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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 7939

13 **CHRISTIAN WILLIAM DAPAAH**

STATEMENT OF ISSUES

14 **Pharmacist License Applicant**

15 Respondent.

16
17
18 **PARTIES**

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

22 2. On or about May 3, 2024, the Board received an application for a Pharmacist License
23 from Christian William Dapaah (Respondent). On or about May 3, 2024, Respondent certified
24 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
25 application. The Board denied the application on October 3, 2024.

26 3. On or about March 18, 2003, The Board issued Pharmacist License No. RPH 54207
27 to Respondent. Effective July 8, 2016, Respondent surrendered his license pursuant to a
28 disciplinary action filed by the Board in Accusation Case No. 4880.

JURISDICTION AND STATUTORY PROVISIONS

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

5. Code section 4300 states, in pertinent part:

...

(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

- (1) Medical or psychiatric evaluation.
- (2) Continuing medical or psychiatric treatment.
- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs.
- (7) Compliance with laws and regulations governing the practice of pharmacy.

...

6. Code 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 includes, but is not limited to, any of the following:

...

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

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

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

5 7. Code section 4306.5 states, in pertinent part:

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

7 ...

8 (b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement
9 his or her best professional judgment or corresponding responsibility with regard to the
10 dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices,
11 or with regard to the provision of services.

12 8. Code section 4307 states in pertinent part:

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

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

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

9. Code section 4060 states in pertinent part:

No person shall possess any controlled substance, except that furnished to a person
upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order
issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner
pursuant to Section 2836.1, or a physician assistant pursuant to Section 35·02.1, or
naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either
subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph
(5) of, subdivision (a) of Section 4052...

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1 **REGULATORY PROVISION**

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

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

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

13 (1) The nature and gravity of the offense;

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

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

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

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

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

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

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

...

23 **BACKGROUND FACTS**

24 11. In a disciplinary action entitled, *In the Matter of the Accusation Against Christian*
25 *William Dapaah*, Case No. 4880, the Board issued a Decision and Order, effective July 8, 2016,
26 in which the Board accepted the surrender of Respondent’s Pharmacist License RPH 54207.
27 Pursuant to the Stipulated Surrender, Respondent agreed that all charges and allegations
28 contained in Accusation No. 4880 would be deemed to be true, correct, and admitted by him

1 when the Board determined whether to grant or deny Respondent's application or petition for any
2 new license.

3 **FIRST CAUSE FOR DENIAL**

4 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

5 12. Respondent's application for a Pharmacist License is subject to denial for
6 unprofessional conduct pursuant to Code sections 4300, subdivision (c), and 4301, subdivision
7 (f), in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
8 corruption by possessing and transporting marijuana and Lortab Hydrocodone for purposes of
9 sale. The circumstances are as follows:

10 a. On or about April 8, 2013, Respondent was stopped by the California Highway
11 Patrol and was found to be in possession of 915 grams of marijuana, approximately \$18,920.00 in
12 cash, and a container of pills later identified as Lortab Hydrocodone, an opioid, bearing the
13 patient's name E.K. Respondent was also in possession of a cellular telephone that contained text
14 messages regarding the purchase and sale of marijuana and hydrocodone. Respondent stated that
15 he had been having financial troubles and admitted that he was selling marijuana to purchase a
16 sport utility vehicle.

17 **SECOND CAUSE FOR DENIAL**

18 **(Failed to Exercise Best Professional Judgment or Corresponding Responsibility)**

19 13. Respondent's application for a Pharmacist License is subject to denial for
20 unprofessional conduct pursuant to Code sections 4300, subdivision (c), and 4301, as defined by
21 Code section 4306.5, subdivision (b), in that Respondent failed to exercise his best professional
22 judgment or corresponding responsibility by knowingly dispensing two prescriptions for
23 dangerous drugs and one prescription for a controlled substance that were issued without any
24 existing prescriber-patient relationship or examination. The circumstances were as follows:

25 a. On or about April 1, 2013, Respondent contacted Dr. E.T., a California resident
26 and licensed physician, and requested that Dr. E.T. authorize a prescription for Maxzide for
27 patient E.K., who was a resident of Georgia and not one of the doctor's established patients.

28 ///

1 Dr. E.T. agreed to authorize the prescription without examining the patient. Respondent wrote,
2 filled, picked up, and paid for the prescription.

3 b. On or about April 2, 2013, Respondent contacted Dr. E.T. and requested that
4 Dr. E.T. authorize a prescription for Lortab for patient J.D., who was a resident of Oklahoma and
5 was not one of the doctor's established patients. Dr. E.T. agreed to authorize the prescription
6 without examining the patient. Respondent wrote, filled, picked up, and paid for the prescription.

7 c. On or about April 8, 2013, the California Highway Patrol confiscated both
8 prescriptions referenced above in paragraphs 13(a) and (b) from Respondent's possession.

9 d. On or about April 15, 2013, Respondent re-authorized, filled, picked up, and
10 paid for a Maxzide prescription for patient E.K.

11 e. On or about April 16, 2013, Respondent re-authorized, filled, picked up, and
12 paid for a Lortab prescription for patient J.D.

13 **THIRD CAUSE FOR DENIAL**

14 **(Violation of Statutes Regulating Controlled Substances)**

15 14. Respondent's application for a Pharmacist License is subject to denial for
16 unprofessional conduct pursuant to Code sections 4300, subdivision (c), and 4301, subdivision (j)
17 in that Respondent violated statutes regulating controlled substances as set forth above in
18 paragraphs 12 and 13. The circumstances were as follows:

19 a. Respondent possessed marijuana without a prescription in violation of Code
20 section 4060 and Health and Safety Code section 11357, subdivision (c).

21 b. Respondent possessed Lortab Hydrocodone without a prescription in violation
22 of Code section 4060 and Health and Safety Code section 11357, subdivision (c).

23 **FOURTH CAUSE FOR DENIAL**

24 **(Violation of Laws Governing Pharmacy)**

25 15 Respondent's application for a Pharmacist License is subject to denial for
26 unprofessional conduct pursuant to Code sections 4300, subdivision (c), and 4301, subdivision
27 (o), in that Respondent violated the laws governing the practice of pharmacy as set forth above in
28 paragraphs 12 through 14.

1 **OTHER MATTERS**

2 16. Pursuant to Code section 4307, if Respondent is denied a license or discipline is
3 imposed on a license issued to Respondent, he shall be prohibited from serving as a manager,
4 administrator, owner, member, officer, director, associate, or partner of any licensee for five years
5 if the license is placed on probation.

6 **PRAYER**

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

- 9 1. Denying the application of Christian William Dapaah for a Pharmacist License;
- 10 2. Prohibiting Christian William Dapaah from serving as a manager, administrator,
11 owner, member, officer, director, associate, or partner of a licensee for five years if his
12 Pharmacist License is placed on probation; and
- 13 3. Taking such other and further action as deemed necessary and proper.

14
15 DATED: 12/8/2024

16 **Sodergren,** Digitally signed by
Anne@DCA Sodergren, Anne@DCA
 Date: 2024.12.08 17:23:58
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17 ANNE SODERGREN
 Executive Officer
 Board of Pharmacy
 Department of Consumer Affairs
 State of California
 Complainant

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