

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

In the Matter of the Accusation Against:

**KOCHEN CHOU,
Pharmacist License No. RPH 61097**

Respondent.

Agency Case No. 7436

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on October 18, 2023.

It is so ORDERED on September 18, 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 faint rectangular background.

Seung W. Oh, Pharm.D.
Board President

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

12 In the Matter of the Accusation Against:

Case No. 7436

13 **KOCHEN CHOU**
14 **1752 257th Street**
Lomita, CA 90717

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL

15 **Pharmacist License No. RPH 61097**

[Bus. & Prof. Code § 495]

16 Respondent.
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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 Michael Yi, Deputy Attorney General.

25 2. Respondent Kochen Chou is representing himself in this proceeding and has chosen
26 not to exercise his right to be represented by counsel.

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1 **JURISDICTION**

2 3. On July 11, 2008, the Board issued Pharmacist License Number RPH 61097 to
3 Kochen Chou (Respondent). The Pharmacist License was in full force and effect at all times
4 relevant to the charges brought in Accusation number 7436 and will expire on August 31, 2023,
5 unless renewed.

6 4. Accusation number 7436 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 June 5, 2023. Respondent timely filed his Notice of Defense contesting the
9 Accusation. A copy of Accusation number 7436 is attached as exhibit A and incorporated herein
10 by reference.

11 **ADVISEMENT AND WAIVERS**

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation number 7436. Respondent has also carefully read, and understands the effects of this
14 Stipulated Settlement and Disciplinary Order for Public Repeval.

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

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

24 **CULPABILITY**

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 number 7436.

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

CONTINGENCY

10. 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. 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 for Public Reapproval 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.

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

12. This Stipulated Settlement and Disciplinary Order for Public Reapproval 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 for Public Reapproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. 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:

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Cost Recovery. Respondent shall pay \$3,000.00 to the Board for its costs associated with the investigation and enforcement of this matter pursuant to Business and Professions Code Section 125.3. The costs are payable over two years from the effective date of the public reproof, to be paid in full by August 31, 2025. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew his Pharmacist License until Respondent pays costs in full. In addition, the Board may enforce this order for payment of its costs in any appropriate court, in addition to any other rights the Board may have. Failure to timely submit payment of costs to the Board shall be considered a violation of this Order.

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I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reprimand. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order for Public Reprimand voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

KOCHEN CHOU
Respondent

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License Number RPH 61097 issued to
3 Respondent Kochen Chou (Respondent) shall be publicly reprovved by the Board of Pharmacy
4 under Business and Professions Code section 495 in resolution of Accusation number 7436,
5 attached as exhibit A.

6 **Cost Recovery.** Respondent shall pay \$3,000.00 to the Board for its costs associated with
7 the investigation and enforcement of this matter pursuant to Business and Professions Code
8 Section 125.3. The costs are payable over two years from the effective date of the public
9 reprovral, to be paid in full by August 31, 2025. If Respondent fails to pay the Board costs as
10 ordered, Respondent shall not be allowed to renew his Pharmacist License until Respondent pays
11 costs in full. In addition, the Board may enforce this order for payment of its costs in any
12 appropriate court, in addition to any other rights the Board may have. Failure to timely submit
13 payment of costs to the Board shall be considered a violation of this Order.

14 **Full Compliance.** As a resolution of the charges in Accusation number 7436, this
15 stipulated settlement is contingent upon Respondent's full compliance with all conditions of this
16 Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes
17 cause for discipline, including outright revocation, of Respondent's Pharmacist License Number
18 RPH 61097.

19 **ACCEPTANCE**

20 I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reproval.
21 I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this
22 Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and
23 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

24
25 DATED: 7-28-23


26 KOCHEN CHOU
27 Respondent
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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

MICHAEL YI
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: August 9, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
~~Supervising Deputy~~ Attorney General

Michael Yi

MICHAEL YI
Deputy Attorney General
Attorneys for Complainant

LA2023600093
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Exhibit A

Accusation No. 7436

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2 THOMAS L. RINALDI
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3 MICHAEL YI
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7436

13 **KOCHEN CHOU**
14 **1752 257th Street**
Lomita, CA 90717

ACCUSATION

15 **Pharmacist License No. RPH 61097**

16 Respondent.
17

18
19 **PARTIES**

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

22 2. On July 11, 2008, the Board of Pharmacy issued Pharmacist License Number RPH
23 61097 to Kochen Chou (Respondent). The Pharmacist License was in full force and effect at all
24 times relevant to the charges brought in this Accusation and will expire on August 31, 2023,
25 unless renewed.

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1 **JURISDICTION**

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

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

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

10 6. Section 4300.1 states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued license
12 by operation of law or by order or decision of the board or a court of law, the
13 placement of a license on a retired status, or the voluntary surrender of a license by a
14 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.

15 **STATUTORY PROVISIONS**

16 7. Section 4301, subdivision (o), states:

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

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20 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
21 abetting the violation of or conspiring to violate any provision or term of this chapter
22 or of the applicable federal and state laws and regulations governing pharmacy,
including regulations established by the board or by any other state or federal
regulatory agency.

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24 **REGULATORY PROVISIONS**

25 8. California Code of Regulations, title 16, section 1732.5, subdivision (a), states:

26 (a) Except as provided in Section 4234 of the Business and Professions Code
27 and Section 1732.6 of this Division, each applicant for renewal of a pharmacist
28 license shall submit proof satisfactory to the board, that the applicant has completed
30 hours of continuing education in the prior 24 months.

9. California Code of Regulations, title 16, section 1775.3, subdivision (b), states:

• • • •

(b) When an order of abatement is not contested or if the order is appealed and the person or entity cited does not prevail, failure to abate the violation charged within the time specified in the citation shall constitute a violation and failure to comply with the order of abatement. An order of abatement shall either be personally served or mailed by certified mail. Failure to comply with an order of abatement shall constitute a ground for revocation or suspension of the license, permit, or registration.

COST RECOVERY

10. Section 125.3 provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL ALLEGATIONS

11. On September 7, 2021, the Board received Respondent's Pharmacist Renewal Application (Application), signed under penalty of perjury on August 24, 2021. Respondent declared on the Application that he had completed 30 hours of continuing education (CE) during his last license renewal period (September 1, 2019 to August 31, 2021).

12. On March 3, 2022, the Board sent a letter to Respondent requesting documents substantiating that he completed at least 30 hours of CE between September 1, 2019 to August 31, 2021. Respondent failed to provide the requested documents by the due date of April 4, 2022.

13. On April 7, 2022, the Board sent a second letter to Respondent requesting documents substantiating that he completed at least 30 hours of CE between September 1, 2019 to August 31, 2021. Respondent failed to provide the requested documents by the due date of May 9, 2022.

14. On May 31, 2022, the Board notified Respondent that his Pharmacist License became inactive, as of May 31, 2022, for failing to submit proof of completion of CE.

15. On August 15, 2022, the Board issued Citation and Order of Abatement Number CI 2021 95951 (Citation) to Respondent for violations of: (1) California Code of Regulations, title 16, section 1732.5; and (2) Business and Professions Code section 4301, subdivision (q). The Citation was based on Respondent's failure to: (1) provide documentation substantiating the completion of 30 hours of CE during his license renewal cycle; and (2) respond to the Board's

1 letters on March 3, 2022, and April 7, 2022. The Board ordered Respondent to provide proof of
2 30 hours of CE earned between September 1, 2019 to August 31, 2021, by September 14, 2022.
3 Respondent failed to provide the requested proof of CE by September 14, 2022.

4 **CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Order of Abatement)**

6 16. Respondent is subject to disciplinary action under Business and Professions Code
7 section 4301, subdivision (o), for violating California Code of Regulations, title 16, section
8 1775.3, subdivision (b). Specifically, Respondent failed to comply with the Board's Order of
9 Abatement issued on August 15, 2022, which required that he provide proof of 30 hours of CE
10 earned between September 1, 2019 to August 31, 2021, by September 14, 2022. Complainant
11 refers to, and by this reference incorporates, the allegations in paragraphs 11-15, as though fully
12 set forth here.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
15 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 16 1. Revoking or suspending Pharmacist License Number RPH 61097, issued to Kochen
17 Chou;
- 18 2. Ordering Kochen Chou to pay the Board of Pharmacy the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 5/30/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
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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