehicle Code section  
22 23152, subdivision (a) (driving while under the influence of alcohol) and one (1) misdemeanor  
23 count for violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol  
24 concentration (BAC) of 0.08% or more) in the criminal proceeding titled: *The People of the State*  
25 *of California v. Jae Heon Chung* (Super. Ct. Orange County, 2023, No. 21WM12710). The court  
26 sentenced Respondent to serve 90 days in jail and placed him on five (5) years of probation with  
27 terms and conditions. The circumstances surrounding the conviction are that on or about on or  
28 about August 7, 2021, at 2317 hours, officers were dispatched to a possible hit-and-run accident.  
Officers located Respondent's vehicle which matched the description from the reporting party.  
Upon contact, officers observed Respondent displaying objective symptoms of intoxication.  
Respondent was arrested for violating Vehicle Code section 23152, subdivision (a) (driving while

under the influence of alcohol). Respondent submitted a blood sample at 0016 hours, which resulted in a blood alcohol concentration (BAC) of 0.26%.

**SECOND CAUSE FOR DISCIPLINE**

**(Dangerous Use of Alcohol)**

13. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent used an alcoholic beverage to the extent or in a manner as to be dangerous or injurious to himself or others. Complainant refers to, and by this reference, incorporates the allegations set forth above in paragraph 12, as though set forth fully.

**PRAYER**

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

1. Revoking or suspending Pharmacist License Number RPH 80159, issued to Jae Heon Chung;
2. Ordering Jae Heon Chung to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/19/2024

Sodergren,  
Anne@DCA

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Anne@DCA  
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ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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