

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

**In the Matter of the Statement of Issues Against:**

**JOANNE HYOEUN LIM, Respondent**

**Pharmacist License Applicant**

**Agency Case No. 7221**

**OAH No. 2022040261**

**DECISION AND ORDER**

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

This Decision shall become effective at 5:00 p.m. on November 16, 2022.

It is so ORDERED on October 17, 2022.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 ERIN M. SUNSERI  
Supervising Deputy Attorney General  
3 AGUSTIN LOPEZ  
Deputy Attorney General  
4 State Bar No. 218717  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9461  
7 Facsimile: (619) 645-2061  
E-mail: Agustin.Lopez@doj.ca.gov  
8 *Attorneys for Complainant*

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

12  
13  
14 In the Matter of the Statement of Issues  
Against:

15 **JOANNE HYOEUN LIM**

16 **Pharmacist License Applicant**

17  
18 Respondent.

Case No. 7221

OAH No. 2022040261

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

22 **PARTIES**

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

27 2. Joanne Hyeoun Lim (Respondent) is represented in this proceeding by attorney Ivan  
28 Petrzelka, whose address is: P.O. Box 552, Red Bluff, CA 96080-0552.



1 **CONTINGENCY**

2 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
4 communicate directly with the Board regarding this stipulation and settlement, without notice to  
5 or participation by Respondent or her counsel. By signing the stipulation, Respondent  
6 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation  
7 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
8 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
9 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
10 and the Board shall not be disqualified from further action by having considered this matter.

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

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

20 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
21 the Board may, without further notice or formal proceeding, issue and enter the following  
22 Disciplinary Order:

23 **DISCIPLINARY ORDER**

24 Upon satisfaction of all statutory and regulatory requirements for issuance of a Pharmacist  
25 license, a Pharmacist license shall be issued to respondent and immediately revoked; the order of  
26 revocation is stayed and respondent is placed on probation for three years upon the following  
27 terms and conditions:

28 ///

1           **1. Obey All Laws**

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

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

- 5           • an arrest or issuance of a criminal complaint for violation of any provision of the  
6           Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
7           substances laws
- 8           • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal  
9           criminal proceeding to any criminal complaint, information or indictment
- 10          • a conviction of any crime
- 11          • the filing of a disciplinary pleading, issuance of a citation, or initiation of another  
12          administrative action filed by any state or federal agency which involves  
13          Respondent’s license or which is related to the practice of pharmacy or the  
14          manufacturing, obtaining, handling, distributing, billing, or charging for any drug,  
15          device or controlled substance.

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

17           **2. Report to the Board**

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

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

27          ///

28          ///

1           **3. Interview with the Board**

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

7           **4. Cooperate with Board Staff**

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

14           **5. Continuing Education**

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

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

18           During the period of probation, Respondent shall notify all present and prospective  
19 employers of the decision in case number 7221 and the terms, conditions and restrictions imposed  
20 on Respondent by the decision, as follows:

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

27           Respondent shall sign and return to the Board a written consent authorizing the Board or its  
28 designee to communicate with all of Respondent's employer(s) and supervisor(s), and authorizing

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

4         Within thirty days of the effective date of this decision, and within fifteen days of  
5 Respondent undertaking any new employment, Respondent shall cause (a) her direct supervisor,  
6 (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
7 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the  
8 Board in writing acknowledging that the listed individual(s) has/have read the decision in case  
9 number 7221, and terms and conditions imposed thereby. If one person serves in more than one  
10 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's  
11 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the  
12 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
13 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in  
14 writing within fifteen days of the change acknowledging that he or she has read the decision in  
15 case number 7221, and the terms and conditions imposed thereby.

16         If Respondent works for or is employed by or through an employment service, Respondent  
17 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board  
18 of the decision in case number 7221, and the terms and conditions imposed thereby in advance of  
19 Respondent commencing work at such licensed entity. A record of this notification must be  
20 provided to the Board upon request.

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

27  
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  
7 an employee, independent contractor or volunteer.

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

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

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

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

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

19 **9. Probation Monitoring Costs**

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

24 **10. Status of License**

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



1 If Respondent's Pharmacist License expires or is cancelled by operation of law or otherwise  
2 at any time during the period of probation, including any extensions thereof due to tolling or  
3 otherwise, upon renewal or reapplication Respondent's license shall be subject to all terms and  
4 conditions of this probation not previously satisfied.

5 **11. License Surrender While on Probation/Suspension**

6 Following the effective date of this decision, should Respondent cease practice due to  
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
8 Respondent may relinquish her license, including any indicia of licensure issued by the Board,  
9 along with a request to surrender the license. The Board or its designee shall have the discretion  
10 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
11 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to  
12 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
13 become a part of the Respondent's license history with the Board.  
14 Upon acceptance of the surrender, Respondent shall relinquish her pocket and/or wall license,  
15 including any indicia of licensure not previously provided to the Board within ten days of  
16 notification by the Board that the surrender is accepted if not already provided. Respondent may  
17 not reapply for any license from the Board for three years from the effective date of the surrender.  
18 Respondent shall meet all requirements applicable to the license sought as of the date the  
19 application for that license is submitted to the Board, including any outstanding costs.

20 **12. Practice Requirement – Extension of Probation**

21 Except during periods of suspension, Respondent shall, at all times while on probation, be  
22 employed as a Pharmacist in California for a minimum of 80 hours per calendar month. Any  
23 month during which this minimum is not met shall extend the period of probation by one month.  
24 During any such period of insufficient employment, Respondent must nonetheless comply with  
25 all terms and conditions of probation, unless Respondent receives a waiver in writing from the  
26 Board or its designee.

27 If Respondent does not practice as a Pharmacist in California for the minimum number of  
28 hours in any calendar month, for any reason (including vacation), Respondent shall notify the

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

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

12 Notwithstanding the foregoing, the Board or its designee shall, in its sole discretion, have  
13 authority to reduce the minimum number of hours required to comply with this term upon a  
14 written request by Respondent, and upon Respondent establishing good cause.

15 **13. Violation of Probation**

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

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

1           **14. Completion of Probation**

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

4           **15. Clinical Diagnostic Evaluation**

5           Within thirty days of the effective date of this decision, and on a periodic basis thereafter if  
6 required by the Board or its designee, Respondent shall undergo, at Respondent's own expense,  
7 clinical diagnostic evaluation(s) by a practitioner selected or approved prior to the evaluation by  
8 the Board or its designee. The approved evaluator shall be provided with a copy of the Board's  
9 Statement of Issues or other pleading and decision. Respondent shall sign a release authorizing  
10 the evaluator to furnish the Board with a current diagnosis and a written report regarding the  
11 Respondent's judgment and ability to function independently as a Pharmacist with safety to the  
12 public. If the evaluator recommends restrictions or conditions on Respondent's practice,  
13 including but not limited to other terms and conditions listed in these guidelines (e.g., required  
14 psychotherapy, inpatient treatment, prescription coordination and monitoring, restricted practice),  
15 the Board or its designee may by written notice to Respondent adopt any such restrictions or  
16 conditions as additional probation terms and conditions, violation of which shall be considered a  
17 violation of probation. Failure to comply with any requirement or deadline stated by this  
18 paragraph shall be considered a violation of probation.

19           If at any time the approved evaluator or therapist determines that Respondent is unable to  
20 practice safely or independently, the licensed mental health practitioner shall notify the Board  
21 immediately by telephone and follow up by written letter within three working days. Upon  
22 notification from the Board or its designee of this determination, Respondent shall be  
23 automatically suspended and shall not resume practice until notified by the Board or its designee  
24 that practice may resume.

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

27           Commencing on the effective date of this decision, Respondent is suspended from practice  
28 and shall not practice as a Pharmacist until:

1 Respondent has undergone and completed clinical diagnostic evaluation(s);  
2 The report(s) of the evaluation(s) has/have been received by the Board or its designee;  
3 One or more report(s) has concluded that Respondent is safe to return to practice as a  
4 Pharmacist;

5 The Board or its designee is satisfied that Respondent is safe to return to practice as a  
6 Pharmacist;

7 Respondent receives written notice from the Board or its designee that practice may  
8 resume.

9 For all such evaluations, a final written report shall be provided to the Board no later than  
10 ten days from the date the evaluator is assigned the matter unless the evaluator requests additional  
11 information to complete the evaluation, not to exceed thirty days.

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

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

25 Failure to comply with any requirement, including any suspension or deadline stated by this  
26 term shall be considered a violation of probation.

27 ///

28 ///

1           **16. Psychotherapy**

2           Within thirty days of the effective date of this decision, Respondent shall submit to the  
3 Board or its designee, for prior approval, the name and qualifications of a licensed mental health  
4 practitioner of Respondent's choice. Within thirty days of approval thereof, Respondent shall  
5 submit documentation to the Board demonstrating the commencement of psychotherapy with the  
6 approved licensed mental health practitioner. Should Respondent, for any reason, cease treatment  
7 with the approved licensed mental health practitioner, Respondent shall notify the Board  
8 immediately and, within thirty days of ceasing treatment, submit the name of a replacement  
9 psychotherapist or licensed mental health practitioner of Respondent's choice to the Board for its  
10 prior approval. Within thirty days of approval thereof, Respondent shall submit documentation to  
11 the Board demonstrating the commencement of psychotherapy with the approved replacement.  
12 Failure to comply with any requirement or deadline stated by this paragraph shall be considered a  
13 violation of probation.

14           Upon approval of the initial or any subsequent licensed mental health practitioner,  
15 Respondent shall undergo and continue treatment with that therapist, at Respondent's own  
16 expense, until the therapist recommends in writing to the Board, and the Board or its designee  
17 agrees by way of a written notification to Respondent, that no further psychotherapy is necessary.  
18 Upon receipt of such recommendation from the treating therapist, and before determining whether  
19 to accept or reject said recommendation, the Board or its designee may require Respondent to  
20 undergo, at Respondent's own expense, a mental health evaluation by a Board-appointed or  
21 Board-approved psychiatrist or psychologist. If the approved evaluator recommends that  
22 Respondent continue psychotherapy, the Board or its designee may require Respondent to  
23 continue psychotherapy.

24           Psychotherapy shall be at least once a week unless otherwise approved by the Board.  
25 Respondent shall provide the therapist with a copy of the Board's accusation and decision no later  
26 than the first therapy session. Respondent shall take all necessary steps to ensure that the treating  
27 therapist submits written quarterly reports to the Board concerning Respondent's fitness to  
28 practice, progress in treatment, and such other information required by the Board or its designee.

1 If at any time the treating therapist determines that Respondent cannot practice safely or  
2 independently, the therapist shall notify the Board immediately by telephone and follow up by  
3 written letter within three working days. Upon notification from the Board or its designee of this  
4 determination, Respondent shall be automatically suspended and shall not resume practice until  
5 notified by the Board that practice may be resumed.

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

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

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

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

23 **17. Prescription Coordination and Monitoring of Prescription Use**

24 Within thirty days of the effective date of this decision, Respondent shall submit to the  
25 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
26 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the  
27 Respondent's history with the use of alcohol, illicit drugs, controlled substances, dangerous drugs,  
28 or of mental illness, and who will coordinate and monitor any prescriptions for Respondent for

1 dangerous drugs and/or dangerous devices, controlled substances or mood-altering drugs. The  
2 approved practitioner shall be provided with a copy of the Board's Statement of Issues and  
3 decision. A record of this notification must be provided to the Board or its designee upon request.  
4 Respondent shall sign a release authorizing the practitioner to communicate with the Board or its  
5 designee about Respondent's treatment(s). The coordinating physician, nurse practitioner,  
6 physician assistant, or psychiatrist shall report to the Board on a quarterly basis for the duration of  
7 probation regarding Respondent's compliance with this condition. If any substances considered  
8 addictive have been prescribed, the report shall identify a program for the time limited use of any  
9 such substances. The Board or its designee may require that the single coordinating physician,  
10 nurse practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or  
11 consult a specialist in addictive medicine. Should Respondent, for any reason, cease supervision  
12 by the approved practitioner, Respondent shall notify the Board or its designee immediately and,  
13 within thirty days of ceasing supervision, submit the name of a replacement physician, nurse  
14 practitioner, physician assistant, or psychiatrist of Respondent's choice to the Board or its  
15 designee for its prior approval. Failure to timely submit the selected practitioner or replacement  
16 practitioner to the Board or its designee for approval, or to ensure the required quarterly reporting  
17 thereby, shall be considered a violation of probation.

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

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 pharmacy nor do any act involving drug selection,

1 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
2 Respondent manage, administer, or be a consultant to any licensee of the Board, or have access to  
3 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
4 dangerous devices and controlled substances. Respondent shall not resume practice until notified  
5 by the Board.

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

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

#### 12 18. **Ethics Course**

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

21 To the extent Respondent has taken and successfully completed a qualifying course in July  
22 2022, Respondent shall receive credit for such a course provided she submits proof of successful  
23 completion.

#### 24 19. **No Ownership or Management of Licensed Premises**

25 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
26 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
27 partnership, or corporation currently or hereinafter licensed by the Board for a minimum of five  
28 years from the effective date of this decision. Respondent shall sell or transfer any legal or



1 beneficial interest in any entity licensed by the Board within ninety days following the effective  
2 date of this decision and shall immediately thereafter provide written proof thereof to the Board.  
3 Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall  
4 be considered a violation of probation.

5 **ACCEPTANCE**

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
7 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will  
8 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order  
9 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
10 Board of Pharmacy.

11  
12 DATED: \_\_\_\_\_  
13 JOANNE HYOEUN LIM  
14 *Respondent*

15 I have read and fully discussed with Respondent Joanne Hyoeun Lim the terms and  
16 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
17 I approve its form and content.

18 DATED: \_\_\_\_\_  
19 IVAN PETRZELKA  
20 *Attorney for Respondent*

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 beneficial interest in any entity licensed by the Board within ninety days following the effective  
2 date of this decision and shall immediately thereafter provide written proof thereof to the Board.  
3 Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall  
4 be considered a violation of probation.

5 **ACCEPTANCE**

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
7 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will  
8 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order  
9 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
10 Board of Pharmacy.

11  
12 DATED: 9/10/22   
13 JOANNE HYOEUN LIM  
14 *Respondent*

14 I have read and fully discussed with Respondent Joanne Hyoeun Lim the terms and  
15 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
16 I approve its form and content.

17  
18 DATED: September 11, 2022   
19 IVAN PETRZELKA  
20 *Attorney for Respondent*

20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///  
26 ///  
27 ///  
28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ENDORSEMENT**

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

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

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

AGUSTIN LOPEZ  
Deputy Attorney General  
*Attorneys for Complainant*

SD2021802488  
83556707.docx

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

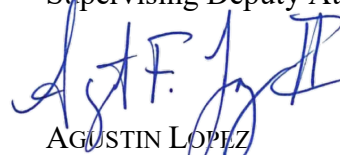
**ENDORSEMENT**

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

DATED: September 12, 2022

Respectfully submitted,

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



AGUSTIN LOPEZ  
Deputy Attorney General  
*Attorneys for Complainant*

SD2021802488  
83556707.docx

**Exhibit A**

**Statement of Issues No. 7221**

1 ROB BONTA  
Attorney General of California  
2 ERIN M. SUNSERI  
Supervising Deputy Attorney General  
3 AGUSTIN LOPEZ  
Deputy Attorney General  
4 State Bar No. 218717  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9461  
7 Facsimile: (619) 645-2061  
E-mail: Agustin.Lopez@doj.ca.gov  
8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
**BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
12

13 In the Matter of the Statement of Issues  
14 Against:

Case No. 7221

15 **JOANNE HYOEUN LIM**

**STATEMENT OF ISSUES**

16 **Pharmacist License Applicant**  
17 **Intern Pharmacist Registration No. INT**  
**28768**

18 Respondent.  
19

20 **PARTIES**

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

24 2. On or about July 16, 2021, the Board received an application for a Pharmacist  
25 License from Joanne Hyoeun Lim (Respondent). The Board denied the application on November  
26 2, 2021.

27 ///

28 ///

1 **JURISDICTION**

2 3. Complainant brings this Statement of Issues before the Board under the authority of  
3 the following laws. All section references are to the Business and Professions Code (Code)  
4 unless otherwise indicated.

5 4. Section 4300.1 states as follows:

6 The expiration, cancellation, forfeiture, or suspension of a board-issued  
7 license by operation of law or by order or decision of the board or a court of law,  
8 the placement of a license on a retired status, or the voluntary surrender of a  
9 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.

10 **STATUTORY PROVISIONS**

11 5. Section 475 states as follows:

12 (a) Notwithstanding any other provisions of this code, the provisions of this  
13 division shall govern the denial of licenses on the grounds of:

14 (1) Knowingly making a false statement of material fact, or knowingly  
15 omitting to state a material fact, in an application for a license.

16 ...

17 (3) Commission of any act involving dishonesty, fraud or deceit with  
18 the intent to substantially benefit himself or another, or substantially injure  
another.

19 (4) Commission of any act which, if done by a licentiate of the business  
20 or profession in question, would be grounds for suspension or revocation of  
license.

21 ...

22 (c) A license shall not be denied, suspended, or revoked on the grounds of a  
23 lack of good moral character or any similar ground relating to an applicant's  
character, reputation, personality, or habits.

24 6. Section 480 states:

25 (a) Notwithstanding any other provision of this code, a board may deny a  
26 license regulated by this code on the grounds that the applicant has been  
27 convicted of a crime or has been subject to formal discipline only if either of the  
following conditions are met:

28 ...

1 (2) The applicant has been subjected to formal discipline by a licensing  
2 board in or outside California within the preceding seven years from the date of  
3 application based on professional misconduct that would have been cause for  
4 discipline before the board for which the present application is made and that is  
5 substantially related to the qualifications, functions, or duties of the business or  
6 profession for which the present application is made. However, prior disciplinary  
7 action by a licensing board within the preceding seven years shall not be the basis  
8 for denial of a license if the basis for that disciplinary action was a conviction that  
9 has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or  
10 1203.425 of the Penal Code or a comparable dismissal or expungement.

11 ...

12 (e) A board may deny a license regulated by this code on the ground that the  
13 applicant knowingly made a false statement of fact that is required to be revealed  
14 in the application for the license. A board shall not deny a license based solely on  
15 an applicant's failure to disclose a fact that would not have been cause for denial  
16 of the license had it been disclosed.

17 7. Section 4001.1 provides that protection of the public shall be the highest priority for  
18 the Board, and whenever the protection of the public is inconsistent with other interests, the  
19 protection of the public shall be paramount.

20 8. Section 4300 states as follows:

21 ...

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

28 (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.



1 (7) Compliance with laws and regulations governing the practice of  
2 pharmacy.

3 ...

4 (e) The proceedings under this article shall be conducted in accordance with  
5 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
6 Government Code, and the board shall have all the powers granted therein. The  
7 action shall be final, except that the propriety of the action is subject to review by  
8 the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

9 9. Section 4301 states as follows:

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

13 ...

14 (b) Incompetence.

15 ...

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

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

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

26 (p) Actions or conduct that would have warranted denial of a license.

27 10. Section 4313 states, "In determining whether to grant an application for licensure . . .  
28 , the board shall give consideration to evidence of rehabilitation. However, public protection  
shall take priority over rehabilitation and, where evidence of rehabilitation and public protection  
are in conflict, public protection shall take precedence."

### **REGULATORY PROVISIONS**

11 11. California Code of Regulations, title 16, section 1760, incorporates the Board's  
12 Disciplinary Guidelines by reference.

1 12. California Code of Regulations, title 16, section 1768, subdivision (a), provides that  
2 where the board has denied an application for a license, the earliest date an applicant may reapply  
3 is one year after the effective date of the denial.

4 13. California Code of Regulations, title 16, section 1769, states as follows:

5 (a) Examination of applicant by medical professionals to assess  
6 competency.

7 In addition to any other requirements for licensure, when considering the  
8 approval of an application, the board or its designee may require an applicant to  
9 be examined by one or more physicians and surgeons or psychologists designated  
10 by the board if it appears that the applicant may be unable to safely practice due to  
11 mental illness or physical illness affecting competency. An applicant's failure to  
12 comply with the examination requirement shall render his or her application  
13 incomplete. The board shall pay the full cost of such examination. The board shall  
14 seek that the evaluation be conducted within 60 days of the date the applicant is  
15 advised that an examination is required. The board shall receive the examiner's  
16 evaluation within 60 days of the date the examination is completed. The report of  
17 the examiner shall be made available to the applicant.

18 If after receiving the report of the evaluation, the board determines that the  
19 applicant is unable to safely practice, the board may deny the application.

20 (b) Denial of a license.

21 (1) When considering the denial of a . . . personal license under Section  
22 480 of the Business and Professions Code on the grounds that the applicant  
23 has been convicted of a crime, the board will consider whether the applicant  
24 made a showing of rehabilitation if the applicant completed the criminal  
25 sentence at issue without a violation of parole or probation. In making this  
26 determination, the board will consider the following criteria:

27 (A) The nature and gravity of the crime(s).

28 (B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was  
shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to  
which they bear on the applicant's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation  
were modified, and the reason(s) for modification.

### **COST RECOVERY**



1           19. The ALJ did not find Respondent’s testimony credible because of the discrepancies  
2 between what she told police, and her sworn testimony during the hearing. Specifically,  
3 Respondent did not explain why she gave the police an elaborate story, or provide further insight  
4 into why she claimed she suffered from fictional mental disorders. The ALJ concluded that  
5 Respondent’s statements to police were reactions to protect herself that demonstrated she was  
6 willing to lie in order to avoid responsibility for her actions. (PD pp. 8-9.)

7           20. In aggravation, Respondent admitted to obtaining prescriptions for Adderall from a  
8 previous doctor, when her current doctor discontinued her Adderall prescription. (PD p. 9, ¶ 17.)

9           ***Application for Pharmacist License***

10          21. On or about July 6, 2021, Respondent certified under penalty of perjury to the  
11 truthfulness of all statements, answers, and representations in the application.

12          22. Respondent answered “No” to question 8(A) of the application that asked, “Have you  
13 ever been diagnosed with an emotional, mental, or behavioral disorder that may impair your  
14 ability to practice safely?”

15          23. Respondent answered “N/A” for not applicable to question 8(E) of the application  
16 that asked, “If you answered ‘Yes’ to questions listed under 8 (A through D) above, have you  
17 ever received treatment or participated in any program that improves your ability to practice  
18 safely.” Respondent further failed to attach a statement of explanation as required by question  
19 8(E).

20          24. Respondent’s responses to questions 8(A) and 8(E) were false, because she admitted  
21 in her hearing testimony that she suffered from Bipolar Disorder and Anxiety; accordingly, she  
22 was required to provide a statement of explanation with the application. By failing to answer  
23 truthfully, Respondent undermined the Board’s ability assess whether she was competent and  
24 qualified for a license.

25                           **FIRST CAUSE FOR DENIAL OF APPLICATION**

26   **(Prior Discipline)**

27          25. Respondent's application is subject to denial under Section 480, subdivision (a),  
28 because her pharmacist intern permit was subjected to formal discipline by the Board within

1 seven years from the date of her application. Respondent's pharmacist intern permit discipline  
2 was based on professional misconduct that would have been cause for discipline of a licensed  
3 pharmacist and was substantially related to the qualifications, functions, or duties of a pharmacist.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 **(False Statement on Application)**

6 26. Respondent's application is subject to denial under Section 480, subdivision (e),  
7 because she knowingly made a false statement of fact when she failed to answer "Yes" to  
8 questions 8(A) and 8(E) of the pharmacist application, and failed to provide a statement of  
9 explanation.

10 **THIRD CAUSE FOR DENIAL OF APPLICATION**

11 **(Unprofessional Conduct)**

12 27. Respondent's application is subject to denial under Section 4300, subdivision (c),  
13 because Respondent engaged in unprofessional conduct because she has acted dishonestly and  
14 fraudulently resulting in prior discipline, and in failing to answer the pharmacist license  
15 application truthfully.

16 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

17 **(Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

18 28. Respondent's application is subject to denial under Section 4301, subdivision (f),  
19 because she has engaged in moral turpitude, dishonesty, fraud, deceit, or corruption.

20 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

21 **(Conduct Warranting Denial of License)**

22 29. Respondent's application is subject to denial under Section 4301, subdivision (p), because  
23 Respondent's actions or conduct described above would have warranted denial of a license.

24 **PRAYER**

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

27 1. Denying the application of Joanne Hyeoun Lim for a Pharmacist License; and

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

DATED: 1/28/2022

Signature on File  
\_\_\_\_\_  
ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

SD2021802488  
83196599.docx