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

12 In the Matter of the Accusation Against:

13 **P S ENTERPRISE, INC.,**
14 **d.b.a. HUNTINGTON PHARMACY;**
15 **PHIC LIM, President, Pharmacist-In-**
16 **Charge**
2300 Huntington Dr.
San Marino, CA 91108

17 **Pharmacy Permit No. PHY 45238,**

18 and

19 **PHIC LIM**
1553 Lucretia Ave.
Los Angeles, CA 90026

20 **Pharmacist License No. RPH 49175,**

21 Respondents.

Case No. 4906
OAH No. 2014080925 [Consolidated]

FIRST AMENDED ACCUSATION

22 Complainant alleges:

23 **PARTIES**

24 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
25 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

26 2. On May 29, 2001, the Board of Pharmacy issued Pharmacy Permit Number PHY
27 45238 to Respondent P S Enterprise, Inc., doing business as Huntington Pharmacy; with Phic Lim
28 as the President since May 29, 2001 and Pharmacist-in-Charge since March 10, 2010 (Respondent

1 Pharmacy). The Pharmacy Permit expired on May 1, 2012, and has not been renewed.

2 3. On October 22, 1996, the Board of Pharmacy issued Pharmacist License Number
3 RPH 49175 to Phic Lim (Respondent Phic Lim). The Pharmacist License was in full force and
4 effect at all times relevant to the charges brought herein and will expire on December 31, 2017
5 unless it is renewed.

6 **JURISDICTION**

7 4. This Accusation is brought before the Board under the authority of the following
8 laws. All section references are to the Business and Professions Code unless otherwise indicated.

9 5. Section 4300 of the Code states in relevant part that “[e]very license issued may be
10 suspended or revoked.”

11 6. Section 4300.1 of the Code states:

12 The expiration, cancellation, forfeiture, or suspension of a board-issued license
13 by operation of law or by order or decision of the board or a court of law, the
14 placement of a license on a retired status, or the voluntary surrender of a license by a
15 licensee shall not deprive the board of jurisdiction to commence or proceed with any
16 investigation of, or action or disciplinary proceeding against, the licensee or to render a
17 decision suspending or revoking the license.

16 **STATUTES**

17 7. Section 490 of the Code states in relevant part:

18 (a) In addition to any other action that a board is permitted to take against a
19 licensee, a board may suspend or revoke a license on the ground that the licensee has
20 been convicted of a crime, if the crime is substantially related to the qualifications,
21 functions, or duties of the business or profession for which the license was issued.

22 (b) Notwithstanding any other provision of law, a board may exercise any
23 authority to discipline a licensee for conviction of a crime that is independent of the
24 authority granted under subdivision (a) only if the crime is substantially related to the
25 qualifications, functions, or duties of the business or profession for which the licensee's
26 license was issued.

27 (c) A conviction within the meaning of this section means a plea or verdict of
28 guilty or a conviction following a plea of nolo contendere. An action that a board is
permitted to take following the establishment of a conviction may be taken 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.

1 8. Section 4022 of the Code states:

2 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
3 self-use in humans or animals, and includes the following:

4 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
5 without prescription," "Rx only," or words of similar import.

6 (b) Any device that bears the statement: "Caution: federal law restricts this device
7 to sale by or on the order of a _____," "Rx only," or words of similar import, the blank
8 to be filled in with the designation of the practitioner licensed to use or order use of the
9 device.

10 (c) Any other drug or device that by federal or state law can be lawfully
11 dispensed only on prescription or furnished pursuant to Section 4006.

12 9. Section 4081 of the Code states in relevant part:

13 (a) All records of manufacture and of sale, acquisition, receipt, shipment, or
14 disposition of dangerous drugs or dangerous devices shall be at all times during
15 business hours open to inspection by authorized officers of the law, and shall be
16 preserved for at least three years from the date of making. A current inventory shall be
17 kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy,
18 veterinary food-animal drug retailer, outsourcing facility, physician, dentist, podiatrist,
19 veterinarian, laboratory, clinic, hospital, institution, or establishment holding a
20 currently valid and unrevoked certificate, license, permit, registration, or exemption
21 under Division 2 (commencing with Section 1200) of the Health and Safety Code or
22 under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and
23 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

24 (b) The owner, officer, and partner of a pharmacy, wholesaler, third-party
25 logistics provider, or veterinary food-animal drug retailer shall be jointly responsible,
26 with the pharmacist-in-charge, responsible manager, or designated representative-in-
27 charge, for maintaining the records and inventory described in this section.

28 10. Section 4301 of the Code states:

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

...

(d) The clearly excessive furnishing of controlled substances in violation of
subdivision (a) of Section 11153 of the Health and Safety Code.

1 ...
2 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
3 deceit, or corruption, whether the act is committed in the course of relations as a
4 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

5 ...
6 (j) The violation of any of the statutes of this state, of any other state, or of the
7 United States regulating controlled substances and dangerous drugs.

8 ...
9 (l) The conviction of a crime substantially related to the qualifications, functions,
10 and duties of a licensee under this chapter. The record of conviction of a violation of
11 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
12 regulating controlled substances or of a violation of the statutes of this state regulating
13 controlled substances or dangerous drugs shall be conclusive evidence of
14 unprofessional conduct. In all other cases, the record of conviction shall be conclusive
15 evidence only of the fact that the conviction occurred. The board may inquire into the
16 circumstances surrounding the commission of the crime, in order to fix the degree of
17 discipline or, in the case of a conviction not involving controlled substances or
18 dangerous drugs, to determine if the conviction is of an offense substantially related to
19 the qualifications, functions, and duties of a licensee under this chapter. A plea or
20 verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a
21 conviction within the meaning of this provision. The board may take action when the
22 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal
23 or when an order granting probation is made suspending the imposition of sentence,
24 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the
25 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting
26 aside the verdict of guilty, or dismissing the accusation, information, or indictment.

27 ...
28 (o) Violating or attempting to violate, directly or indirectly, or assisting in 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.

11. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked
or is under suspension, or who has failed to renew his or her license while it was under
suspension, or who has been a manager, administrator, owner, member, officer,
director, associate, partner, or any other person with management or control of any
partnership, corporation, trust, firm, or association whose application for a license has
been denied or revoked, is under suspension or has been placed on probation, and while
acting as the manager, administrator, owner, member, officer, director, associate,
partner, or any other person with management or control had knowledge of or

1 knowingly participated in any conduct for which the license was denied, revoked,
2 suspended, or placed on probation, shall be prohibited from serving as a manager,
3 administrator, owner, member, officer, director, associate, partner, or in any other
4 position with management or control of a licensee as follows:

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

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

10 (b) "Manager, administrator, owner, member, officer, director, associate, partner,
11 or any other person with management or control of a license" as used in this section
12 and Section 4308, may refer to a pharmacist or to any other person who serves in such
13 capacity in or for a licensee.

14 (c) The provisions of subdivision (a) may be alleged in any pleading filed
15 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
16 Government Code. However, no order may be issued in that case except as to a person
17 who is named in the caption, as to whom the pleading alleges the applicability of this
18 section, and where the person has been given notice of the proceeding as required by
19 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government
20 Code. The authority to proceed as provided by this subdivision shall be in addition to
21 the board's authority to proceed under Section 4339 or any other provision of law.

22 12. Section 4332 of the Code states in relevant part:

23 Any person who fails, neglects, or refuses to maintain the records required by
24 board, fails, neglects, or refuses to produce or provide the records within a reasonable
25 misdemeanor.

26 13. Health and Safety Code section 11153 states in relevant part:

27 (a) A prescription for a controlled substance shall only be issued for a legitimate
28 medical purpose by an individual practitioner acting in the usual course of his or her
professional practice. The responsibility for the proper prescribing and dispensing of
controlled substances is upon the prescribing practitioner, but a corresponding
responsibility rests with the pharmacist who fills the prescription. Except as authorized
by this division, the following are not legal prescriptions: (1) an order purporting to be
a prescription which is issued not in the usual course of professional treatment or in
legitimate and authorized research; or (2) an order for an addict or habitual user of
controlled substances, which is issued not in the course of professional treatment or as
part of an authorized narcotic treatment program, for the purpose of providing the user
with controlled substances, sufficient to keep him or her comfortable by maintaining
customary use.

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14. Health and Safety Code section 11200 states:

(a) No person shall dispense or refill a controlled substance prescription more than six months after the date thereof.

(b) No prescription for a Schedule III or IV substance may be refilled more than five times and in an amount, for all refills of that prescription taken together, exceeding a 120-day supply.

(c) No prescription for a Schedule II substance may be refilled.

REGULATIONS

15. California Code of Regulations, title 16, section 1718, states:

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

16. California Code of Regulations, title 16, section 1761, states:

(a) No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.

(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense a controlled substance prescription where the pharmacist knows or has objective reason to know that said prescription was not issued for a legitimate medical purpose.

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

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the evidences present or potential unfitness of a licensee or registrant to perform the public health, safety, or welfare.

COST RECOVERY

18. Section 125.3 of the Code states, in pertinent part, 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.

1 **DRUG CLASSIFICATIONS**

2 19. Dilaudid is a brand name for hydromorphone. Dilaudid is a Schedule II controlled
3 substance and a dangerous drug. (Health & Saf. Code, § 11055, subd. (b)(1)(J); Bus. & Prof.
4 Code, § 4022.) Dilaudid is indicated for severe pain.

5 20. OxyContin is a brand name for oxycodone. OxyContin is a Schedule II controlled
6 substance and a dangerous drug. (Health & Saf. Code, § 11055, subd. (b)(1)(M); Bus. & Prof.
7 Code, § 4022.) OxyContin is indicated for moderate to severe pain.

8 21. Lyrica is a brand name for pregabalin. Lyrica is a Schedule V controlled substance
9 and a dangerous drug. (Code Fed. Regs., tit. 21, § 1308.15, subd. (e)(13); Bus. & Prof. Code, §
10 4022.) Lyrica is indicated for fibromyalgia, diabetic nerve pain, spinal cord injury nerve pain, pain
11 after shingles, and partial onset seizures in adults with epilepsy.

12 **BOARD INVESTIGATION**

13 22. From 2011 to 2013, the Board conducted a series of investigations of Respondent
14 Pharmacy. Respondent Pharmacy's controlled substance log, prescription copies, Patient Activity
15 Reports (PARs) and other documents, revealed violations of the Pharmacy Law.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Conviction of a Substantially Related Crime)**

18 **(As to Respondent Phic Lim)**

19 23. Respondent Phic Lim is subject to disciplinary action under sections 490 and 4301,
20 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that
21 Respondent Phic Lim was convicted of a crime that is substantially related to the qualifications,
22 functions, and duties of a registered pharmacist.

23 24. On or about December 11, 2015, Respondent Phic Lim pleaded guilty to one felony
24 count of structuring of currency transactions (31 U.S.C. § 5324(a)(3).) On or about February 8,
25 2016, Respondent was sentenced to 12 months and one day in a federal penitentiary and ordered
26 to pay a fine of \$15,000 and a special assessment of \$100. Following release from imprisonment,
27 Respondent was placed on supervised release for three years upon terms and conditions that, in
28 relevant part, require him to obtain prior written approval from his probation officer before being

1 employed in any position that requires licensing and/or certification by a local, state, or federal
2 agency. (*United States of America v. Phic Lim* (C.D.Cal. 2016) No. CR-11-1075-SJO-5).)

3 25. The circumstances of the conviction are that beginning not earlier than July 2009,
4 Respondent and his wife, a co-defendant, engaged in a pattern of knowingly and intentionally
5 depositing cash proceeds in structured amounts (that is, in individual transactions less than
6 \$10,000), resulting in combined deposits per day of more than \$10,000, and using multiple bank
7 accounts.

8 26. In total, Respondent and his wife made structured deposits of at least \$105,826 in
9 such cash proceeds. Respondent made those structured deposits knowing that the relevant
10 financial institutions had a legal obligation to report currency transactions in excess of \$10,000,
11 and Respondent acted for the purpose of evading that reporting obligation.

12 27. As an example of the structuring in which Respondent was engaged, on August 4,
13 2009, Respondent and his wife made two cash deposits in the amounts of \$1,662 and \$9,000 into
14 a Chase Bank account ending in numbers 0725.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Commission of Act of Dishonesty, Fraud, Deceit, Corruption)**

17 **(As to Respondent Phic Lim)**

18 28. Respondent Phic Lim is subject to disciplinary action under Code section 4301,
19 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1770, in that
20 Respondent Phic Lim committed an act involving moral turpitude, dishonesty, fraud, deceit or
21 corruption. Complainant realleges paragraphs 21–26.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Failure to Validate Legitimacy of Prescriptions)**

24 **(As to All Respondents)**

25 29. Respondents are subject to disciplinary action under Code section 4301, subdivisions
26 (d) and (j) for violating Health and Safety Code section 11153, subdivision (a), and Code section
27 4301, subdivision (o), for violating California Code of Regulations, title 16, section 1761,
28 subdivisions (a) and (b), in that between 2009 and 2011, Respondents failed to assume

1 corresponding responsibility by failing to validate the legitimacy of the prescriptions they
2 dispensed; by failing to review the patients' drug therapy; by dispensing prescriptions to physician
3 shoppers or habitual users; and/or by dispensing erroneous or uncertain prescriptions. The
4 circumstances are as follows:

5 **A. Patient E.H. Received Prescriptions From Other Pharmacies While Receiving**
6 **Lyrica 300 mg from Respondents**

7 30. On or about February 5, 2010, Respondents dispensed prescription number 699247 to
8 Patient E.H. The prescription consisted of 60 tablets of Lyrica 300 mg, a 30-day supply.

9 31. Respondents refilled the prescription five times between March and December, 2017.

10 32. Respondents knew or should have known that Patient E.H. obtained prescriptions
11 from five other pharmacies and seven doctors during the time that he received prescriptions from
12 Respondents.

13 **B. Patient P.G. Received an Excessive Amount of OxyContin 80 mg**

14 33. On or about November 25, 2009, Respondents dispensed prescription number 693275
15 to Patient P.G. The prescription consisted of 90 pills of OxyContin 80 mg, a 30-day supply.

16 34. On or about December 1, 2009, Respondents dispensed a 30-day supply of Patient
17 P.G.'s prescription.

18 35. On or about December 24, 2009, Respondents dispensed another 30-day supply to
19 Patient P.G. 30 days early.

20 36. Respondents knew or should have known that Patient P.G. received prescriptions
21 from two different doctors while receiving his prescriptions from Respondents.

22 **C. Patient S.A. Received an Excessive Amount of Hydrocodone/APAP 10/325**

23 37. On or about June 22, 2010, Respondents dispensed prescription number 711850 to
24 Patient S.A. The prescription consisted of 120 pills of hydrocodone/APAP 10 mg /325 mg, a 30-
25 day supply.

26 38. On or about July 6, 2010, Respondents dispensed a refill 16 days early.

27 39. On or about July 21, 2010 Respondents dispensed a refill 15 days early.

28 40. Respondents knew or should have known that Patient S.A. obtained 120

1 hydrocodone/APAP 10 mg/325 mg from four other pharmacies during the period in which she
2 obtained the prescriptions from Respondents.

3 41. Respondents knew or should have known that Respondent lived in Palmdale and
4 traveled to San Dimas and Azusa for her prescriptions.

5 **D. Patient Y.B. Received an Excessive Amount of Hydrocodone/APAP 10/325**

6 42. On or about January 21, 2011, Respondents dispensed prescription number 724719 to
7 Patient Y.B. The prescription consisted of 45 pills of hydrocodone/APAP 10 mg/325 mg, an 11-
8 day supply.

9 43. On or about January 26, 2011, Respondents dispensed a refill six days early.

10 44. On or about February 3, 2011, Respondents dispensed a refill eight days early.

11 45. On or about February 8, 2011, Respondents dispensed a refill six days early.

12 46. On or about February 21, 2011, Respondents dispensed a refill.

13 47. On or about February 25, 2011, Respondents dispensed a refill seven days early.

14 48. On or about March 4, 2011, Respondents ran a CURES report on Patient Y.B.

15 A CURES report is a report generated from California's Controlled Substance Utilization Review
16 and Evaluation System. All prescription drug history information is maintained in CURES, a
17 database which contains about 86 million records. The database includes information about the
18 drug dispensed, drug quantity and strength, patient name, address, prescriber name, and
19 authorization number, including DEA number and prescription number.

20 49. By virtue of the information conveyed in the CURES report, Respondents knew or
21 should have known that during the period in which Patient Y.B. obtained prescriptions from
22 Respondents, she also obtained prescriptions from 16 other pharmacies and 13 doctors.

23 50. Respondents knew or should have known that Patient Y.B. lived in San Gabriel and
24 traveled to Glendora and Norwalk for her prescriptions.

25 **E. Daily Logs Reveal Questionable Prescribing and Dispensing Patterns**

26 51. The daily logs for Respondent Pharmacy reveal prescribing and dispensing patterns
27 from which Respondents knew or should have known that the prescriptions they filled were not
28 issued for a lawful medical purpose. Specifically, the daily logs show that out-of-area patients

1 received a combined 123 prescriptions for pain killers, including OxyContin 80 mg, morphine
 2 sulphate, and hydromorphone/Dilaudid 4 mg between January 4, 2010 and February 6, 2010, as
 3 follows:

	Date	Rx No.	Count	Drug	
January 4, 2010					
4					
5					
6	1	1/4/2010	696115	90	OxyContin 80 mg
7	2	1/4/2010	696137	90	OxyContin 80 mg
8	3	1/4/2010	696141	90	OxyContin 80 mg
9	4	1/4/2010	696145	90	OxyContin 80 mg
10	5	1/4/2010	696150	90	OxyContin 80 mg
11	6	1/4/2010	696155	90	OxyContin 80 mg
12	7	1/4/2010	696161	90	OxyContin 80 mg
13	8	1/4/2010	696169	90	OxyContin 80 mg
January 5, 2010					
14					
15	9	1/5/2010	696270	90	OxyContin 80 mg
16	10	1/5/2010	696274	90	OxyContin 80 mg
17	11	1/5/2010	696278	90	OxyContin 80 mg
18	12	1/5/2010	696282	90	OxyContin 80 mg
19	13	1/5/2010	696286	90	OxyContin 80 mg
20	14	1/5/2010	696291	90	OxyContin 80 mg
21	15	1/5/2010	696295	90	OxyContin 80 mg
January 7, 2010					
22					
23	16	1/7/2010	696489	90	OxyContin 80 mg
24	17	1/7/2010	696493	90	OxyContin 80 mg
25	18	1/7/2010	696500	90	OxyContin 80 mg
26	19	1/7/2010	696504	90	OxyContin 80 mg
27	20	1/7/2010	696505	60	Hydromorphone 4 mg
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	Date	Rx No.	Count	Drug
	1/7/2010	696510	90	OxyContin 80 mg
	1/7/2010	696514	90	OxyContin 80 mg
	1/7/2010	696518	90	OxyContin 80 mg
January 8, 2010				
	1/8/2010	696600	90	OxyContin 80 mg
	1/8/2010	696604	90	OxyContin 80 mg
	1/8/2010	696608	90	OxyContin 80 mg
	1/8/2010	696613	90	OxyContin 80 mg
	1/8/2010	696617	90	OxyContin 80 mg
	1/8/2010	696621	90	OxyContin 80 mg
January 9, 2010				
	1/9/2010	696717	90	OxyContin 80 mg
	1/9/2010	696718	60	Morphine sulphate 50 mg
	1/9/2010	696722	90	OxyContin 80 mg
	1/9/2010	696727	90	OxyContin 80 mg
	1/9/2010	696730	90	OxyContin 80 mg
	1/9/2010	696734	90	OxyContin 80 mg
	1/9/2010	696735	60	Hydromorphone 4 mg
	1/9/2010	696740	90	OxyContin 80 mg
	1/9/2010	696748	90	OxyContin 80 mg
	1/9/2010	696752	90	OxyContin 80 mg
	1/9/2010	696756	90	OxyContin 80 mg
	1/9/2010	696760	90	OxyContin 80 mg
January 11, 2010				
	1/11/2010	696788	90	OxyContin 80 mg
	1/11/2010	696796	60	Morphine sulphate 50 mg

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	Date	Rx No.	Count	Drug	
	44	1/11/2010	696801	90	OxyContin 80 mg
	45	1/11/2010	696805	90	OxyContin 80 mg
	46	1/11/2010	696809	90	OxyContin 80 mg
	47	1/11/2010	696813	90	OxyContin 80 mg
	48	1/11/2010	696815	60	Hydromorphone 4 mg
	49	1/11/2010	696831	90	OxyContin 80 mg
	50	1/11/2010	696832	100	Dilaudid 4 mg
	51	1/11/2010	696835	90	OxyContin 80 mg
	52	1/11/2010	696836	100	Dilaudid 4 mg
January 12, 2010					
	53	1/12/2010	696924	90	OxyContin 80 mg
	54	1/12/2010	696928	90	OxyContin 80 mg
	55	1/12/2010	696932	90	OxyContin 80 mg
	56	1/12/2010	696937	90	OxyContin 80 mg
	57	1/12/2010	696941	90	OxyContin 80 mg
	58	1/12/2010	696942	60	Hydromorphone 4 mg
	59	1/12/2010	696943	90	OxyContin 80 mg
	60	1/12/2010	696949	90	OxyContin 80 mg
	61	1/12/2010	696953	90	OxyContin 80 mg
	62	1/12/2010	696972	90	OxyContin 80 mg
January 16, 2010					
	63	1/16/2010	697326	90	OxyContin 80 mg
	64	1/16/2010	697330	90	OxyContin 80 mg
	65	1/16/2010	697334	90	OxyContin 80 mg
	66	1/16/2010	697343	90	OxyContin 80 mg
	67	1/16/2010	697349	90	OxyContin 80 mg

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	Date	Rx No.	Count	Drug
	1/16/2010	697353	90	OxyContin 80 mg
	1/16/2010	697357	90	OxyContin 80 mg
	1/16/2010	697361	90	OxyContin 80 mg
	1/16/2010	697365	90	OxyContin 80 mg
	1/16/2010	697369	90	OxyContin 80 mg
January 18, 2010				
	1/18/2010	697399	90	OxyContin 80 mg
	1/18/2010	697409	90	OxyContin 80 mg
	1/18/2010	697416	90	OxyContin 80 mg
	1/18/2010	697422	90	OxyContin 80 mg
	1/18/2010	697427	90	OxyContin 80 mg
	1/18/2010	697436	90	OxyContin 80 mg
	1/18/2010	697440	90	OxyContin 80 mg
	1/18/2010	697444	90	OxyContin 80 mg
	1/18/2010	697448	90	OxyContin 80 mg
	1/18/2010	697454	90	OxyContin 80 mg
	1/18/2010	697458	90	OxyContin 80 mg
	1/18/2010	697462	90	OxyContin 80 mg
January 23, 2010				
	1/23/2010	697925	90	OxyContin 80 mg
	1/23/2010	697934	90	OxyContin 80 mg
	1/23/2010	697938	90	OxyContin 80 mg
	1/23/2010	697942	90	OxyContin 80 mg
	1/23/2010	697946	90	OxyContin 80 mg
	1/23/2010	697950	90	OxyContin 80 mg
	1/23/2010	697955	90	OxyContin 80 mg

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	Date	Rx No.	Count	Drug
	1/23/2010	697960	90	OxyContin 80 mg
	1/23/2010	697965	90	OxyContin 80 mg
	1/23/2010	697969	90	OxyContin 80 mg
January 25, 2010				
	1/25/2010	698017	90	OxyContin 80 mg
	1/25/2010	698021	90	OxyContin 80 mg
	1/25/2010	698025	90	OxyContin 80 mg
	1/25/2010	698029	90	OxyContin 80 mg
	1/25/2010	698033	90	OxyContin 80 mg
	1/25/2010	698037	90	OxyContin 80 mg
	1/25/2010	698069	90	OxyContin 80 mg
	1/25/2010	698077	90	OxyContin 80 mg
	1/25/2010	698080	90	OxyContin 80 mg
	1/25/2010	698082	100	Dilaudid 4 mg
January 30, 2010				
	1/30/2010	698644	90	OxyContin 80 mg
	1/30/2010	698647	90	OxyContin 80 mg
	1/30/2010	698652	90	OxyContin 80 mg
	1/30/2010	698655	90	OxyContin 80 mg
	1/30/2010	698658	90	OxyContin 80 mg
	1/30/2010	698661	90	OxyContin 80 mg
	1/30/2010	698664	90	OxyContin 80 mg
	1/30/2010	698667	90	OxyContin 80 mg
	1/30/2010	698679	90	OxyContin 80 mg
February 6, 2010				
	2/6/2010	699317	90	OxyContin 80 mg

	Date	Rx No.	Count	Drug
115	2/6/2010	699320	90	OxyContin 80 mg
116	2/6/2010	699323	90	OxyContin 80 mg
117	2/6/2010	699326	90	OxyContin 80 mg
118	2/6/2010	699329	90	OxyContin 80 mg
119	2/6/2010	699334	90	OxyContin 80 mg
120	2/6/2010	699337	90	OxyContin 80 mg
121	2/6/2010	699340	90	OxyContin 80 mg
122	2/6/2010	699343	90	OxyContin 80 mg
123	2/6/2010	699346	90	OxyContin 80 mg

FOURTH CAUSE FOR DISCIPLINE

(Unauthorized Dispensing of Controlled Substance Refill)

(As to All Respondents)

52. Respondents are subject to disciplinary action under Code section 4301, subdivision (j), for violating Health and Safety Code section 11200, in that Respondents dispensed a controlled substance refill more than six months after the date of the original prescription. On or about February 5, 2010, Respondents dispensed prescription number 699247 to Patient E.H. The prescription consisted of 60 tablets of Lyrica 300 mg, a 30-day supply. Respondents dispensed a refill prescription on December 17, 2010, which was more than six months from the date of the original prescription.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Keep Complete Accountability)

(As to All Respondents)

53. Respondents are subject to disciplinary action under Code section 4301, subdivision (o), for violating Code sections 4081, 4332, and California Code of Regulations, title 16, section 1718, in that, pursuant to an audit based on Respondent Pharmacy's records from March 25, 2010 to December 23, 2011, Respondents could not account for 142 tablets of Dilaudid 4 mg and 200

1 tablets of OxyContin 80 mg.

2 54. The Selected Data Audit Summary follows:

3 Drug	Initial Amount	Amount Ordered	Total	Amount Dispensed	Amt. to Account	Stock On Hand	Short-age
4 Dilaudid 4 mg	840	7,300	8,140	7,320	820	620	200
5 OxyContin 80 mg	820	22,900	23,720	23,550	170	28	142

6
7 **DISCIPLINARY CONSIDERATIONS**

8 55. To determine the degree of discipline, if any, to be imposed on Respondent Phic Lim,
9 Complainant alleges that on or about April 27, 2011, the Board issued Citation Number CI 2010
10 48039 to Respondent Phic Lim for violations of California Code of Regulations, title 16, sections
11 1751.3, subdivision (b), 1751.7, subdivision (a), and 1716.2. Respondent Phic Lim was ordered to
12 pay a fine of \$1,500. That Citation is now final and is incorporated herein by reference as if set
13 forth fully.

14 **OTHER MATTERS**

15 56. Pursuant to Business and Professions Code section 4307, if Pharmacy Permit Number
16 PHY 45238 or Pharmacist License Number RPH 49175 is disciplined as part of the Board's
17 Decision, then Phic Lim shall be prohibited from serving as a manager, administrator, owner,
18 member, officer, director, associate, partner, or in any other position with management or control
19 of a licensee for a period (1) not to exceed five years if either Pharmacy Permit Number PHY
20 45238 or Pharmacist License Number RPH 49175 is placed on probation as part of the Board's
21 decision, or (2) until said licenses are reinstated if they are revoked as part of the Board's
22 decision.

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1 PRAYER

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

4 1. Revoking or suspending Pharmacy Permit Number PHY 45238, issued to P S
5 Enterprise, Inc., doing business as Huntington Pharmacy; with Phic Lim as the President and
6 Pharmacist-in-Charge;

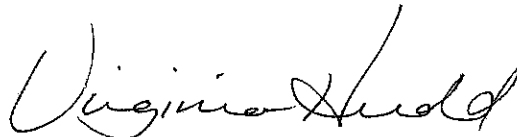
7 2. Revoking or suspending Pharmacist License Number RPH 49175, issued to Phic Lim;

8 3. Prohibiting Phic Lim, pursuant to Business and Professions Code section 4307, from
9 serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any
10 other position with management or control of a licensee for a period (1) not to exceed five years if
11 either Pharmacy Permit Number PHY 45238 or Pharmacist License Number RPH 49175 is placed
12 on probation as part of the Board's decision, or (2) until said licenses are reinstated if they are
13 revoked as part of the Board's decision;

14 4. Ordering P S Enterprise, Inc., d.b.a. Huntington Pharmacy and Phic Lim, jointly and
15 severally, to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement
16 of this case, pursuant to Business and Professions Code section 125.3; and,

17 5. Taking such other and further action as deemed necessary and proper.

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21 DATED: 2/17/17



22 VIRGINIA HEROLD
23 Executive Officer
24 Board of Pharmacy
25 Department of Consumer Affairs
26 State of California
27 *Complainant*

28 LA2013510033 | 52385142_3

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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4906

11 **P S ENTERPRISE, INC., DBA**
12 **HUNTINGTON PHARMACY; PHIC LIM**
13 **2300 Huntington Dr.**
San Marino, CA 91108
14 **Pharmacy Permit No. PHY 45238**

A C C U S A T I O N

15 **PHIC LIM**
16 **1107 Fair Oaks Avenue, #148**
South Pasadena, CA 91030
17 **Pharmacist License No. RPH 49175**

18 Respondents.

19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about May 29, 2001, the Board issued Pharmacy Permit Number PHY 45238 to
24 P S Enterprise, Inc., dba Huntington Pharmacy; with Phic Lim as the President since May 29,
25 2001, and the Pharmacist-in-Charge since March 10, 2010 (Respondent Pharmacy). The
26 Pharmacy Permit expired on May 1, 2012, and has not been renewed.

27 3. On or about October 22, 1996, the Board issued Pharmacist License Number RPH
28 49175 to Phic Lim (Respondent Lim). The Pharmacist License was in full force and effect at all

1 times relevant to the charges brought herein and will expire on December 31, 2015, if not
2 renewed.

3 **JURISDICTION**

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

6 5. Section 4300 of the Code states, in pertinent part:

7 "(a) Every license issued may be suspended or revoked."

8 6. Section 4300.1 of the Code states:

9 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
10 operation of law or by order or decision of the board or a court of law, the placement of a license
11 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
12 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
13 proceeding against, the licensee or to render a decision suspending or revoking the license."

14 7. Section 4301 of the Code states:

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

18

19 "(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
20 of Section 11153 of the Health and Safety Code.

21

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

24

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

1 8. Section 4022 of the Code states:

2 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in
3 humans or animals, and includes the following:

4 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
5 prescription," "Rx only," or words of similar import.

6 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale
7 by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled
8 in with the designation of the practitioner licensed to use or order use of the device.

9 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
10 prescription or furnished pursuant to Section 4006."

11 9. Section 4081 of the Code provides:

12 "(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs
13 or dangerous devices shall be at all times during business hours open to inspection by authorized
14 officers of the law, and shall be preserved for at least three years from the date of making. A
15 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-
16 animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,
17 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,
18 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and
19 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and
20 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

21 "(b) The owner, officer, and partner of a pharmacy, wholesaler, or veterinary food-animal
22 drug retailer shall be jointly responsible, with the pharmacist-in-charge or designated
23 representative-in charge, for maintaining the records and inventory described in this section."

24 10. Section 4332 of the Code provides:

25 "Any person who fails, neglects, or refuses to maintain the records required by Section 4081
26 or who, when called upon by an authorized officer or a member of the board, fails, neglects, or
27 refuses to produce or provide the records within a reasonable time, or who willfully produces or
28 furnishes records that are false, is guilty of a misdemeanor."

1 11. Health and Safety Code section 11153 provides:

2 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical
3 purpose by an individual practitioner acting in the usual course of his or her professional practice.
4 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
5 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
6 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
7 an order purporting to be a prescription which is issued not in the usual course of professional
8 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
9 controlled substances, which is issued not in the course of professional treatment or as part of an
10 authorized narcotic treatment program, for the purpose of providing the user with controlled
11 substances, sufficient to keep him or her comfortable by maintaining customary use."

12 **REGULATORY PROVISIONS**

13 12. California Code of Regulations, title 16 ("Regulations"), section 1718 provides:

14 "Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions
15 Code shall be considered to include complete accountability for all dangerous drugs handled by
16 every licensee enumerated in Sections 4081 and 4332. The controlled substances inventories
17 required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least
18 3 years after the date of the inventory."

19 13. Regulations section 1761 provides:

20 "(a) No pharmacist shall compound or dispense any prescription which contains any
21 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
22 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
23 validate the prescription.

24 "(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense
25 a controlled substance prescription where the pharmacist knows or has objective reason to know
26 that said prescription was not issued for a legitimate medical purpose."

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COST RECOVERY PROVISION

14. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate 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.

DRUG CLASSIFICATIONS

15. Dilaudid 4mg, brand name for Hydromorphone, is a Schedule II controlled substance as defined under Health and Safety Code section 11055, section (b)(I)(J), and a dangerous drug pursuant to Business and Professions Code section 4022. It is used for the relief of severe pain.

16. OxyContin 80mg, brand name for Oxycodone, is a Schedule II controlled substance as defined under Health and Safety Code section 11055, section (b)(I)(M), and a dangerous drug pursuant to Business and Professions Code section 4022. It is used for the relief of moderate to severe pam.

17. Lyrica, is a Schedule V controlled substance as defined under Code of Federal Regulations, title 21, section 1308.15 (e)(3), and a dangerous drug pursuant to Business and Professions Code section 4022. It is used for the relief of pain.

BOARD INVESTIGATION

18. From 2011 to 2013, the Board conducted a series of investigations of Respondent Pharmacy. Using Respondent Pharmacy's controlled substance log, prescription copies, Patient Activity Reports (PARS) and other documents, the following violations were found.

FIRST CAUSE FOR DISCIPLINE

(Filing of Erroneous or Uncertain Prescriptions and Failure to Assume Co-Responsibility to Validate Legitimacy of Prescription)

19. Respondents Pharmacy and Lim are subject to disciplinary action under Code section 4301, subdivisions (d) and (j) for violating Health and Safety Code section 11153, subdivision (a), and Code section 4301, subdivision (o), for violating Regulations section 1761, subdivisions (a) and (b), in that between 2009 to 2011, Respondents failed to assume corresponding responsibility by failing to validate the legitimacy of the prescriptions and/or reviewing the patients' drug therapy,

1 by dispensing prescriptions to physician shoppers or habitual users, and/or by dispensing
2 erroneous/uncertain prescriptions. The circumstances are as follows:

3 20. Patient S.A. On or about June 22, 2010, Respondents dispensed 120
4 hydrocodone/apap 10/325, 30 day supply (DS), Rx #711850. On or about July 6, 2010,
5 Respondents dispensed a refill of 120 hydrocodone/apap 10/325 (30 DS), Rx #711850, 17 days
6 early. On or about July 21, 2010, Respondents dispensed another refill of 120 hydrocodone/apap
7 10/325, Rx #711850, 15 days early. Respondents failed to notice that S.A. obtained 120
8 hydrocodone/apap 10/325 from 4 different pharmacies during the period she was obtaining the
9 prescriptions from Respondent Pharmacy, and that S.A. lived in Palmdale and traveled to Santa
10 Clarita and Azusa for these prescriptions.

11 21. Patient Y.B. On or about January 21, 2011, Respondents dispensed 45
12 hydrocodone/apap 10/325 (11 DS), Rx #724719. Five days later, on or about January 26, 2011,
13 Respondents dispensed another refill of 45 hydrocodone/apap 10/325. On or about February 3,
14 2011, Respondents dispensed 45 hydrocodone/apap 10/325 (11 DS), Rx #725506 eight days early.
15 On March 4, 2011, Respondents conducted one CURES¹ report on Y.B. During the period Y.B.
16 obtained prescriptions Respondents, Respondents failed to notice that she also obtained
17 prescriptions from 16 other pharmacies and 13 doctors, and that Y.B. lived in San Gabriel and
18 traveled to Glendora and Norwalk for these prescriptions.

19 22. Patient P.G. On or about November 25, 2009, Respondents dispensed 90 OxyContin
20 80mg (30 DS), Rx #693275. Six days later, on or about December 1, 2009, Respondents
21 dispensed another 90 OxyContin 80mg (30 DS), Rx #693275. On or about December 24, 2009,
22 Respondents dispensed another 90 OxyContin 80mg (30 DS), Rx # 695386 30 days early.
23 Respondents failed to notice that P.G. received prescriptions from 3 different doctors while
24 receiving his prescriptions from Respondents.

25
26 All prescription drug history information is maintained in the California's Controlled
27 Substance Utilization Review and Evaluation System, or CURES, a database which contains about 86
28 million records. The database includes information about the drug dispensed, drug quantity and
strength, patient name, address, prescriber name, and authorization number including DEA number or
prescription number.

1 23. Patient E.H. On or about February 5, 2010, Respondents dispensed 60 Lyrica 300mg
2 (30 DS), Rx #699247. The same amount of prescriptions was refilled on March 5, 2010, May 7,
3 2010, June 4, 2010, July 30, 2010, and December 17, 2010. Respondents failed to notice that
4 E.H. obtained prescriptions from 7 other pharmacies and 8 doctors during the time he obtained
5 prescriptions from Respondents.

6 24. The daily logs for Respondent Pharmacy by date, show groups of patients and doctors
7 from out of the area filling almost consecutive prescriptions from Respondent Pharmacy, and
8 groups of patients were brought in by drivers or cappers 4-5 times per week, as follows:

9 a. On January 4, 2010, there were 8 prescriptions for OxyContin 80mg from Lake
10 Medical Group and Dr. G.:

- 11 • Rx 696115, 90 OxyContin 80mg
- 12 • Rx 696137, 90 OxyContin 80mg
- 13 • Rx 696141, 90 OxyContin 80mg
- 14 • Rx 696145, 90 OxyContin 80mg
- 15 • Rx 696150, 90 OxyContin 80mg
- 16 • Rx 696155, 90 OxyContin 80mg
- 17 • Rx 696161, 90 OxyContin 80mg
- 18 • Rx 696169, 90 OxyContin 80mg

19 b. On January 5, 2010, there were 7 prescriptions for Oxycontin 80mg from Lake
20 Medical Group:

- 21 • Rx 696270, 90 OxyContin 80mg
- 22 • Rx 696274, 90 OxyContin 80mg
- 23 • Rx 696278, 90 OxyContin 80mg
- 24 • Rx 696282, 90 OxyContin 80mg
- 25 • Rx 696286, 90 OxyContin 80mg
- 26 • Rx 696291, 90 OxyContin 80mg
- 27 • Rx 696295, 90 OxyContin 80mg

28 c. On January 7, 2010, there were 7 prescriptions for OxyContin 80mg and 1 for
Hydromorphone 4mg from Lake Medical Group:

- Rx 696489, 90 OxyContin 80mg
- Rx 696493, 90 OxyContin 80mg
- Rx 696500, 90 OxyContin 80mg
- Rx 696504, 90 OxyContin 80mg
- Rx 696505, 60 Hydromorphone 4mg

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- Rx 696510, 90 OxyContin 80mg
- Rx 696514, 90 OxyContin 80mg
- Rx 696518, 90 OxyContin 80mg

d. On January 8, 2010, there were 6 prescriptions for OxyContin 80mg from Lake

Medical Group:

- Rx 696600, 90 OxyContin 80mg
- Rx 696604, 90 OxyContin 80mg
- Rx 696608, 90 OxyContin 80mg
- Rx 696613, 90 OxyContin 80mg
- Rx 696617, 90 OxyContin 80mg
- Rx 696621, 90 OxyContin 80mg

e. On January 9, 2010, there were 10 prescriptions for OxyContin 80mg, 1 for Morphine

Sulphate, and 1 for Hydromorphone 4mg, all from Lake Medical Group:

- Rx 696717, 90 OxyContin 80mg
- Rx 696718, 60 Morphine Sulphate 50mg
- Rx 696722, 90 OxyContin 80mg
- Rx 696727, 90 OxyContin 80mg
- Rx 696730, 90 OxyContin 80mg
- Rx 696734, 90 OxyContin 80mg
- Rx 696735, 60 Hydromorphone 4mg
- Rx 696740, 90 OxyContin 80mg
- Rx 696748, 90 OxyContin 80mg
- Rx 696752, 90 OxyContin 80mg
- Rx 696756, 90 OxyContin 80mg
- Rx 696760, 90 OxyContin 80mg

f. On January 11, 2010, there were 9 prescriptions for OxyContin 80mg and 2 for

Dilaudid 4mg from Lake Medical Group and Dr. G.:

- Rx 696788, 90 OxyContin 80mg
- Rx 696796, 60 Morphine Sulphate 50mg
- Rx 696801, 90 OxyContin 80mg
- Rx 696805, 90 OxyContin 80mg
- Rx 696809, 90 OxyContin 80mg
- Rx 696813, 90 OxyContin 80mg
- Rx 696815, 60 Hydromorphone 4mg
- Rx 696831, 90 OxyContin 80mg
- Rx 696832, 100 Dilaudid 4mg
- Rx 696835, 90 OxyContin 80mg
- Rx 696836, 100 Dilaudid 4mg

1 g. On January 12, 2010, there were 9 prescriptions for OxyContin 80mg and 1 for
2 Hydromorphone 4mg from Lake Medical Group:

- 3 • Rx 696924, 90 OxyContin 80mg
- 4 • Rx 696928, 90 OxyContin 80mg
- 5 • Rx 696932, 90 OxyContin 80mg
- 6 • Rx 696937, 90 OxyContin 80mg
- 7 • Rx 696941, 90 OxyContin 80mg
- 8 • Rx 696942, 60 Hydromorphone 4mg
- 9 • Rx 696943, 90 OxyContin 80mg
- Rx 696949, 90 OxyContin 80mg
- Rx 696953, 90 OxyContin 80mg
- Rx 696972, 90 OxyContin 80mg

10 h. On January 16, 2010, there were 10 prescriptions for OxyContin 80mg from Lake
11 Medical Group:

- 12 • Rx 697326, 90 OxyContin 80mg
- 13 • Rx 697330, 90 OxyContin 80mg
- 14 • Rx 697334, 90 OxyContin 80mg
- 15 • Rx 697343, 90 OxyContin 80mg
- 16 • Rx 697349, 90 OxyContin 80mg
- 17 • Rx 697353, 90 OxyContin 80mg
- 18 • Rx 697357, 90 OxyContin 80mg
- 19 • Rx 697361, 90 OxyContin 80mg
- 20 • Rx 697365, 90 OxyContin 80mg
- 21 • Rx 697369, 90 OxyContin 80mg

22 i. On January 18, 2010, there were 12 prescriptions for OxyContin 80mg from Lake
23 Medical Group:

- 24 • Rx 697399, 90 OxyContin 80mg
- 25 • Rx 697409, 90 OxyContin 80mg
- 26 • Rx 697416, 90 OxyContin 80mg
- 27 • Rx 697422, 90 OxyContin 80mg
- 28 • Rx 697427, 90 OxyContin 80mg
- Rx 697436, 90 OxyContin 80mg
- Rx 697440, 90 OxyContin 80mg
- Rx 697444, 90 OxyContin 80mg
- Rx 697448, 90 OxyContin 80mg
- Rx 697454, 90 OxyContin 80mg
- Rx 697458, 90 OxyContin 80mg
- Rx 697462, 90 OxyContin 80mg

1 j. On January 23, 2010, there were 10 prescriptions for OxyContin 80mg from Lake
2 Medical Group:

- 3 • Rx 697925, 90 OxyContin 80mg
- 4 • Rx 697934, 90 OxyContin 80mg
- 5 • Rx 697938, 90 OxyContin 80mg
- 6 • Rx 697942, 90 OxyContin 80mg
- 7 • Rx 697946, 90 OxyContin 80mg
- 8 • Rx 697950, 90 OxyContin 80mg
- 9 • Rx 697955, 90 OxyContin 80mg
- Rx 697960, 90 OxyContin 80mg
- Rx 697965, 90 OxyContin 80mg
- Rx 697969, 90 OxyContin 80mg

10 k. On January 25, 2010, there were 9 prescriptions for OxyContin 80mg and 1 for
11 Dilaudid 4mg, all from Lake Medical Group and Dr. G.:

- 12 • Rx 698017, 90 OxyContin 80mg
- 13 • Rx 698021, 90 OxyContin 80mg
- 14 • Rx 698025, 90 OxyContin 80mg
- 15 • Rx 698029, 90 OxyContin 80mg
- 16 • Rx 698033, 90 OxyContin 80mg
- 17 • Rx 698037, 90 OxyContin 80mg
- 18 • Rx 698069, 90 OxyContin 80mg
- 19 • Rx 698077, 90 OxyContin 80mg
- 20 • Rx 698080, 90 OxyContin 80mg
- 21 • Rx 698082, 100 Dilaudid 4mg

22 l. On January 30, 2010, there were 9 prescriptions for OxyContin 80mg from Lake
23 Medical Group:

- 24 • Rx 698644, 90 OxyContin 80mg
- 25 • Rx 698647, 90 OxyContin 80mg
- 26 • Rx 698652, 90 OxyContin 80mg
- 27 • Rx 698655, 90 OxyContin 80mg
- 28 • Rx 698658, 90 OxyContin 80mg
- Rx 698661, 90 OxyContin 80mg
- Rx 698664, 90 OxyContin 80mg
- Rx 698667, 90 OxyContin 80mg
- Rx 698679, 90 OxyContin 80mg

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1 m. On February 6, 2010, there were 10 prescriptions for OxyContin 80mg from Lake
2 Medical Group:

- 3 • Rx 699317, 90 OxyContin 80mg
- 4 • Rx 699320, 90 OxyContin 80mg
- 5 • Rx 699323, 90 OxyContin 80mg
- 6 • Rx 699326, 90 OxyContin 80mg
- 7 • Rx 699329, 90 OxyContin 80mg
- 8 • Rx 699334, 90 OxyContin 80mg
- 9 • Rx 699337, 90 OxyContin 80mg
- Rx 699340, 90 OxyContin 80mg
- Rx 699343, 90 OxyContin 80mg
- Rx 699346, 90 OxyContin 80mg

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Failure to Keep Complete Accountability)**

12 25. Respondents Pharmacy and Lim are subject to disciplinary action under Code section
13 4301, subdivision (o), for violating Code sections 4081, 4332, and Regulations 1718 in that
14 pursuant to an audit based on Respondent Pharmacy's records from March 25, 2010 to December 23,
15 2011, Respondents could not account for 2,600 tablets of Dilaudid 4mg and 39,620 tablets of
16 OxyContin 80mg.

17 26. The Selected Drug Audit Summary is as follows:

18

19 DRUG	INITIAL AMOUNT	AMOUNT ORDERED	TOTAL	AMOUNT DISPENSED	AMT. TO ACCOUNT	STOCK ON HAND	SHORT-AGE
20 Dilaudid 4mg	840	7,300	8,140	11,360	3,220	620	2,600
21 OxyContin 80mg	820	23,900	24,720	64,630	39,910	290	39,620

22 **DISCIPLINE CONSIDERATIONS**

23 27. To determine the degree of discipline, if any, to be imposed on Respondent Lim,
24 Complainant alleges that on or about April 27, 2011, the Board of Pharmacy issued Citation
25 Number CI 2010 48039 to Respondent Lim for violations of Regulations sections 1751.3,
26 subdivision (b), 1751.7, subdivision (a), and 1716.2. Respondent Lim was ordered to pay a fine
27 of \$1,500.00. That Citation is now final and is incorporated by reference as if fully set forth.
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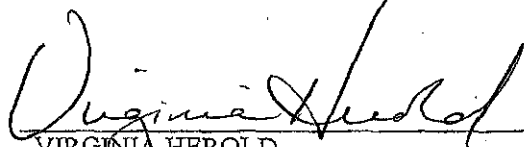
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PRAYER

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 Pharmacy Permit Number PHY 45238, issued to P S Enterprise, Inc., dba Huntington Pharmacy; with Phic Lim as the President and Pharmacist-in-Charge;
2. Revoking or suspending Pharmacist License Number RPH 49175 to Phic Lim;
3. Ordering P S Enterprise, Inc., dba Huntington Pharmacy and Phic Lim, jointly and severally, 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;
4. Taking such other and further action as deemed necessary and proper.

DATED: 4/5/14



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

LA2013510033