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7

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

10 In the Matter of the First Amended Accusation
11 Against:

Case No. 5275

12 **HEALTH CENTER PHARMACY;**
13 **THANH-TRUC NGO, OWNER**
14 **15418 Crenshaw Blvd**
Gardena, CA 90249

FIRST AMENDED ACCUSATION

15 **Pharmacy Permit No. PHY 50395,**

16 **and**

17 **TIN HUU NGUYEN**
18 **P.O. Box 1037**
Westminster, CA 92684

19 **Pharmacist License No. RPH 46458**

20 Respondents.

21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about November 10, 2010, the Board of Pharmacy issued Pharmacy Permit
26 Number PHY 50395 to Thanh-Truc Ngo to do business as Health Center Pharmacy ("Respondent
27 Pharmacy"). Thanh-Truc Ngo has been the individual licensed owner of Respondent Pharmacy
28 since November 10, 2010. From November 10, 2010 to September 17, 2011, Tin Huu Nguyen

1 was the Pharmacist-in-Charge of Respondent Pharmacy. From September 19, 2011 to the
2 present, Thanh-Truc Ngo has been the Pharmacist-in-Charge of Respondent Pharmacy. The
3 Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein
4 and will expire on November 1, 2015, unless renewed.

5 3. On or about August 12, 1993, the Board of Pharmacy issued Pharmacist License
6 Number RPH 46458 to Tin Huu Nguyen ("Respondent Nguyen"). The Pharmacist License was
7 in full force and effect at all times relevant to the charges brought herein and will expire on June
8 30, 2017, unless renewed.

9 JURISDICTION

10 4. This Accusation is brought before the Board of Pharmacy ("Board"), Department of
11 Consumer Affairs, under the authority of the following laws. All section references are to the
12 Business and Professions Code unless otherwise indicated.

13 5. Section 4300.1 of the Code states:

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

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

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

21 (b) The board shall discipline the holder of any license issued by the board, whose default
22 has been entered or whose case has been heard by the board and found guilty, by any of the
23 following methods:

24 (1) Suspending judgment.

25 (2) Placing him or her upon probation.

26 (3) Suspending his or her right to practice for a period not exceeding one year.

27 (4) Revoking his or her license.

28

1 (5) Taking any other action in relation to disciplining him or her as the board in its
2 discretion may deem proper."

3 **STATUTES AND REGULATIONS**

4 7. Section 4169 of the Code states, in pertinent part:

5 "(a) A person or entity may not do any of the following:

6

7 (3) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably
8 should have known were misbranded, as defined in Section 111335 of the Health and Safety
9 Code."

10 8. Section 4301 of the Code states, in pertinent part:

11 "The board shall take action against any holder of a license who is guilty of unprofessional
12 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

13 Unprofessional conduct shall include, but is not limited to, any of the following:

14

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

17

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

20

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

25 9. Business and Professions Code section 4307, subdivision (a), provides, in pertinent
26 part, that any person who is an owner of licensee who has been revoked or is under suspension
27 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
28 associate or partner of a licensee.

1 Pursuant to Business and Professions Code section 4307, subdivision (a), in the event the
2 license issued to Respondent Pharmacy is revoked or placed on suspension, Thanh-Truc Ngo
3 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
4 associate or partner of any licensee with rights issued by the Board.

5 10. Business and Professions Code section 4342, states:

6 "(a) The board may institute any action or actions as may be provided by law and that, in its
7 discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not
8 conform to the standard and tests as to quality and strength, provided in the latest edition of the
9 United States Pharmacopoeia or the National Formulary, or that violate any provision of the
10 Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division
11 104 of the Health and Safety Code)."

12 11. Health and Safety Code section 11153, subdivision (a) states:

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

23 12. Health and Safety Code section 111335 states:

24 "Any drug or device is misbranded if its labeling or packaging does not conform to the
25 requirements of Chapter 4 (commencing with Section 110290)."

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28

1 13. California Code of Regulations, title 16, section 1714, subdivision (b) states,
2 "(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and
3 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.
4 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice
5 of pharmacy."

6 14. California Code of Regulations, title 16, section 1714.1 states, in pertinent part:
7 "This section is to ensure that pharmacists are able to have duty free breaks and meal
8 periods to which they are entitled under Section 512 of the Labor Code and the orders of the
9 Industrial Welfare Commission, without unreasonably impairing the ability of a pharmacy to
10 remain open.

11 (a) In any pharmacy that is staffed by a single pharmacist, the pharmacist may leave the
12 pharmacy temporarily for breaks and meal periods pursuant to Section 512 of the Labor Code and
13 the orders of the Industrial Welfare Commission without closing the pharmacy and removing
14 ancillary staff from the pharmacy if the pharmacist reasonably believes that the security of the
15 dangerous drugs and devices will be maintained in his or her absence.

16 If in the professional judgment of the pharmacist, the pharmacist determines that the
17 pharmacy should close during his or her absence, then the pharmacist shall close the pharmacy
18 and remove all ancillary staff from the pharmacy during his or her absence.

19

20 (e) The temporary absence authorized by this section shall be limited to the minimum
21 period authorized for pharmacists by section 512 of Labor Code or orders of the Industrial
22 Welfare Commission, and any meal shall be limited to 30 minutes. The pharmacist who is on
23 break shall not be required to remain in the pharmacy area during the break period."

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

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

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

4 **CONTROLLED SUBSTANCES**

5 16. Alprazolam, the generic name for Xanax, is a Schedule IV controlled substance
6 pursuant to Health and Safety Code section 11057, subdivision (d)(1) and is a dangerous drug
7 pursuant to Business and Professions Code section 4022.

8 17. Norco is the brand name for the combination narcotic, Hydrocodone and
9 Acetaminophen, and is a Schedule III¹ controlled substance pursuant to Health and Safety Code
10 section 11056(e) and is categorized as a dangerous drug pursuant to Business and Professions
11 Code section 4022.

12 18. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
13 section 11055, subdivision (b)(1)(M) and is a dangerous drug pursuant to Business and
14 Professions Code section 4022. Oxycodone is a narcotic analgesic used for moderate to severe
15 pain and it has a high potential for abuse.

16 19. Phenergan with codeine is the brand name for promethazine with codeine, which is a
17 Schedule V controlled substance pursuant to Health and Safety Code section 11058, subdivision
18 (c) and is a dangerous drug pursuant to Business and Professions Code section 4022. It is used
19 for temporary relief of coughs and upper respiratory symptoms associated with allergy or the
20 common cold. Promethazine and codeine combined with a soda could cause euphoria.

21 **COST RECOVERY**

22 20. Section 125.3 of the Code states, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

26
27 ¹ Effective October 6, 2014, the Drug Enforcement Administration rescheduled
28 Hydrocodone combination products from schedule III to schedule II of the Controlled Substances
Act. (See 21 CFR Part 1308 § 1308.12; 21 U.S.C. 812 (c))

1 **BACKGROUND**

2 21. On or about January 29, 2013, a Board Inspector ("Inspector") conducted an
3 inspection of Respondent Pharmacy, which is located in Gardena, California. The Inspector
4 arrived at approximately 9:55 a.m. and Respondent Pharmacy was open. However there was no
5 pharmacist on duty as Pharmacist-in-Charge Thanh-Truc Ngo had gone to a personal medical
6 appointment. PIC Ngo arrived at Respondent Pharmacy at approximately 10:25 a.m.

7 22. During the inspection, the Inspector found numerous prepackaged medications with
8 no labels. Some drugs were in vials inside baskets and some were on the side counters. The
9 prepackaged drugs included:

- 10 • Amoxicillin 500 mg;
- 11 • Ampicillin 500 mg;
- 12 • Cephalexin 500 mg;
- 13 • Promethazine DM liquid;
- 14 • Lopermide 2 mg;
- 15 • Omeprazole 20mg; and
- 16 • Folic acid 1 mg.

17 23. The Inspector obtained CURES² data on Respondent Pharmacy from 1/1/2011 to
18 12/5/2012. In reviewing CURES data, Respondent Pharmacy dispensed a total of 3,241
19 controlled substance prescriptions. Of these prescriptions, 1,647 (or 50.82%) of them were for
20 oxycodone 30mg for a total of 363,370 units of oxycodone 30mg. In addition, CURES data
21 revealed that 73.59% of all controlled substances dispensed by Respondent were for oxycodone
22 30 mg. The average quantity of oxycodone dispensed was 224 tablets. Additionally 2,355 of the
23 prescriptions were dispensed for cash, meaning no insurance was billed. A neighboring CVS
24 pharmacy was the next highest purchaser of oxycodone 30mg but it only purchased 23,900 units

25 _____
26 ² CURES stands for the Controlled Substance Utilization Review and Evaluation System
27 program which requires mandatory monthly pharmacy reporting of controlled substances.
28 Prescribers and pharmacists can register with the State of California, Department of Justice to
access CURES data through the Prescription Drug Monitoring Program which can aide them in
determining if a patient has been to multiple prescribers and/or multiple pharmacies.

1 from 12/1/2010 to 9/1/2011, as compared to the 393,900 units purchased by Respondent for the
2 same time frame.

3 24. The Inspector selected 18 random patients and reviewed CURES data, pharmacy
4 patient questionnaires prepared by Respondent Nguyen, patient history reports, prescriptions,
5 medication justification forms, etc., and made the following determinations:

6 a. Patient CA only had controlled substances dispensed at Respondent Pharmacy
7 (oxycodone 30mg and promethazine with codeine). He lived in Inglewood and traveled
8 approximately 25 miles to Northridge to see prescriber Robert Lifson and subsequently traveled
9 approximately 8 miles to Respondent Pharmacy to get his prescriptions dispensed. CA paid cash
10 for his prescriptions. Respondent Pharmacy dispensed promethazine with codeine 16oz on
11 4/5/2011, RX# 107110 with no antibiotic. This medication is for cough and the high quantity of
12 cough medication without any antibiotic should have been a warning sign for the pharmacy.

13 b. Patient SA only had controlled substances dispensed at Respondent Pharmacy
14 (oxycodone 30mg, promethazine with codeine, and hydrocodone/acetaminophen). She lived in
15 Tarzana and traveled approximately 4 miles to Northridge to see prescriber Robert Lifson and
16 subsequently traveled approximately 28 miles to Respondent Pharmacy to get prescriptions
17 dispensed. SA paid cash for her medications. Respondent Pharmacy dispensed promethazine
18 with codeine 16oz on 4/1/2011 and on 4/16 2011, RX# 107495 with no antibiotic. This
19 medication is for cough and the high quantity of cough medication without any antibiotic should
20 have been a warning sign for the pharmacy. According to the medication justification form from
21 the prescriber, SA had different diagnosis on 5/27/2011 and 7/29/2011. Additionally, the
22 following table shows early refills for hydrocodone/ acetaminophen 10/325mg:

23

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
106207	3/23/2011	30	N/A	Lifson
107495	4/11/2011	30	11	Lifson
108525	4/26/2011	30	15	Lifson

24
25
26
27

1 c. Patient AB mostly had controlled substances dispensed at Respondent Pharmacy
 2 (oxycodone 30mg). She lived in Rialto and travelled approximately 74 miles to Northridge to see
 3 prescribers Robert Lifson and Boniface Obubah and subsequently traveled approximately 66
 4 miles from her home to have her prescriptions filled at Respondent Pharmacy. She paid cash for
 5 her medications. Additionally, the following table shows early refills for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
104084	2/22/2011	30	N/A	Ferraro
105861	3/7/2011	30	17	Onubah

6
 7
 8
 9
 10 According to the medication justification form from the prescriber, AB had different diagnoses on
 11 3/8/2011 and 6/24/2011. A review of CURES data revealed that AB went to 2 different
 12 practitioners (Robert Lifson and Boniface Onubah) and both Respondent Pharmacy and Century
 13 Discount Pharmacy around the same time to get oxycodone 30mg. On 6/14/2011, Century
 14 Discount Pharmacy dispensed RX# 433311 #120 for a 30 day supply of oxycodone 30mg. On
 15 6/24/2011, Respondent Pharmacy dispensed RX# 112584 #240 for a 30 day supply of oxycodone
 16 30mg. If Respondent Pharmacy had consulted CURES data, it would have determined that AB
 17 was a doctor and pharmacy shopper.

18 d. Patient GB mostly had controlled substances dispensed at Respondent Pharmacy
 19 (oxycodone 30mg). He lived in Palmdale and traveled approximately 48 miles to Reseda to see
 20 Lucia Ferraro and Boniface Obubah and subsequently traveled approximately 66 miles from his
 21 home to have his prescriptions filled at Respondent Pharmacy. He paid cash for his medications.
 22 Additionally, the following table shows early refills for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
105006	3/7/2011	30	N/A	Ferraro
106500	3/28/2011	30	9	Ferraro

23
 24
 25
 26 GB went to numerous other pharmacies (Rite Aid 5840, Rite Aid 6396, CVS 9657, Own Western
 27 Pharmacy, CVS 9634, Century Discount Pharmacy, and Yorba Linda Pharmacy). GB also went
 28 to pharmacies in different cities (Lancaster, Palmdale, Covina, Orange, and Reseda), and GB

1 went to went to multiple practitioners in various cities (Natividad De Jesus in Lancaster, Lucia
2 Ferrero in Van Nuys, Ton Tan in Lancaster, Boniface Onubah in Northridge, Shahid Siddique in
3 Burbank, Sunil Shroff in Los Angeles, and Ramaiah Madihalli in Lancaster). If Respondent
4 Pharmacy had consulted CURES data, it would have determined that GB was a doctor and
5 pharmacy shopper.

6 e. Patient JB only had controlled substances dispensed at Respondent Pharmacy
7 (oxycodone 30mg). He lived in Lancaster and traveled approximately 57 miles to Northridge to
8 see Robert Lifson and Boniface Obubah and subsequently traveled approximately 82 more miles
9 to get the prescriptions dispensed at Respondent Pharmacy. He paid cash for his medications. A
10 review of CURES data showed JB went to various Kaiser facilities ranging from Lancaster,
11 Riverside, and Panorama City. While getting prescriptions filled at Respondent Pharmacy, JB
12 went to multiple practitioners (Robert Lifson and Joseph Garfinkel) and had prescriptions
13 dispensed at multiple pharmacies (Century Discount Pharmacy). According to the medication
14 justification form from the prescriber, JB had different diagnoses on 4/13/2011 and 6/6/2011.

15 f. Patient MB only had controlled substances dispensed at Respondent Pharmacy
16 (oxycodone 30mg). She lived in Lancaster and traveled approximately 59 miles to Reseda to see
17 Robert Lifson, Boniface Obubah, and Lucio Ferraro and subsequently traveled approximately 82
18 miles from home to get prescriptions dispensed at Respondent Pharmacy. She paid cash for her
19 medications. While getting prescriptions filled at Respondent Pharmacy, MB went to multiple
20 practitioners (Lucio Ferraro, Robert Lifson, and Boniface Onubah) and had prescriptions
21 dispensed at multiple pharmacies (Century Discount Pharmacy in Reseda and Yorba Park
22 Pharmacy in Orange). According to the medication justification form from the prescriber, MB
23 had different diagnoses on 4/25/2011 and 7/25/2011.

24 g. Patient NB only had controlled substances dispensed at Respondent Pharmacy
25 (oxycodone 30mg). She lived in Lancaster and traveled approximately 59 miles to Reseda to see
26 Robert Lifson, Boniface Obubah, and Lucio Ferraro and subsequently traveled approximately 82
27 miles from home to get prescriptions dispensed at Respondent Pharmacy. She paid cash for her
28 medications. The following table shows early refills for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
104085	2/22/2011	30	N/A	Ferraro
105855	3/18/2011	30	6	Lifson

According to the medication justification form from the prescriber, NB had different diagnoses on 3/18/2011 and 6/6/2011.

h. Patient MC only had controlled substances dispensed at Respondent Pharmacy (oxycodone 30mg). She lived in Palmdale and traveled to approximately 47 miles to Van Nuys and Reseda to see Joseph Garfinkel, Lucio Ferrero, and Morris Halfon and subsequently traveled approximately 74 miles from home to get prescriptions dispensed at Respondent Pharmacy. She paid cash for her medications. A review of CURES data showed that prior to going to Respondent Pharmacy, MC went to numerous pharmacies (Palmdale Medical Pharmacy in Palmdale, Rite Aid 6396 in Palmdale, Costco 412 in Azusa, Rite Aid 5535 in Pasadena, Costco 447 in Santa Clarita, Costco 762 in Lancaster, Sam's 4824 in Santa Clarita, Costco 1010 in Victorville, Costco 1015 in San Dimas, CVS 9694 in Pasadena, Covina Pharmacy in Covina, CVS 1666 in Lancaster, Huntington Pharmacy in San Marino, Longs Drug Store 9731 in Victorville, Hesperia La Salle Pharmacy in Hesperia, Cabrillo Park Pharmacy in Santa Ana, and Century Discount Pharmacy in Reseda). While going Respondent Pharmacy, MC continued to go to multiple pharmacies (Costco 762, Hesperia La Salle Pharmacy, Cabrillo Park Pharmacy, and Century Discount Pharmacy). Prior to, and while going to Respondent Pharmacy, MC went to numerous practitioners in various cities (Shahram Parsa in Palmdale, Randolph Betts in Covina, Katherine Robb-Ramirez in Riverside, Edward Ridgill in Whittier, Daniel Sheppard in Lancaster, Phillip Scheel in Palmdale, Daisey Markley in Lancaster, Leroy Pascal in Rancho Palso Verdes, Joseph Selveraj in Hesperia, Nagwa Mina in Lancaster, Danny Jones in Lancaster, Morris Halfon in Los Angeles, Lucia Ferrero in Van Nuys, Felix Albino in Hesperia and Robert Lifson in Northridge). If Respondent Pharmacy had consulted CURES data, it would have determined MC was a doctor and pharmacy shopper.

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1 i. Patient DC mostly had controlled substances dispensed at Respondent Pharmacy
2 (oxycodone 30mg, promethazine with codeine, and hydrocodone/acetaminophen). He lived in
3 Monrovia and traveled approximately 35 miles to Northridge and Reseda to see Robert Lifson
4 and Ray Salari and subsequently traveled approximately 35 miles from home to get prescriptions
5 dispensed at Respondent Pharmacy. Respondent Pharmacy dispensed promethazine with codeine
6 16oz on 2/18/2011 RX# 103795, on 4/8/11 RX# 107386, and on 5/2/2011 RX# 108795 with no
7 antibiotic. This medication is for cough and the high quantity of cough medication without any
8 antibiotic should have been a warning sign for the pharmacy. DC paid cash for the medications.
9 According to the medication justification form from the prescriber, DC had different diagnoses on
10 4/25/2011 and 6/1/2011. Respondent Pharmacy dispensed some unusual prescription
11 combinations for DC:

- 12 • On 5/18/2011, Respondent Pharmacy dispensed HC/AP 10/325mg #240, promethazine
13 with codeine 16oz, and amoxicillin 500mg #15. On 8/14/2011, Respondent Pharmacy
14 dispensed oxycodone 30mg #240, promethazine with codeine 16oz, and amoxicillin
15 500mg #15. These are usual combinations for high quantity narcotics, low dose
16 antibiotics, and of high quantity cough syrup.

17 DC had multiple prescriptions from Robert Lifson and Ray Salari for
18 hydrocodone/acetaminophen around the same time dispensed at 2 different pharmacies:

- 19 • On 4/8/2011, Respondent Pharmacy dispensed HC/AP 10/325mg #240, 30 day supply,
20 RX# 107385. On 4/15/2011, Costco 44 dispensed HC/AP 10/325mg #240, 30 day supply,
21 RX# 1000498.
- 22 • On 7/1/2011, Respondent Pharmacy dispensed HC/AP 10/325mg #240, 30 day supply,
23 RX# 113058. On 7/25/2011, Costco 44 dispensed HC/AP 10/325mg # 240, 30 day
24 supply, RX# 1012155.

25 If Respondent Pharmacy had consulted CURES data, it would have determined DC was a doctor
26 and pharmacy shopper.

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1 j. Patient TC mostly had controlled substances dispensed at Respondent Pharmacy
2 (oxycodone 30mg). She lived in Pacoima and travelled approximately 9 miles to Reseda to see
3 Robert Lifson and Lucio Ferraro and subsequently traveled approximately 34 miles from home to
4 get prescriptions dispensed at Respondent Pharmacy. She paid cash for her medications. A
5 review of CURES data showed that prior to going to Respondent Pharmacy, TC went to multiple
6 pharmacies in various cities (Medicine Shoppe in Reseda, Mission Community Pharmacy in
7 Panorama City, CVS 9657 in Lancaster, Burn Prescription Pharmacy in Lancaster, Rite-Aid 5549
8 in Pacoima and CVS 9651 in Sylmar) and multiple practitioners in various cities (Kevin Gohar in
9 Woodland Hills, Luis Flores in Arleta, Asha Amir-Jahid in Beverly Hills, Troy Fennel in Van
10 Nuys, Lena Nathen in Los Angeles, Donna Emanuele in Tujunga, and Mark McDowell in Santa
11 Monica). If Respondent Pharmacy had consulted CURES data, it would have determined TC was
12 a doctor and pharmacy shopper.

13 k. Patient PD had only controlled substances dispensed at Respondent Pharmacy
14 (oxycodone 30mg and promethazine with codeine). She lived in San Bernardino and travelled
15 approximately 78 miles Reseda to see Boniface Onubah and Joseph Garfinkel and subsequently
16 travelled approximately 75 miles from home to get prescriptions dispensed at Respondent
17 Pharmacy. She paid cash for her medications. According to the medication justification form
18 from the prescriber, PD had different diagnoses on 4/13/2011 and 8/17/2011. Respondent
19 Pharmacy dispensed promethazine with codeine 16oz on 2/7/2011 RX# 102952 and on 3/11/2011
20 RX# 105382 with no antibiotic. This medication is for cough and the high quantity of cough
21 medication without any antibiotic should have been a warning sign for the pharmacy. A review
22 of CURES data showed that prior to going to Respondent Pharmacy, PD went to numerous
23 pharmacies in various cities (Arrowhead Regional Medical Center in Colton, Kaiser #197 in
24 Fontana, Kaiser #985 in Downey, and Kaiser #157 in Victorville). While going to Respondent
25 Pharmacy, PD also had prescriptions filled at Cabrillo Park Pharmacy in Santa Ana and Century
26 Discount Pharmacy in Reseda. PD also went to numerous practitioners (Jonathan Tsao in Irvine,
27 Kristine Zambrano in Colton, Steven Wider in Fontana, Julie Tang in Rialto, Javier Descalzi in
28 Fontana, Gregory Tennant in Fontana, Daniel Bennett in Reseda, Chester Sarnowski in Colton,

1 Angel Schaffer in Gardena, Samir Tejwani in Fontana, and Dawn Renko in Fontana). If
2 Respondent Pharmacy had consulted CURES data, it would have determined PD was a doctor
3 and pharmacy shopper.

4 1. Patient YG only had controlled substances dispensed at Respondent Pharmacy
5 (oxycodone 30mg). He lived in Sylmar and traveled approximately 11 miles to see Robert Lifson
6 and subsequently traveled approximately 33 miles from home to get prescriptions dispensed at
7 Respondent Pharmacy. He paid cash for his medications. The following table shows early refills
8 for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
105592	3/15/2011	30	N/A	Lifson
106567	3/29/2011	30	13	Lifson

13 According to the medication justification form from the prescriber, YG had different diagnoses
14 on 3/10/2011, 3/29/2011, 5/5/2011, and 7/8/2011. While going to Respondent Pharmacy, YG
15 also went to multiple pharmacies in various cities (Yorba Park Pharmacy in Orange and Century
16 Discount Pharmacy in Reseda) and various prescribers (Robert Lifson, Bonaface Onubah, and
17 Joseph Garfinkle). If Respondent Pharmacy had consulted CURES data, it would have
18 determined YG was a doctor and pharmacy shopper.

19 m. Patient JH had some controlled substances dispensed at Respondent Pharmacy
20 (hydrocodone/acetaminophen 7.5/750mg, oxycodone 30mg, and promethazine with codeine). He
21 lived in Long Beach and traveled approximately 48 miles to Riverside to see Susan Wagner and
22 subsequently traveled approximately 14 miles from home to get prescriptions dispensed at
23 Respondent Pharmacy. Respondent Pharmacy dispensed promethazine with codeine 16oz on
24 6/10/2011, RX# 108677, and on 7/7/2011 and 8/1/2011 RX# 113375, with no antibiotic. This
25 medication is for cough and the high quantity of cough medication without any antibiotic should
26 have been a warning sign for the pharmacy. JH paid cash for the promethazine with codeine (but
27 paid with insurance for his other prescriptions). A review of CURES data showed that prior
28 going to Respondent Pharmacy, JH went to numerous pharmacies in various cities (Walgreens in

1 Anaheim, Thrifty Payless in Los Angeles, Beverly Hills Medical Plaza Pharmacy in Beverly
2 Hills, Rite-Aid 5429 in Los Angeles, Ad-Rx in Los Angeles, CVS 1176 in Lomita, Northridge
3 Plaza Pharmacy in Northridge, and Vermillion Drug #3 in Long Beach). While going to
4 Respondent Pharmacy, JH continued to go to multiple pharmacies (Rite-Aid 5602 in Ontario, Ad-
5 Rx in Los Angeles, Valley Medical Plaza Pharmacy in Alhambra, Medical Towers Pharmacy in
6 Huntington Beach, Ralphs 760 in Rancho Palos Verdes, Target 2179 in Diamond Bar, Yorba
7 Park Pharmacy in Orange, Gage Pharmacy in Long Beach, Century Discount Pharmacy in
8 Reseda, St. Paul Pharmacy in Huntington Park, The Druggist in Valencia, Rite-Aid 5435 in Los
9 Angeles, Walgreens 6904 in Redondo Beach, Walgreens 7870 in Long Beach, and Today
10 Pharmacy in Long Beach). JH also went to numerous practitioners prior to, during, and after
11 going to Respondent Pharmacy (Boniface Onubah in Northridge, Emmanuel Lim in Los Angeles,
12 Yousef Awad in Long Beach, Clyde Arnold in Los Angeles, Joseph Garfinkel in Reseda, Susan
13 Wagner in Riverside, Uche Chukwudi in Gardena, David Niknia in Panorama City, Earnest
14 Casillas in Los Angeles, and Manuel Sison in Panorama City). If Respondent Pharmacy had
15 consulted CURES data, it would have determined JH was a doctor and pharmacy shopper.

16 n. Patient BJ mostly had controlled substances dispensed at Respondent Pharmacy
17 (oxycodone 30mg). She lived in Los Angeles and traveled approximately 25 miles to Reseda to
18 see Robert Lifson and Joseph Garfinkel and subsequently traveled approximately 8 miles from
19 home to get prescriptions dispensed at Respondent Pharmacy. She paid cash for her medications.

20 According to the medication justification form from the prescriber, BJ had different diagnoses on
21 5/11/2011 and 7/1/2011. Respondent Pharmacy dispensed promethazine with codeine 16oz with
22 no antibiotic on 2/15/2011 and 3/21/2011. This medication is for cough and the high quantity of
23 cough medication without any antibiotic should have been a warning sign for the pharmacy. BJ
24 also had prescriptions dispensed at Medical Towers Pharmacy in Huntington Beach while going
25 to Respondent Pharmacy.

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1 o. Patient RJ mostly had controlled substances dispensed at Respondent Pharmacy
2 (alprazolam 2mg, hydrocodone/acetaminophen and promethazine with codeine). She lived in
3 Hawthorne³ and traveled approximately 29 miles to Northridge to see Robert Lifson and
4 subsequently traveled approximately 2 miles from home to get prescriptions dispensed at
5 Respondent Pharmacy. On 1/20/2011, and 2/8/2011, Respondent Pharmacy dispensed
6 promethazine with codeine 16oz with no antibiotic. This medication is for cough and the high
7 quantity of cough medication without any antibiotic should have been a warning sign for the
8 pharmacy. A review of CURES data showed that prior to going to Respondent Pharmacy, RJ
9 went to numerous pharmacies in various cities (Gage Pharmacy in Long Beach, Golden Drugs in
10 Los Angeles, Daniel's Pharmacy in Moreno Valley, Spaulding Rx Pharmacy in Inglewood,
11 Valley Pharmacy in Moreno Valley, Mats Pharmacy and Medical Supply in Lynwood, Super
12 Discount Pharmacy in Van Nuys, and Michael's Pharmacy in Sherman Oaks). While going to
13 Respondent Pharmacy, RJ continued to go to multiple pharmacies (Daniel's Pharmacy in Moreno
14 Valley, Golden Care Pharmacy in Los Angeles, Walgreens 6249 in Lynwood, St. Paul's
15 Pharmacy in Huntington Park, Sierra Pharmacy in San Bernardino, Rite-Aid 5486 in Inglewood,
16 Manchester Professional Pharmacy in Los Angeles, Walgreens 5528 in San Bernardino, and Rite-
17 Aid 5471 in Gardena). Prior to and while going to Respondent Pharmacy, RJ went to multiple
18 practitioners in numerous cities (Jack Chun and Ting Wu in Long Beach, Edward Ridgill in
19 Whittier, James May in Los Angeles, Nazar Al-Bussam in Downey, Jijan Hoorfar in Encino,
20 Asher Ram in Van Nuys, Susan Seideman in Wilmington, Susan Wagner in Riverside, Robert
21 Lifson in Northridge, Boniface Onubah in Northridge, Michael Martelli in Hermosa Beach, Rabia
22 Ahmed in Los Angeles, and Gilbert Pelayo in Gardena). If Respondent Pharmacy had consulted
23 CURES data, it would have determined RJ was a doctor and pharmacy shopper.

24 p. Patient GO mostly had controlled substances dispensed at Respondent Pharmacy
25 (oxycodone 30mg, hydrocodone/acetaminophen and promethazine with codeine). He lived in
26 Studio City and traveled approximately 12 miles to Reseda to see Robert Lifson and Ray Salari

27 ³ According to the prescription, RJ lived in Van Nuys but the Pharmacy's records
28 indicated that she lived in Hawthorne.

1 and subsequently travelled approximately 25 miles from home to get prescriptions dispensed at
2 Respondent Pharmacy. He paid cash for his medications. On 3/16/2011, Respondent Pharmacy
3 dispensed RX# 105678, promethazine with codeine 16oz with no antibiotic. This medication is
4 for cough and the high quantity of cough medication without any antibiotic should have been a
5 warning sign for the pharmacy. The following table shows early refills for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
105677	3/16/2011	30	N/A	Lifson
106851	4/1/2011	30	15	Lifson

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10 A review of CURES data showed GO went to Ralphs 712 in Burbank while going to Respondent
11 Pharmacy. On 4/1/2011, Respondent Pharmacy dispensed HC/AP 10/325mg #240, 30 day
12 supply, RX# 106851 prescribed by Robert Lifson. On 4/15/2011, Ralphs 712 dispensed HC/AP
13 10/325mg #240, 30 day supply RX# 4707995 prescribed by Robert Lifson. GO received 480
14 tablets within 1 month prescribed by Robert Lifson. If Respondent Pharmacy had checked
15 CURES data, it would have noticed Robert Lifson's unusual prescribing habit.

16 q. Patient PP mostly had controlled substances dispensed at Respondent Pharmacy
17 (oxycodone 30mg, hydrocodone/acetaminophen and promethazine with codeine). He lived in
18 Lancaster and traveled approximately 53 miles to Reseda to see Robert Lifson and Ray Salari and
19 subsequently traveled approximately 75 miles from home to get prescriptions dispensed at
20 Respondent Pharmacy. He paid cash for his medications. On 2/2/2011, 3/28/2011, and
21 4/14/2011, PP received promethazine with codeine 16oz with no antibiotic. This medication is
22 for cough and the high quantity of cough medication without any antibiotic should have been a
23 warning sign for the pharmacy. The following table shows early refills for
24 hydrocodone/acetaminophen 10/325mg:

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RX#	Date Dispensed	Day Supply	Days Early	Prescriber
106496	3/28/2011	30	N/A	Lifson
107750	4/13/2011	30	14	Lifson
107799	4/14/2011	30	29	Lifson

A review of CURES dated showed that PP went to Save-on 6554 in Diamond Bar while going to Respondent Pharmacy.

r. Patient ES had controlled substances dispensed at Respondent Pharmacy (oxycodone 30mg). He lived in Los Angeles and traveled approximately 25 miles to Northridge to see Robert Lifson and Boniface Abubah and traveled approximately 15 miles from home to get prescriptions dispensed at Respondent Pharmacy. He paid cash for his medications. The following table shows early refills for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
107136	4/5/2011	30	N/A	Onubah
107378	4/8/2011	30	27	Onubah
108651	4/27/2011	30	11	Onubah
112332	6/21/2011	30	N/A	Onubah
113925	7/15/2011	30	6	Onubah

According to the medication justification form from the prescriber, ES had different diagnoses on 1/21/2011, 2/22/2011, 4/6/2011, 4/8/2011, 4/27/2011, 6/22/2011, and 7/15/2011. A review of CURES data showed that prior to going to Respondent Pharmacy, ES had prescriptions dispensed at multiple pharmacies in various cities (Mission Community Pharmacy in Panorama City, Valley West Medical Pharmacy in Alhambra, and Broadway Medical Pharmacy in Anaheim). ES continued to go to multiple pharmacies while going to Respondent Pharmacy (Cabrillo Park Pharmacy in Santa Ana, Sierra Pharmacy in Rancho Cucamonga, and Golden Scales Pharmacy in Pomona). ES also went to multiple practitioners prior to and while going to

1 Respondent Pharmacy (Cecilia Madrid in Toluca Lake, Ray Salari in Northridge, Joseph
2 Garfinkel in Reseda, Robert Lifson in Northridge, Boniface Onubah in Northridge, and Oliver
3 Tsai in West Covina.)

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Failure to Exercise Corresponding Responsibility)**

6 25. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action
7 under Code section 4301, subdivisions (d) and (j), in conjunction with Health and Safety Code
8 section 11153, subdivision (a), and Code section 4301, subdivision (o), in conjunction with
9 California Code of Regulations, title 16, section 1761, on the grounds of unprofessional conduct
10 in that they violated their corresponding responsibility by committing acts of excessive furnishing
11 of controlled substances with an established history of a high potential for abuse despite multiple
12 cues of irregularity and uncertainty related to patient and prescriber factors. Specifically,
13 between 1/1/2011 and 12/5/2012, Respondent Pharmacy dispensed 3,241 controlled substance
14 prescriptions of which 1,647 were for oxycodone 30mg without regarding for the following
15 factors: distance from Respondent Pharmacy to the prescriber's office, distance from Respondent
16 Pharmacy to the patient's home, distance from the patient's home to the prescriber's office,
17 percentage of patients willing to pay cash for the prescriptions, percentage of patients seeing
18 multiple prescribers, and percentage of patients getting prescriptions filled at multiple
19 pharmacies. Respondent Pharmacy filled prescriptions by the same prescribers who offices were
20 outside the normal trading area, who prescribed oxycodone 30mg in large quantities, and who
21 gave similar diagnoses. Respondent Pharmacy did not scrutinize its patients' drug therapy with
22 readily available tools such as CURES data and its own records, which therefore led to early fills
23 to patients who habitually engaged in doctor and pharmacy shopping. Complainant incorporates
24 by reference Paragraphs 21 through 24, including all subparagraphs as though fully set forth
25 herein.

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SECOND CAUSE FOR DISCIPLINE

(Drugs Lacking Quality and Strength)

26. Respondent Pharmacy is subject to disciplinary action under Code section 4301, subdivision (o) and Code section 4342, in conjunction with Code section 4169, subdivision (a)(3) and Health and Safety Code section 111335, in that on or about January 29, 2013, during an inspection of Respondent Pharmacy, several repackaged bottles and vials of drugs were improperly labeled or had no labeling adhered to the containers. Complainant incorporates by reference Paragraph 22 as though fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Pharmacy Operating During Absence of Pharmacist)

27. Respondent Pharmacy is subject to disciplinary action under Code section 4300, subdivision (o), in conjunction with California Code of Regulations, title 16, section 1714.1, subdivision (e), on the grounds of unprofessional conduct in that on or about January 29, 2013, during an inspection of Respondent Pharmacy, the pharmacy was operating with no pharmacist on duty for over 30 minutes and the pharmacist was not on a rest or meal break. Complainant incorporates by reference Paragraph 21 as though fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(Operational Standards and Security)

28. Respondent Pharmacy is subject to disciplinary action under Code section 4300, subdivision (o), in conjunction with California Code of Regulations, title 16, section 1714, subdivision (b), on the grounds of unprofessional conduct in that on or about January 29, 2013, during an inspection of Respondent Pharmacy, the pharmacy was operating with no pharmacist on duty for over 30 minutes and the pharmacist was not on a rest or meal break. Complainant incorporates by reference Paragraph 21 as though fully set forth herein.

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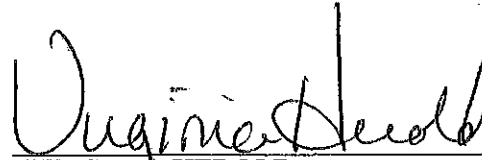
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1 4. Ordering Health Care Pharmacy, with Thanh-Truc Ngo as owner, and Tin Huu
2 Nguyen to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement
3 of this case, pursuant to Business and Professions Code section 125.3; and

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

5
6 DATED:

11/4/15



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

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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:

Case No. 5275

13 **HEALTH CENTER PHARMACY;**
14 **THANH-TRUC NGO, OWNER**
15 **15418 Crenshaw Blvd**
16 **Gardena, CA 90249**

A C C U S A T I O N

17 **Pharmacy Permit No. PHY 50395,**

18 **and**

19 **TIN HUU NGUYEN**
20 **P.O. Box 1037**
21 **Westminster, CA 92684**

22 **Pharmacist License No. RPH 46458**

23 Respondents.

24 Complainant alleges:

25 **PARTIES**

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

28 2. On or about November 10, 2010, the Board of Pharmacy issued Pharmacy Permit
Number PHY 50395 to Thanh-Truc Ngo to do business as Health Center Pharmacy ("Respondent
Pharmacy"). Thanh-Truc Ngo has been the individual licensed owner of Respondent Pharmacy
since November 10, 2010. From November 10, 2010 to September 17, 2011, Tin Huu Nguyen

1 was the Pharmacist-in-Charge of Respondent Pharmacy. From September 19, 2011 to the
2 present, Thanh-Truc Ngo has been the Pharmacist-in-Charge of Respondent Pharmacy. The
3 Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein
4 and will expire on November 1, 2015, unless renewed.

5 3. On or about August 12, 1993, the Board of Pharmacy issued Pharmacist License
6 Number RPH 46458 to Tin Huu Nguyen ("Respondent Nguyen"). The Pharmacist License was
7 in full force and effect at all times relevant to the charges brought herein and will expire on June
8 30, 2015, unless renewed.

9 JURISDICTION

10 4. This Accusation is brought before the Board of Pharmacy ("Board"), Department of
11 Consumer Affairs, under the authority of the following laws. All section references are to the
12 Business and Professions Code unless otherwise indicated.

13 5. Section 4300.1 of the Code states:

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

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

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

21 "(b) The board shall discipline the holder of any license issued by the board, whose default
22 has been entered or whose case has been heard by the board and found guilty, by any of the
23 following methods:

24 "(1) Suspending judgment.

25 "(2) Placing him or her upon probation.

26 "(3) Suspending his or her right to practice for a period not exceeding one year.

27 "(4) Revoking his or her license.

28

1 United States Pharmacopoeia or the National Formulary, or that violate any provision of the
2 Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division
3 104 of the Health and Safety Code)."

4 10. Health and Safety Code section 11153, subdivision (a) states:

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

15 11. Health and Safety Code section 111335 states:

16 "Any drug or device is misbranded if its labeling or packaging does not conform to the
17 requirements of Chapter 4 (commencing with Section 110290)."

18 12. California Code of Regulations, title 16, section 1714, subdivision (b) states,

19 "(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and
20 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.
21 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice
22 of pharmacy."

23 13. California Code of Regulations, title 16, section 1714.1 states, in pertinent part:

24 "This section is to ensure that pharmacists are able to have duty free breaks and meal
25 periods to which they are entitled under Section 512 of the Labor Code and the orders of the
26 Industrial Welfare Commission, without unreasonably impairing the ability of a pharmacy to
27 remain open.

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1 21. During the inspection, the Inspector found numerous prepackaged medications with
2 no labels. Some drugs were in vials inside baskets and some were on the side counters. The
3 prepackaged drugs included:

- 4 • Amoxicillin 500 mg;
- 5 • Ampicillin 500 mg;
- 6 • Cephalexin 500 mg;
- 7 • Promethazine DM liquid;
- 8 • Lopermide 2 mg;
- 9 • Omeprazole 20mg; and
- 10 • Folic acid 1 mg.

11 22. The Inspector obtained CURES² data on Respondent Pharmacy from 1/1/2011 to
12 12/5/2012. In reviewing CURES data, Respondent Pharmacy dispensed a total of 3,241
13 controlled substance prescriptions. Of these prescriptions, 1,647 (or 50.82%) of them were for
14 oxycodone 30mg for a total of 363,370 units of oxycodone 30mg. In addition, CURES data
15 revealed that 73.59% of all controlled substances dispensed by Respondent were for oxycodone
16 30 mg. The average quantity of oxycodone dispensed was 224 tablets. Additionally 2,355 of the
17 prescriptions were dispensed for cash, meaning no insurance was billed. A neighboring CVS
18 pharmacy was the next highest purchaser of oxycodone 30mg but it only purchased 23,900 units
19 from 12/1/2010 to 9/1/2011, as compared to the 393,900 units purchased by Respondent for the
20 same time frame.

21 23. The Inspector selected 18 random patients and reviewed CURES data, pharmacy
22 patient questionnaires prepared by Respondent Nguyen, patient history reports, prescriptions,
23 medication justification forms, etc., and made the following determinations:

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26 ² CURES stands for the Controlled Substance Utilization Review and Evaluation System
27 program which requires mandatory monthly pharmacy reporting of controlled substances.
28 Prescribers and pharmacists can register with the State of California, Department of Justice to
access CURES data through the Prescription Drug Monitoring Program which can aide them in
determining if a patient has been to multiple prescribers and/or multiple pharmacies.

1 a. Patient CA only had controlled substances dispensed at Respondent Pharmacy
 2 (oxycodone 30mg and promethazine with codeine). He lived in Inglewood and traveled
 3 approximately 25 miles to Northridge to see prescriber Robert Lifson and subsequently traveled
 4 approximately 8 miles to Respondent Pharmacy to get his prescriptions dispensed. CA paid cash
 5 for his prescriptions. Respondent Pharmacy dispensed promethazine with codeine 16oz on
 6 4/5/2011, RX# 107110 with no antibiotic. This medication is for cough and the high quantity of
 7 cough medication without any antibiotic should have been a warning sign for the pharmacy.

8 b. Patient SA only had controlled substances dispensed at Respondent Pharmacy
 9 (oxycodone 30mg, promethazine with codeine, and hydrocodone/acetaminophen). She lived in
 10 Tarzana and traveled approximately 4 miles to Northridge to see prescriber Robert Lifson and
 11 subsequently traveled approximately 28 miles to Respondent Pharmacy to get prescriptions
 12 dispensed. SA paid cash for her medications. Respondent Pharmacy dispensed promethazine
 13 with codeine 16oz on 4/1/2011 and on 4/16 2011, RX# 107495 with no antibiotic. This
 14 medication is for cough and the high quantity of cough medication without any antibiotic should
 15 have been a warning sign for the pharmacy. According to the medication justification form from
 16 the prescriber, SA had different diagnosis on 5/27/2011 and 7/29/2011. Additionally, the
 17 following table shows early refills for hydrocodone/ acetaminophen 10/325mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
106207	3/23/2011	30	N/A	Lifson
107495	4/11/2011	30	11	Lifson
108525	4/26/2011	30	15	Lifson

23 c. Patient AB mostly had controlled substances dispensed at Respondent Pharmacy
 24 (oxycodone 30mg). She lived in Rialto and travelled approximately 74 miles to Northridge to see
 25 prescribers Robert Lifson and Boniface Obubah and subsequently traveled approximately 66
 26 miles from her home to have her prescriptions filled at Respondent Pharmacy. She paid cash for
 27 her medications. Additionally, the following table shows early refills for oxycodone 30mg:

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RX#	Date Dispensed	Day Supply	Days Early	Prescriber
104084	2/22/2011	30	N/A	Ferraro
105861	3/7/2011	30	17	Onubah

According to the medication justification form from the prescriber, AB had different diagnoses on 3/8/2011 and 6/24/2011. A review of CURES data revealed that AB went to 2 different practitioners (Robert Lifson and Boniface Onubah) and both Respondent Pharmacy and Century Discount Pharmacy around the same time to get oxycodone 30mg. On 6/14/2011, Century Discount Pharmacy dispensed RX# 433311 #120 for a 30 day supply of oxycodone 30mg. On 6/24/2011, Respondent Pharmacy dispensed RX# 112584 #240 for a 30 day supply of oxycodone 30mg. If Respondent Pharmacy had consulted CURES data, it would have determined that AB was a doctor and pharmacy shopper.

d. Patient GB mostly had controlled substances dispensed at Respondent Pharmacy (oxycodone 30mg). He lived in Palmdale and traveled approximately 48 miles to Reseda to see Lucia Ferraro and Boniface Obubah and subsequently traveled approximately 66 miles from his home to have his prescriptions filled at Respondent Pharmacy. He paid cash for his medications. Additionally, the following table shows early refills for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
105006	3/7/2011	30	N/A	Ferraro
106500	3/28/2011	30	9	Ferraro

GB went to numerous other pharmacies (Rite Aid 5840, Rite Aid 6396, CVS 9657, Own Western Pharmacy, CVS 9634, Century Discount Pharmacy, and Yorba Linda Pharmacy). GB also went to pharmacies in different cities (Lancaster, Palmdale, Covina, Orange, and Reseda), and GB went to multiple practitioners in various cities (Natividad De Jesus in Lancaster, Lucia Ferrero in Van Nuys, Ton Tan in Lancaster, Boniface Onubah in Northridge, Shahid Siddique in Burbank, Sunil Shroff in Los Angeles, and Ramaiah Madihalli in Lancaster). If Respondent Pharmacy had consulted CURES data, it would have determined that GB was a doctor and pharmacy shopper.

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1 e. Patient JB only had controlled substances dispensed at Respondent Pharmacy
 2 (oxycodone 30mg). He lived in Lancaster and traveled approximately 57 miles to Northridge to
 3 see Robert Lifson and Boniface Obubah and subsequently traveled approximately 82 more miles
 4 to get the prescriptions dispensed at Respondent Pharmacy. He paid cash for his medications. A
 5 review of CURES data showed JB went to various Kaiser facilities ranging from Lancaster,
 6 Riverside, and Panorama City. While getting prescriptions filled at Respondent Pharmacy, JB
 7 went to multiple practitioners (Robert Lifson and Joseph Garfinkel) and had prescriptions
 8 dispensed at multiple pharmacies (Century Discount Pharmacy). According to the medication
 9 justification form from the prescriber, JB had different diagnoses on 4/13/2011 and 6/6/2011.

10 f. Patient MB only had controlled substances dispensed at Respondent Pharmacy
 11 (oxycodone 30mg). She lived in Lancaster and traveled approximately 59 miles to Reseda to see
 12 Robert Lifson, Boniface Obubah, and Lucio Ferraro and subsequently traveled approximately 82
 13 miles from home to get prescriptions dispensed at Respondent Pharmacy. She paid cash for her
 14 medications. While getting prescriptions filled at Respondent Pharmacy, MB went to multiple
 15 practitioners (Lucio Ferraro, Robert Lifson, and Boniface Onubah) and had prescriptions
 16 dispensed at multiple pharmacies (Century Discount Pharmacy in Reseda and Yorba Park
 17 Pharmacy in Orange). According to the medication justification form from the prescriber, MB
 18 had different diagnoses on 4/25/2011 and 7/25/2011.

19 g. Patient NB only had controlled substances dispensed at Respondent Pharmacy
 20 (oxycodone 30mg). She lived in Lancaster and traveled approximately 59 miles to Reseda to see
 21 Robert Lifson, Boniface Obubah, and Lucio Ferraro and subsequently traveled approximately 82
 22 miles from home to get prescriptions dispensed at Respondent Pharmacy. She paid cash for her
 23 medications. The following table shows early refills for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
104085	2/22/2011	30	N/A	Ferraro
105855	3/18/2011	30	6	Lifson

1 According to the medication justification form from the prescriber, NB had different diagnoses on
2 3/18/2011 and 6/6/2011.

3 h. Patient MC only had controlled substances dispensed at Respondent Pharmacy
4 (oxycodone 30mg). She lived in Palmdale and traveled to approximately 47 miles to Van Nuys
5 and Reseda to see Joseph Garfinkel, Lucio Ferrero, and Morris Halfon and subsequently traveled
6 approximately 74 miles from home to get prescriptions dispensed at Respondent Pharmacy. She
7 paid cash for her medications. A review of CURES data showed that prior to going to
8 Respondent Pharmacy, MC went to numerous pharmacies (Palmdale Medical Pharmacy in
9 Palmdale, Rite Aid 6396 in Palmdale, Costco 412 in Azusa, Rite Aid 5535 in Pasadena, Costco
10 447 in Santa Clarita, Costco 762 in Lancaster, Sam's 4824 in Santa Clarita, Costco 1010 in
11 Victorville, Costco 1015 in San Dimas, CVS 9694 in Pasadena, Covina Pharmacy in Covina,
12 CVS 1666 in Lancaster, Huntington Pharmacy in San Marino, Longs Drug Store 9731 in
13 Victorville, Hesperia La Salle Pharmacy in Hesperia, Cabrillo Park Pharmacy in Santa Ana, and
14 Century Discount Pharmacy in Reseda). While going Respondent Pharmacy, MC continued to
15 go to multiple pharmacies (Costco 762, Hesperia La Salle Pharmacy, Cabrillo Park Pharmacy,
16 and Century Discount Pharmacy). Prior to, and while going to Respondent Pharmacy, MC went
17 to numerous practitioners in various cities (Shahram Parsa in Palmdale, Randolph Betts in
18 Covina, Katherine Robb-Ramirez in Riverside, Edward Ridgill in Whittier, Daniel Sheppard in
19 Lancaster, Phillip Scheel in Palmdale, Daisey Markley in Lancaster, Leroy Pascal in Rancho
20 Palso Verdes, Joseph Selveraj in Hesperia, Nagwa Mina in Lancaster, Danny Jones in Lancaster,
21 Morris Halfon in Los Angeles, Lucia Ferrero in Van Nuys, Felix Albino in Hesperia and Robert
22 Lifson in Northridge). If Respondent Pharmacy had consulted CURES data, it would have
23 determined MC was a doctor and pharmacy shopper.

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1 i. Patient DC mostly had controlled substances dispensed at Respondent Pharmacy
2 (oxycodone 30mg, promethazine with codeine, and hydrocodone/acetaminophen). He lived in
3 Monrovia and traveled approximately 35 miles to Northridge and Reseda to see Robert Lifson
4 and Ray Salari and subsequently traveled approximately 35 miles from home to get prescriptions
5 dispensed at Respondent Pharmacy. Respondent Pharmacy dispensed promethazine with codeine
6 16oz on 2/18/2011 RX# 103795, on 4/8/11 RX# 107386, and on 5/2/2011 RX# 108795 with no
7 antibiotic. This medication is for cough and the high quantity of cough medication without any
8 antibiotic should have been a warning sign for the pharmacy. DC paid cash for the medications.
9 According to the medication justification form from the prescriber, DC had different diagnoses on
10 4/25/2011 and 6/1/2011. Respondent Pharmacy dispensed some unusual prescription
11 combinations for DC:

12 • On 5/18/2011, Respondent Pharmacy dispensed HC/AP 10/325mg #240, promethazine
13 with codeine 16oz, and amoxicillin 500mg #15. On 8/14/2011, Respondent Pharmacy
14 dispensed oxycodone 30mg #240, promethazine with codeine 16oz, and amoxicillin
15 500mg #15. These are usual combinations for high quantity narcotics, low dose
16 antibiotics, and of high quantity cough syrup.

17 DC had multiple prescriptions from Robert Lifson and Ray Salari for
18 hydrocodone/acetaminophen around the same time dispensed at 2 different pharmacies:

19 • On 4/8/2011, Respondent Pharmacy dispensed HC/AP 10/325mg #240, 30 day supply,
20 RX# 107385. On 4/15/2011, Costco 44 dispensed HC/AP 10/325mg #240, 30 day supply,
21 RX# 1000498.

22 • On 7/1/2011, Respondent Pharmacy dispensed HC/AP 10/325mg #240, 30 day supply,
23 RX# 113058. On 7/25/2011, Costco 44 dispensed HC/AP 10/325mg # 240, 30 day
24 supply, RX# 1012155.

25 If Respondent Pharmacy had consulted CURES data, it would have determined DC was a doctor
26 and pharmacy shopper.

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1 j. Patient TC mostly had controlled substances dispensed at Respondent Pharmacy
2 (oxycodone 30mg). She lived in Pacoima and travelled approximately 9 miles to Reseda to see
3 Robert Lifson and Lucio Ferraro and subsequently traveled approximately 34 miles from home to
4 get prescriptions dispensed at Respondent Pharmacy. She paid cash for her medications. A
5 review of CURES data showed that prior to going to Respondent Pharmacy, TC went to multiple
6 pharmacies in various cities (Medicine Shoppe in Reseda, Mission Community Pharmacy in
7 Panorama City, CVS 9657 in Lancaster, Burn Prescription Pharmacy in Lancaster, Rite-Aid 5549
8 in Pacoima and CVS 9651 in Sylmar) and multiple practitioners in various cities (Kevin Gohar in
9 Woodland Hills, Luis Flores in Arleta, Asha Amir-Jahid in Beverly Hills, Troy Fennel in Van
10 Nuys, Lena Nathen in Los Angeles, Donna Emanuele in Tujunga, and Mark McDowell in Santa
11 Monica). If Respondent Pharmacy had consulted CURES data, it would have determined TC was
12 a doctor and pharmacy shopper.

13 k. Patient PD had only controlled substances dispensed at Respondent Pharmacy
14 (oxycodone 30mg and promethazine with codeine). She lived in San Bernardino and travelled
15 approximately 78 miles Reseda to see Boniface Onubah and Joseph Garfinkel and subsequently
16 travelled approximately 75 miles from home to get prescriptions dispensed at Respondent
17 Pharmacy. She paid cash for her medications. According to the medication justification form
18 from the prescriber, PD had different diagnoses on 4/13/2011 and 8/17/2011. Respondent
19 Pharmacy dispensed promethazine with codeine 16oz on 2/7/2011 RX# 102952 and on 3/11/2011
20 RX# 105382 with no antibiotic. This medication is for cough and the high quantity of cough
21 medication without any antibiotic should have been a warning sign for the pharmacy. A review
22 of CURES data showed that prior to going to Respondent Pharmacy, PD went to numerous
23 pharmacies in various cities (Arrowhead Regional Medical Center in Colton, Kaiser #197 in
24 Fontana, Kaiser #985 in Downey, and Kaiser #157 in Victorville). While going to Respondent
25 Pharmacy, PD also had prescriptions filled at Cabrillo Park Pharmacy in Santa Ana and Century
26 Discount Pharmacy in Reseda. PD also went to numerous practitioners (Jonathan Tsao in Irvine,
27 Kristine Zambrano in Colton, Steven Wider in Fontana, Julie Tang in Rialto, Javier Descalzi in
28 Fontana, Gregory Tennant in Fontana, Daniel Bennett in Reseda, Chester Sarnowski in Colton,

1 Angel Schaffer in Gardena, Samir Tejawani in Fontana, and Dawn Renko in Fontana). If
2 Respondent Pharmacy had consulted CURES data, it would have determined PD was a doctor
3 and pharmacy shopper.

4 l. Patient YG only had controlled substances dispensed at Respondent Pharmacy
5 (oxycodone 30mg). He lived in Sylmar and traveled approximately 11 miles to see Robert Lifson
6 and subsequently traveled approximately 33 miles from home to get prescriptions dispensed at
7 Respondent Pharmacy. He paid cash for his medications. The following table shows early refills
8 for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
105592	3/15/2011	30	N/A	Lifson
106567	3/29/2011	30	13	Lifson

13 According to the medication justification form from the prescriber, YG had different diagnoses
14 on 3/10/2011, 3/29/2011, 5/5/2011, and 7/8/2011. While going to Respondent Pharmacy, YG
15 also went to multiple pharmacies in various cities (Yorba Park Pharmacy in Orange and Century
16 Discount Pharmacy in Reseda) and various prescribers (Robert Lifson, Boniface Onubah, and
17 Joseph Garfinkle). If Respondent Pharmacy had consulted CURES data, it would have
18 determined YG was a doctor and pharmacy shopper.

19 m. Patient JH had some controlled substances dispensed at Respondent Pharmacy
20 (hydrocodone/acetaminophen 7.5/750mg, oxycodone 30mg, and promethazine with codeine). He
21 lived in Long Beach and traveled approximately 48 miles to Riverside to see Susan Wagner and
22 subsequently traveled approximately 14 miles from home to get prescriptions dispensed at
23 Respondent Pharmacy. Respondent Pharmacy dispensed promethazine with codeine 16oz on
24 6/10/2011, RX# 108677, and on 7/7/2011 and 8/1/2011 RX# 113375, with no antibiotic. This
25 medication is for cough and the high quantity of cough medication without any antibiotic should
26 have been a warning sign for the pharmacy. JH paid cash for the promethazine with codeine (but
27 paid with insurance for his other prescriptions). A review of CURES data showed that prior
28 going to Respondent Pharmacy, JH went to numerous pharmacies in various cities (Walgreens in

1 Anaheim, Thrifty Payless in Los Angeles, Beverly Hills Medical Plaza Pharmacy in Beverly
2 Hills, Rite-Aid 5429 in Los Angeles, Ad-Rx in Los Angeles, CVS 1176 in Lomita, Northridge
3 Plaza Pharmacy in Northridge, and Vermillion Drug #3 in Long Beach). While going to
4 Respondent Pharmacy, JH continued to go to multiple pharmacies (Rite-Aid 5602 in Ontario, Ad-
5 Rx in Los Angeles, Valley Medical Plaza Pharmacy in Alhambra, Medical Towers Pharmacy in
6 Huntington Beach, Ralphs 760 in Rancho Palos Verdes, Target 2179 in Diamond Bar, Yorba
7 Park Pharmacy in Orange, Gage Pharmacy in Long Beach, Century Discount Pharmacy in
8 Reseda, St. Paul Pharmacy in Huntington Park, The Druggist in Valencia, Rite-Aid 5435 in Los
9 Angeles, Walgreens 6904 in Redondo Beach, Walgreens 7870 in Long Beach, and Today
10 Pharmacy in Long Beach). JH also went to numerous practitioners prior to, during, and after
11 going to Respondent Pharmacy (Boniface Onubah in Northridge, Emmanuel Lim in Los Angeles,
12 Yousef Awad in Long Beach, Clyde Arnold in Los Angeles, Joseph Garfinkel in Reseda, Susan
13 Wagner in Riverside, Uche Chukwudi in Gardena, David Niknia in Panorama City, Earnest
14 Casillas in Los Angeles, and Manuel Sison in Panorama City). If Respondent Pharmacy had
15 consulted CURES data, it would have determined JH was a doctor and pharmacy shopper.

16 n. Patient BJ mostly had controlled substances dispensed at Respondent Pharmacy
17 (oxycodone 30mg). She lived in Los Angeles and traveled approximately 25 miles to Reseda to
18 see Robert Lifson and Joseph Garfinkel and subsequently traveled approximately 8 miles from
19 home to get prescriptions dispensed at Respondent Pharmacy. She paid cash for her medications.
20 According to the medication justification form from the prescriber, BJ had different diagnoses on
21 5/11/2011 and 7/1/2011. Respondent Pharmacy dispensed promethazine with codeine 16oz with
22 no antibiotic on 2/15/2011 and 3/21/2011. This medication is for cough and the high quantity of
23 cough medication without any antibiotic should have been a warning sign for the pharmacy. BJ
24 also had prescriptions dispensed at Medical Towers Pharmacy in Huntington Beach while going
25 to Respondent Pharmacy.

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1 o. Patient RJ mostly had controlled substances dispensed at Respondent Pharmacy
2 (alprazolam 2mg, hydrocodone/acetaminophen and promethazine with codeine). She lived in
3 Hawthorne³ and traveled approximately 29 miles to Northridge to see Robert Lifson and
4 subsequently traveled approximately 2 miles from home to get prescriptions dispensed at
5 Respondent Pharmacy. On 1/20/2011, and 2/8/2011, Respondent Pharmacy dispensed
6 promethazine with codeine 16oz with no antibiotic. This medication is for cough and the high
7 quantity of cough medication without any antibiotic should have been a warning sign for the
8 pharmacy. A review of CURES data showed that prior to going to Respondent Pharmacy, RJ
9 went to numerous pharmacies in various cities (Gage Pharmacy in Long Beach, Golden Drugs in
10 Los Angeles, Daniel's Pharmacy in Moreno Valley, Spaulding Rx Pharmacy in Inglewood,
11 Valley Pharmacy in Moreno Valley, Mats Pharmacy and Medical Supply in Lynwood, Super
12 Discount Pharmacy in Van Nuys, and Michael's Pharmacy in Sherman Oaks). While going to
13 Respondent Pharmacy, RJ continued to go to multiple pharmacies (Daniel's Pharmacy in Moreno
14 Valley, Golden Care Pharmacy in Los Angeles, Walgreens 6249 in Lynwood, St. Paul's
15 Pharmacy in Huntington Park, Sierra Pharmacy in San Bernardino, Rite-Aid 5486 in Inglewood,
16 Manchester Professional Pharmacy in Los Angeles, Walgreens 5528 in San Bernardino, and Rite-
17 Aid 5471 in Gardena). Prior to and while going to Respondent Pharmacy, RJ went to multiple
18 practitioners in numerous cities (Jack Chun and Ting Wu in Long Beach, Edward Ridgill in
19 Whittier, James May in Los Angeles, Nazar Al-Bussam in Downey, Jijan Hoorfar in Encino,
20 Asher Ram in Van Nuys, Susan Seideman in Wilmington, Susan Wagner in Riverside, Robert
21 Lifson in Northridge, Boniface Onubah in Northridge, Michael Martelli in Hermosa Beach, Rabia
22 Ahmed in Los Angeles, and Gilbert Pelayo in Gardena). If Respondent Pharmacy had consulted
23 CURES data, it would have determined RJ was a doctor and pharmacy shopper.

24 p. Patient GO mostly had controlled substances dispensed at Respondent Pharmacy
25 (oxycodone 30mg, hydrocodone/acetaminophen and promethazine with codeine). He lived in
26 Studio City and traveled approximately 12 miles to Reseda to see Robert Lifson and Ray Salari

27 ³ According to the prescription, RJ lived in Van Nuys but the Pharmacy's records
28 indicated that she lived in Hawthorne.

1 and subsequently travelled approximately 25 miles from home to get prescriptions dispensed at
2 Respondent Pharmacy. He paid cash for his medications. On 3/16/2011, Respondent Pharmacy
3 dispensed RX# 105678, promethazine with codeine 16oz with no antibiotic. This medication is
4 for cough and the high quantity of cough medication without any antibiotic should have been a
5 warning sign for the pharmacy. The following table shows early refills for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
105677	3/16/2011	30	N/A	Lifson
106851	4/1/2011	30	15	Lifson

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10 A review of CURES data showed GO went to Ralphs 712 in Burbank while going to Respondent
11 Pharmacy. On 4/1/2011, Respondent Pharmacy dispensed HC/AP 10/325mg #240, 30 day
12 supply, RX# 106851 prescribed by Robert Lifson. On 4/15/2011, Ralphs 712 dispensed HC/AP
13 10/325mg #240, 30 day supply RX# 4707995 prescribed by Robert Lifson. GO received 480
14 tablets within 1 month prescribed by Robert Lifson. If Respondent Pharmacy had checked
15 CURES data, it would have noticed Robert Lifson's unusual prescribing habit.

16 q. Patient PP mostly had controlled substances dispensed at Respondent Pharmacy
17 (oxycodone 30mg, hydrocodone/acetaminophen and promethazine with codeine). He lived in
18 Lancaster and traveled approximately 53 miles to Reseda to see Robert Lifson and Ray Salari and
19 subsequently traveled approximately 75 miles from home to get prescriptions dispensed at
20 Respondent Pharmacy. He paid cash for his medications. On 2/2/2011, 3/28/2011, and
21 4/14/2011, PP received promethazine with codeine 16oz with no antibiotic. This medication is
22 for cough and the high quantity of cough medication without any antibiotic should have been a
23 warning sign for the pharmacy. The following table shows early refills for
24 hydrocodone/acetaminophen 10/325mg:

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RX#	Date Dispensed	Day Supply	Days Early	Prescriber
106496	3/28/2011	30	N/A	Lifson
107750	4/13/2011	30	14	Lifson
107799	4/14/2011	30	29	Lifson

A review of CURES dated showed that PP went to Save-on 6554 in Diamond Bar while going to Respondent Pharmacy.

r. Patient ES had controlled substances dispensed at Respondent Pharmacy (oxycodone 30mg). He lived in Los Angeles and traveled approximately 25 miles to Northridge to see Robert Lifson and Boniface Abubah and traveled approximately 15 miles from home to get prescriptions dispensed at Respondent Pharmacy. He paid cash for his medications. The following table shows early refills for oxycodone 30mg:

RX#	Date Dispensed	Day Supply	Days Early	Prescriber
107136	4/5/2011	30	N/A	Onubah
107378	4/8/2011	30	27	Onubah
108651	4/27/2011	30	11	Onubah
112332	6/21/2011	30	N/A	Onubah
113925	7/15/2011	30	6	Onubah

According to the medication justification form from the prescriber, ES had different diagnoses on 1/21/2011, 2/22/2011, 4/6/2011, 4/8/2011, 4/27/2011, 6/22/2011, and 7/15/2011. A review of CURES data showed that prior to going to Respondent Pharmacy, ES had prescriptions dispensed at multiple pharmacies in various cities (Mission Community Pharmacy in Panorama City, Valley West Medical Pharmacy in Alhambra, and Broadway Medical Pharmacy in Anaheim). ES continued to go to multiple pharmacies while going to Respondent Pharmacy (Cabrillo Park Pharmacy in Santa Ana, Sierra Pharmacy in Rancho Cucamonga, and Golden Scales Pharmacy in Pomona). ES also went to multiple practitioners prior to and while going to

1 Respondent Pharmacy (Cecilia Madrid in Toluca Lake, Ray Salari in Northridge, Joseph
2 Garfinkel in Reseda, Robert Lifson in Northridge, Boniface Onubah in Northridge, and Oliver
3 Tsai in West Covina.)

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Failure to Exercise Corresponding Responsibility)**

6 24. Respondent Pharmacy and Respondent Nguyen are subject to disciplinary action
7 under Code section 4301, subdivisions (d) and (j), in conjunction with Health and Safety Code
8 section 11153, subdivision (a), and Code section 4301, subdivision (o), in conjunction with
9 California Code of Regulations, title 16, section 1761, on the grounds of unprofessional conduct
10 in that they violated their corresponding responsibility by committing acts of excessive furnishing
11 of controlled substances with an established history of a high potential for abuse despite multiple
12 cues of irregularity and uncertainty related to patient and prescriber factors. Specifically,
13 between 1/1/2011 and 12/5/2012, Respondent Pharmacy dispensed 3,241 controlled substance
14 prescriptions of which 1,647 were for oxycodone 30mg without regarding for the following
15 factors: distance from Respondent Pharmacy to the prescriber's office, distance from Respondent
16 Pharmacy to the patient's home, distance from the patient's home to the prescriber's office,
17 percentage of patients willing to pay cash for the prescriptions, percentage of patients seeing
18 multiple prescribers, and percentage of patients getting prescriptions filled at multiple
19 pharmacies. Respondent Pharmacy filled prescriptions by the same prescribers who offices were
20 outside the normal trading area, who prescribed oxycodone 30mg in large quantities, and who
21 gave similar diagnoses. Respondent Pharmacy did not scrutinize its patients' drug therapy with
22 readily available tools such as CURES data and its own records, which therefore led to early fills
23 to patients who habitually engaged in doctor and pharmacy shopping. Complainant incorporates
24 by reference Paragraphs 20 through 23, including all subparagraphs as though fully set forth
25 herein.

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SECOND CAUSE FOR DISCIPLINE

(Drugs Lacking Quality and Strength)

25. Respondent Pharmacy is subject to disciplinary action under Code section 4301, subdivision (o) and Code section 4342, in conjunction with Code section 4169, subdivision (a)(3) and Health and Safety Code section 111335, in that on or about January 29, 2013, during an inspection of Respondent Pharmacy, several repackaged bottles and vials of drugs were improperly labeled or had no labeling adhered to the containers. Complainant incorporates by reference Paragraph 21 as though fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Pharmacy Operating During Absence of Pharmacist)

26. Respondent Pharmacy is subject to disciplinary action under Code section 4300, subdivision (o), in conjunction with California Code of Regulations, title 16, section 1714.1, subdivision (e), on the grounds of unprofessional conduct in that on or about January 29, 2013, during an inspection of Respondent Pharmacy, the pharmacy was operating with no pharmacist on duty for over 30 minutes and the pharmacist was not on a rest or meal break. Complainant incorporates by reference Paragraph 20 as though fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(Operational Standards and Security)

27. Respondent Pharmacy is subject to disciplinary action under Code section 4300, subdivision (o), in conjunction with California Code of Regulations, title 16, section 1714, subdivision (b), on the grounds of unprofessional conduct in that on or about January 29, 2013, during an inspection of Respondent Pharmacy, the pharmacy was operating with no pharmacist on duty for over 30 minutes and the pharmacist was not on a rest or meal break. Complainant incorporates by reference Paragraph 20 as though fully set forth herein.

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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 50395, issued to Thanh-Truc Ngo doing business and Health Care Pharmacy;
2. Revoking or suspending Pharmacist License Number RPH 46458, issued to Tin Huu Nguyen;
3. Ordering Health Care Pharmacy with Thanh-Truc Ngo as owner and Tin Huu Nguyen 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; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 3/14/15 

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

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