

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ARMANDO ZAMBRANO
Deputy Attorney General
4 State Bar No. 225325
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2542
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:
11 **Y TROI INC. DBA ST. PAUL'S**
12 **PHARMACY I; PERRY TAN NGUYEN**
13 **OWNER**
14 **2459 Florence Avenue**
Huntington Park, CA 90255
15 **Original Permit No. PHY 42891,**
16 **and**
17 **PERRY TAN NGUYEN**
18 **6621 Silent Harbor Drive**
Huntington Beach, CA 92648
19 **Pharmacist License No. RPH 42961**
20 Respondents.

Case No. 5262

ACCUSATION

21
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 or about May 12, 1997, the Board of Pharmacy ("Board") issued Original Permit
27 Number PHY 42891 to Perry Tan Nguyen to do business as St. Paul's Pharmacy I. From May 12,
28 1997 to July 10, 2001, Perry Tan Nguyen was the individual licensed owner. On or about July 10,

1 2001, the Board issued Original Permit Number PHY 42891 to Y Troi Inc. to do business as St.
2 Paul's Pharmacy I ("Respondent Pharmacy") with Perry Tan Nguyen as the Chief Executive
3 Officer. The Original Permit was in full force and effect at all times relevant to the charges
4 brought herein and was cancelled on November 1, 2014. Perry Tan Nguyen was the Pharmacist-
5 in-Charge of Respondent Pharmacy from May 12, 1997 until the permit was cancelled.

6 3. On or about August 25, 1989, the Board issued Pharmacist License Number RPH
7 42961 to Perry Tan Nguyen ("Respondent Nguyen"). The Pharmacist License was in full force
8 and effect at all times relevant to the charges brought herein and will expire on December 31,
9 2016, unless renewed.

10 JURISDICTION

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

13 5. Section 4300, subdivision (a) of the Code provides that "[e]very license issued may be
14 suspended or revoked."

15 6. Section 4300.1 of the Code states:

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

21 STATUTES AND REGULATIONS

22 7. Section 4301 of the Code states, in pertinent part:

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

26 ...

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

1 ...

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

5 ...

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

8 ...

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

26 ...

27 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
28 violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by
2 the board or by any other state or federal regulatory agency."

3 8. Section 4307(a) of the Code states that:

4 "Any person who has been denied a license or whose license has been revoked or is under
5 suspension, or who has failed to renew his or her license while it was under suspension, or who
6 has been a manager, administrator, owner member, officer, director, associate, or partner of any
7 partnership, corporation, firm, or association whose application for a license has been denied or
8 revoked, is under suspension or has been placed on probation, and while acting as the manger,
9 administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly
10 participated in any conduct for which the license was denied, revoked, suspended, or placed on
11 probation, shall be prohibited from serving as a manger, administrator owner, member, officer,
12 director, associate, or partner of a licensee as follows:

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

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

17

18 9. Section 4113, subdivision (c) of the Code states, in pertinent part:

19 ...

20 "(c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all
21 state and federal laws and regulations pertaining to the practice of pharmacy."

22

23 10. Section 11153, subdivision (a) of the Health and Safety Code states:

24 "A prescription for a controlled substance shall only be issued for a legitimate medical
25 purpose by an individual practitioner acting in the usual course of his or her professional practice.
26 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
27 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
28 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)

1 an order purporting to be a prescription which is issued not in the usual course of professional
2 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
3 controlled substances, which is issued not in the course of professional treatment or as part of an
4 authorized narcotic treatment program, for the purpose of providing the user with controlled
5 substances, sufficient to keep him or her comfortable by maintaining customary use."

6 11. Health and Safety Code section 11164 states, in pertinent part:

7 "Except as provided in Section 11167, no person shall prescribe a controlled substance, nor
8 shall any person fill, compound, or dispense a prescription for a controlled substance, unless it
9 complies with the requirements of this section.

10 "(a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V,
11 except as authorized by subdivision (b), shall be made on a controlled substance prescription form
12 as specified in Section 11162.1 and shall meet the following requirements:

13 "(1) The prescription shall be signed and dated by the prescriber in ink and shall contain the
14 prescriber's address and telephone number; the name of the ultimate user or research subject, or
15 contact information as determined by the Secretary of the United States Department of Health and
16 Human Services; refill information, such as the number of refills ordered and whether the
17 prescription is a first-time request or a refill; and the name, quantity, strength, and directions for
18 use of the controlled substance prescribed."

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

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."

27 13. California Code of Regulations, title 16, section 1714, subdivision (e), states:
28

1 25. The Board Inspector determined whether or not the prescriptions Respondent
2 Pharmacy dispensed were paid with cash, i.e., insurance was bypassed. Of the 8,151 controlled
3 substance prescriptions, 2,759 (or 33.58%) were paid with cash. Of the 1,524 oxycodone 30 mg
4 prescriptions, 1,521 (or 99.8%) were paid with cash. For the prescriptions written by P.A. Early,
5 Dr. Lifson, Dr. Casillas, Dr. Sison, and Dr. Altamirano, all of the prescriptions were paid for with
6 cash. Moreover, all 20 of the selected patients paid with cash.

7 26. The Board Inspector compared the dispensing practices of Respondent Pharmacy to
8 four other pharmacies located less than one mile away. The CURES data showed that between
9 January 1, 2011 and December 5, 2012, Respondent Pharmacy filled 1,524 prescriptions for
10 oxycodone 30 mg while the four neighboring pharmacies, including a Walgreens, a Rite-Aid, and
11 two independent pharmacies, filled a total of 13 prescriptions for oxycodone 30 mg during that
12 same time period.

13 27. The Board Inspector reviewed data regarding the distance between the 20 patients'
14 residences and the prescribers' offices and the distance between the patients' residences and
15 Respondent Pharmacy. The data showed that the average combined distance between a patient's
16 home to a prescriber's office, the distance between a prescriber's office to Respondent Pharmacy,
17 and the distance from Respondent Pharmacy to a patient's home was 63 miles. The shortest
18 distance was 15 miles and the longest distance was 106 miles. Due to the proliferation of
19 pharmacies in the Southern California area, the common trading area is considered to be 5 miles.
20 The data further showed that none of the 20 patients resided in Huntington Park where
21 Respondent Pharmacy was located.

22 28. On or about February 7, 2013, the Board Inspector conducted an inspection of
23 Respondent Pharmacy. When the Board Inspector arrived at approximately 10:00 a.m., there was
24 no licensed pharmacist on the premises. A pharmacy technician had opened the doors to the
25 pharmacy. When the Board Inspector inquired about the pharmacist's whereabouts, the Inspector
26 was told that the pharmacist had gone to the bank.

27 29. As part of the February 7, 2013 inspection, the Board Inspector asked Respondent
28 Nguyen to complete pharmacy patient questionnaires for the 20 selected patients in order to

1 determine how well Respondent Nguyen knew the patients. Respondent Nguyen indicated that 19
2 of the 20 patients had some type of back pain but Respondent Pharmacy did not keep any notes on
3 the patients' drug therapy.

4 30. A review of the CURES PAR data, the completed pharmacy patient questionnaires,
5 and other data revealed the following information about the 20 selected patients that the Board
6 Inspector investigated:

7 a. Patient K.B.: The PAR shows that prior to having prescriptions for oxycodone and
8 diazepam written by P.A. Early filled at Respondent Pharmacy, K.B. received prescriptions for
9 hydrocodone/apap and diazepam simultaneously from two other doctors and had those
10 prescriptions filled at two different pharmacies. Respondent Pharmacy wrote on the face of a
11 prescription "CURES OK" when K.B. first went to Respondent Pharmacy. However if
12 Respondent Pharmacy had looked closely at CURES PAR, it would have noticed that K.B. had
13 gone to multiple prescribers and multiple pharmacies.

14 b. Patient A.B.: The PAR shows that prior to having prescriptions for oxycodone 30
15 mg and alprazolam written by Dr. Casillas and Dr. Sison filled at Respondent Pharmacy, A.B.
16 went to 4 different prescribers in Lynwood, Los Angeles, Panorama City, and West Covina and 5
17 different pharmacies in Los Angeles, Alhambra, Inglewood, Rancho Cucamonga, and Panorama
18 City. While going to Respondent Pharmacy, A.B. continued to have prescriptions filled at
19 multiple pharmacies and continued to see multiple prescribers.

20 c. Patient D.C.: The PAR shows that prior to having prescriptions for oxycodone 30
21 mg written by Dr. Lifson and Dr. Sison filled at Respondent Pharmacy, D.C. went to 5 prescribers
22 in Downey, Monterey Park, Los Angeles, and Garden Grove and 8 pharmacies in Los Angeles,
23 Alhambra, Hollywood, and Garden Grove to get prescriptions for hydrocodone/apap and
24 alprazolam. While going to Respondent Pharmacy, D.C. continued to go to multiple prescribers
25 and multiple pharmacies. On August 5, 2011, D.C. had a prescription for oxycodone 30 mg and
26 Phenergan with codeine prescribed by Dr. Lifson. D.C. had the prescription for Phenergan with
27 codeine dispensed at Kim Pharmacy, which is 55 miles from Dr. Lifson's office and had the
28 oxycodone 30 mg dispensed at Respondent Pharmacy which was 27 miles from Kim Pharmacy.

1 Respondent Pharmacy wrote on the face of a prescription "CURES OK." However if Respondent
2 Pharmacy had looked closely at CURES PAR, it would have noticed that D.C. had gone to
3 multiple prescribers and multiple pharmacies.

4 d. Patient F.C.: The PAR shows that prior to having prescriptions for oxycodone 30
5 mg written by Paul Sugang, D.O. ("Dr. Sugang") filled at Respondent Pharmacy, F.C. went to 3
6 prescribers and 7 pharmacies in Los Angeles, Compton, Long Beach, Lynwood, and South Gate
7 to get prescriptions for controlled substances. While going to Respondent Pharmacy, F.C.
8 continued to go to multiple prescribers and multiple pharmacies. Respondent Pharmacy wrote on
9 the face of a prescription "CURES OK." However if Respondent Pharmacy had looked closely at
10 CURES PAR, it would have noticed that F.C. had gone to multiple prescribers and multiple
11 pharmacies.

12 e. Patient D.D.: The PAR shows that prior to having prescriptions for oxycodone 30
13 mg written by Dr. Sison, Dr. Casillas, and P.A. Early filled at Respondent Pharmacy, D.D. only
14 went to one prescriber and one pharmacy and received prescriptions for lorazepam. He had no
15 history of pain. Respondent Pharmacy should have questioned starting pain management with
16 oxycodone 30 mg. While going to Respondent Pharmacy, D.D. saw 3 different prescribers and
17 received prescriptions for oxycodone 30 mg, a powerful pain medication.

18 f. Patient M.E.: The PAR shows that prior to having prescriptions for oxycodone 30
19 mg written by P.A. Early filled at Respondent Pharmacy, M.E. went to 9 prescribers in Los
20 Angeles, Northridge, Stockton, Panorama City, and Pasadena and 9 pharmacies in Riverside,
21 Ontario, Santa Monica, Rancho Cucamonga, Gardena, Rancho Palos Verdes, Beverly Hills, and
22 Los Angeles. Respondent Pharmacy wrote on the face of a prescription "CURES OK" when M.E.
23 first went to Respondent Pharmacy. However if Respondent Pharmacy had looked closely at
24 CURES PAR, it would have noticed that M.E. had gone to multiple prescribers and multiple
25 pharmacies.

26 g. Patient B.F.: The PAR shows that prior to having prescriptions for oxycodone 30
27 mg written by Dr. Sison and Dr. Casillas filled at Respondent Pharmacy, M.E. went to multiple
28 prescribers in Downey, Fountain Valley, Huntington Beach, and Los Angeles, and multiple

1 pharmacies in Los Angeles, Hollywood, Hawthorne, Inglewood, and Alhambra.

2 h. Patient A.H.: The PAR shows that prior to having prescriptions for oxycodone 30
3 mg and hydrocodone/apap 10-325 mg written by P.A. Early filled at Respondent Pharmacy, A.H.
4 went to multiple prescribers and multiple pharmacies to get prescriptions for oxycodone 30 mg.
5 Respondent Pharmacy wrote on the face of a prescription "CURES OK" when A.H. first went to
6 Respondent Pharmacy. However if Respondent Pharmacy had looked closely at CURES PAR, it
7 would have noticed that A.H. had gone to multiple prescribers and multiple pharmacies.

8 i. Patient G.J.: The PAR shows that prior to having prescriptions for oxycodone 30
9 mg written by P.A. Early filled at Respondent Pharmacy, G.J. went to 22 prescribers in multiple
10 cities and went to 21 pharmacies in multiple cities to obtain hydrocodone/apap and other
11 controlled substance prescriptions. Respondent Pharmacy wrote on the face of a prescription
12 "CURES OK" when G.J. first went to Respondent Pharmacy. However if Respondent Pharmacy
13 had looked closely at CURES PAR, it would have noticed that G.J. had gone to multiple
14 prescribers and multiple pharmacies.

15 j. Patient Y.K.: The PAR shows that prior to having prescriptions for oxycodone 30
16 mg and promethazine with codeine written by Dr. Sugang filled at Respondent Pharmacy, Y.K.
17 had controlled substance prescriptions dispensed at three pharmacies. Y.K. received 4 drugs on a
18 monthly basis from Dr. Sugang: oxycodone 30 mg, promethazine with codeine,
19 hydrocodone/apap 7.5-750 mg, and alprazolam. Y.K. only had the oxycodone 30 mg and
20 promethazine with codeine prescriptions filled at Respondent Pharmacy and had the
21 hydrocodone/apap 7.5-750 mg and alprazolam prescriptions filled at another pharmacy.

22 Respondent Pharmacy dispensed promethazine with codeine, a cough syrup, to Y.K. eleven times.

23 k. Patient F.L.: The PAR shows that prior to having prescriptions for oxycodone 30
24 mg written by Dr. Casillas filled at Respondent Pharmacy, F.L. went to 10 different prescribers in
25 Gardena, Huntington Park, Stockton, Northridge, Los Angeles, and Panorama City and 14
26 different pharmacies in Huntington Beach, Fullerton, Norwalk, Los Angeles, Lakewood, Reseda,
27 Ontario, Rancho Palos Verdes, Gardena, Oceanside, Santa Ana, and Van Nuys. Respondent
28 Pharmacy wrote on the face of a prescription "CURES OK" when F.L. first went to Respondent

1 Pharmacy. However if Respondent Pharmacy had looked closely at CURES PAR, it would have
2 noticed that F.L. had gone to multiple prescribers and multiple pharmacies.

3 l. Patient D.M.: The PAR shows that prior to having prescriptions for oxycodone 30
4 mg written by Dr. Casillas filled at Respondent Pharmacy, D.M. went to 8 different prescribers in
5 Los Angeles, Stockton, Santa Monica, and Northridge and 10 different pharmacies in San Marino,
6 Long Beach, Northridge, Anaheim, Reseda, Ontario, Gardena, Oceanside, and Van Nuys.
7 Respondent Pharmacy wrote on the face of a prescription "CURES OK" when D.M. first went to
8 Respondent Pharmacy. However if Respondent Pharmacy had looked closely at CURES PAR, it
9 would have noticed that D.M. had gone to multiple prescribers and multiple pharmacies.

10 m. Patient E.M.: The PAR shows that E.M. had no pain history prior to October 21,
11 2011 when he first started receiving oxycodone 30 mg from Dr. Casillas. The PAR also shows
12 that E.M. received no other pain medication beside oxycodone 30 mg. Respondent Pharmacy
13 wrote on the face of a prescription "CURES OK" when E.M. first went to Respondent Pharmacy.
14 However if Respondent Pharmacy had looked closely at CURES PAR, it would have questioned
15 the initial pain management therapy of oxycodone 30 mg.

16 n. Patient E.P.: The PAR shows that prior to having prescriptions for oxycodone 30
17 mg written by Dr. Casillas filled at Respondent Pharmacy, E.P. went to 5 prescribers for
18 controlled substance prescriptions and 5 different pharmacies. Respondent Pharmacy wrote on
19 the face of a prescription "CURES OK" when E.P. first went to Respondent Pharmacy. However
20 if Respondent Pharmacy had looked closely at CURES PAR, it would have noticed that E.P. had
21 gone to multiple prescribers and multiple pharmacies. On April 4, 2012, Respondent Pharmacy
22 dispensed oxycodone 30 mg prescribed by Dr. Casillas. However on March 21, 2012, another
23 pharmacy had dispensed hydrocodone/apap 10-325 mg prescribed by another physician. If
24 Respondent Pharmacy had consulted CURES PAR, it would have noticed the therapy duplication
25 and multiple prescribers.

26 o. Patient V.R.: The PAR shows that V.R. had no pain history prior to December 19,
27 2011 when she first started receiving oxycodone 30 mg from Dr. Casillas. The PAR also shows
28 that V.R. received no other pain medication beside oxycodone 30 mg. Respondent Pharmacy

1 wrote on the face of a prescription "CURES OK" when V.R. first went to Respondent Pharmacy.
2 However if Respondent Pharmacy had looked closely at CURES PAR, it would have questioned
3 the initial pain management therapy of oxycodone 30 mg.

4 p. Patient M.R.: The PAR shows that prior to having prescriptions for oxycodone 30
5 mg written by Dr. Sison, P.A. Early, and Sharmez Savoy, P.A. filled at Respondent Pharmacy,
6 M.R. went to 6 different prescribers in Stockton, Los Angeles, Santa Monica, Northridge, and
7 Panorama City and 6 different pharmacies in Encino, Whittier, Hawthorne, Bakersfield, Rancho
8 Palos Verdes, Mission Viejo, and Encino. Respondent Pharmacy wrote on the face of a
9 prescription "CURES OK" when M.R. first went to Respondent Pharmacy. However if
10 Respondent Pharmacy had looked closely at CURES PAR, it would have noticed that M.R. had
11 gone to multiple prescribers and multiple pharmacies. Additionally, M.R. was a diabetic but did
12 not receive any diabetic medication.

13 q. Patient P.R.: The PAR shows that prior to having prescriptions for oxycodone 30
14 mg written by Dr. Casillas filled at Respondent Pharmacy, P.R. had one prescription for
15 oxycodone 30 mg written by Dr. Sison filled at a pharmacy in San Luis Obispo. Dr. Sison's office
16 was in Panorama City and P.R. lived in Los Angeles. Prior to March 29, 2012 when she received
17 oxycodone 30 mg from Dr. Sison., P.R. had no pain history. The PAR also shows that V.R.
18 received no other pain medication beside oxycodone 30 mg. Respondent Pharmacy wrote on the
19 face of a prescription "CURES OK" when P.R. first went to Respondent Pharmacy. However if
20 Respondent Pharmacy had looked closely at CURES PAR, it would have questioned the initial
21 pain management therapy of oxycodone 30 mg.

22 r. Patient W.R.: The PAR shows that prior to having prescriptions for oxycodone 30
23 mg written by Dr. Casillas filled at Respondent Pharmacy, W.R. went to 3 different doctors and 3
24 different pharmacies. The PAR also shows that W.R. had one prescription for oxycodone 30 mg
25 written by Dr. Sison filled at a pharmacy in San Luis Obispo. Dr. Sison's office was in Panorama
26 City and W.R. lived in Los Angeles. Prior to February 14, 2012 when he received oxycodone 30
27 mg from Dr. Sison., W.R. had no pain history. The PAR also shows that W.R. received no other
28 pain medication beside oxycodone 30 mg. Respondent Pharmacy wrote on the face of a

1 prescription "CURES OK" when W.R. first went to Respondent Pharmacy. However if
2 Respondent Pharmacy had looked closely at CURES PAR, it would have questioned the initial
3 pain management therapy of oxycodone 30 mg and it would have noticed that W.R. had gone to
4 multiple prescribers and multiple pharmacies.

5 s. Patient E.W.: The PAR shows that prior to having prescriptions for oxycodone 30
6 mg written by Dr. Casillas filled at Respondent Pharmacy, E.W. went to a doctor in Stockton but
7 had the prescriptions filled in Santa Ana and Murrieta. He also had a prescription for oxycodone
8 30 mg written by Dr. Sison filled Duarte.

9 t. Patient M.T.: Respondent Pharmacy's internal patient profile revealed that
10 Respondent Pharmacy filled prescriptions for oxycodone 30 mg written by Dr. Sucgang 7 times
11 and filled prescriptions for promethazine with codeine written by Dr. Sucgang 10 times.

12 SECOND CAUSE FOR DISCIPLINE

13 **(Dispensing without Proper Prescription)**

14 31. Respondent Pharmacy and Respondent Nguyen (collectively "Respondents") are
15 subject to disciplinary action under Code section 4301, subdivision (j), in conjunction with Health
16 and Safety Code section 11164, subdivision (a)(1), on the grounds of unprofessional conduct in
17 that Respondents filled prescriptions for controlled substances that were not dated in the
18 prescriber's handwriting. The circumstances are as follows:

19 (a) On or about January 20, 2012, Respondents filled RX #1538834 oxycodone 30 mg for
20 Patient D.M. prescribed by Dr. Casillas. The date written on the prescription was not in Dr.
21 Casillas's handwriting.

22 (b) On or about February 8, 2012, Respondents filled RX #1543932 oxycodone 30 mg for
23 Patient F.L. prescribed by Dr. Casillas. The date written on the prescription was not in Dr.
24 Casillas's handwriting.

25 THIRD CAUSE FOR DISCIPLINE

26 **(Operational Standards and Security Violation)**

27 32. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action
28 under Code section 4301, subdivision (o), in conjunction with California Code of Regulations,

1 title 16, section 1714, subdivision (e), on the grounds of unprofessional conduct in that during a
2 routine inspection of Respondent Pharmacy on February 7, 2013, a pharmacy technician
3 possessed a key to the pharmacy that was not in a tamper evident container. The pharmacy
4 technician had opened the door to the pharmacy, which was open to the public while the
5 pharmacist was not present. Moreover, the pharmacist was not on a break or at lunch. Instead, he
6 had gone to the bank.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Dishonest Acts)**

9 33. Respondent Nguyen is subject to disciplinary action under Code section 4301,
10 subdivision (f) on the grounds of unprofessional conduct for committing dishonest acts in that
11 Respondent Nguyen structured,¹ assisted in structuring, and/or caused to be structured financial
12 transactions with Bank of America, a domestic financial institution, for the purpose of evading the
13 reporting requirements of United States Code, title 31, section 5313, subdivision (a), as part of a
14 pattern of illegal activity involving more than \$100,000 in a 12 month period. The facts and
15 circumstances are as follows:

16 (a) On or about January 28, 2009, Respondent Nguyen made or caused to be made a
17 \$10,000 cash deposit into Bank of America Account ending 21213 ("Account 1") and a \$10,000
18 cash deposit into Bank of America Account ending 41025 (Account 2").

19 (b) On or about June 2, 2009, Respondent Nguyen made or caused to be made a \$10,000
20 cash deposit into Bank of America Account 1 and a \$9,000 cash deposit into Bank of America
21 Account 2.

22 (c) On or about June 3, 2009, Respondent Nguyen made or caused to be made a \$9,000
23 cash deposit and a \$10,000 cash deposit into Bank of America Account 1.
24
25

26 ¹ Federal law requires domestic financial institutions to report transactions involving currency
27 (i.e., cash) of more than \$10,000. A person structures a transaction if that person conducts one or
28 more currency transactions in any amount, at one or more financial institutions, on one or more
days, for the purpose of evading the reporting requirements.

1 (d) On or about July 28, 2009, Respondent Nguyen made or caused by made a \$10,000
2 cash deposit, another \$10,000 cash deposit, and a \$4,550 cash deposit into Bank of America
3 Account 1.

4 (e) On or about June 19, 2009, Respondent Nguyen made or caused to be made a \$9,000
5 cash deposit and a \$10,000 cash deposit into Bank of America Account 1.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Failure To Ensure Pharmacy Complies With Laws and Regulations**
8 **Pertaining To The Practice Of Pharmacy)**

9 34. Respondent Nguyen is subject to disciplinary action under Code section 4113,
10 subdivision (c) in that while working as the pharmacist-in-charge of St. Paul's Pharmacy I, he
11 failed to ensure the pharmacy's compliance with all state and federal laws and regulations
12 pertaining to the practice of pharmacy as set forth above in paragraphs 21-33 and incorporated
13 herein by this reference.

14 **SIXTH CAUSE FOR DISCIPLINE**

15 **(Convictions of Substantially Related Crimes)**

16 35. Respondent Nguyen's license is subject to disciplinary action under Code section
17 4301, subdivision (I), in that Respondent Nguyen has been convicted of crimes substantially
18 relating to the qualifications, functions, and duties of a licensed pharmacist in that on or about
19 May 18, 2015 in the criminal matter entitled *United States of America v. Mike Mikaelian, et al*
20 (U.S. District - California Central, (Western Division - Los Angeles), No. CR 1100922,
21 Respondent was convicted of a felony count of violating 31 U.S.C. § 5324(a)(3), (d)(2);
22 (Structuring Financial Transactions; Aiding and Abetting and Causing An Act To Be Done). The
23 court granted a 36-month probation period, including six (6) months in prison and twelve (12)
24 months home detention. Respondent was also required to pay a fine in the sum of \$15,000 and
25 special assessment of \$500. The circumstances are described in paragraph 32 above and
26 incorporated herein by this reference.

27 **OTHER MATTERS**

28 34. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number

1 PHY 42891 issued to Y Troi Inc. doing business as St. Paul's Pharmacy I shall be prohibited from
2 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
3 licensee for five years if Pharmacy Permit Number PHY 42891 is placed on probation or until
4 Pharmacy Permit Number PHY 42891 is reinstated if it is revoked.

5 35. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
6 Number PHY 42891 issued to Y Troi Inc. doing business as St. Paul's Pharmacy I while Perry
7 Tan Nguyen have been an officer and owner and had knowledge of or knowingly participated in
8 any conduct for which the licensee was disciplined, Perry Tan Nguyen shall be prohibited from
9 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
10 licensee for five years if Pharmacy Permit Number PHY 42891 is placed on probation or until
11 Pharmacy Permit Number PHY 42891 is reinstated if it is revoked.

12 **PRAYER**

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

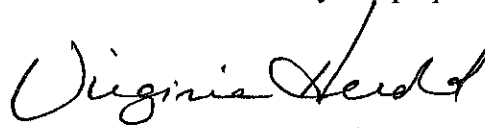
- 15 1. Revoking or suspending Original Permit Number PHY 42891, issued to Y Troi Inc.
16 doing business as St. Paul's Pharmacy I with Perry Tan Nguyen as Chief Executive Officer;
- 17 2. Revoking or suspending Pharmacist License Number RPH 42961, issued to Perry Tan
18 Nguyen;
- 19 3. Prohibiting Y Troi Inc. doing business as St. Paul's Pharmacy I from serving as a
20 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
21 five years if Pharmacy Permit Number PHY 42891 is placed on probation or until Pharmacy
22 Permit Number PHY 42891 is reinstated if Pharmacy Permit Number 42891 issued to Y Troi Inc.
23 doing business as St. Paul's Pharmacy I is revoked;
- 24 4. Prohibiting Perry Tan Nguyen from serving as a manager, administrator, owner,
25 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
26 Number PHY 42891 is placed on probation or until Pharmacy Permit Number PHY 428914 is
27 reinstated if Pharmacy Permit Number 42891 issued to Y Troi Inc. doing business as St. Paul's
28 Pharmacy I is revoked;

1 4. Ordering Y Troi Inc. doing business as St. Paul's Pharmacy I and Perry Tan Nguyen to
2 pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Business and Professions Code section 125.3; and

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

5
6 DATED:

7/11/16



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

10 LA2014512670
11 51650272.doc