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Attorneys for Complainant

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

In the Matter of the Petition to Revoke Probation Against: **PAUL AQUINAS LIM** 1441 S. Huntington Drive, #1880 South Pasadena, CA 91030 Pharmacist License No. RPH 40911 Respondent.	Case No. 5331 **PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).

2. On or about June 5, 1987, the Board issued Pharmacist License No. RPH 40911 to Paul Aquinas Lim (Respondent). The Pharmacist License was in effect at all times relevant to the charges brought herein and expired on February 28, 2015, and has not been renewed.

3. In a disciplinary action entitled "*In the Matter of the First Amended Accusation Against: Paul Aquinas Lim*," Case No. 3254, the Board issued a decision, effective November 27, 2013, in which Respondent's Pharmacist License was revoked. However, the revocation was

stayed and Respondent's Pharmacist License was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

4. This Petition to Revoke Probation is brought before the Board under the following authority:

5. Business and Professions Code section 4300, subdivision (d) states:

"The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions."

6. Condition 14 of the Decision and Order, entitled "Violation of Probation," states:

If Respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over Respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If Respondent violates probation in any respect, the board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/ or revocation of the license. If a petition to revoke probation or an accusation is filed against Respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

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FIRST CAUSE TO REVOKE PROBATION

(Failure to Report to the Board)

7. At all times during probation, Respondent was subject to the following condition:

CONDITION #2 - REPORT TO THE BOARD.

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

8. Respondent's probation is subject to revocation because he failed to submit quarterly reports to the Board in violation of Condition #2.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Interview with the Board)

9. At all times during probation, Respondent was subject to the following condition:

CONDITION #3 - INTERVIEW WITH THE BOARD.

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

10. Respondent's probation is subject to revocation because he failed to interview with the Board in violation of Condition #3.

THIRD CAUSE TO REVOKE PROBATION

(Failure to Reimburse Board Costs)

11. At all times during probation, Respondent was subject to the following condition:

CONDITION #8- REIMBURSEMENT OF BOARD COSTS.

As a condition precedent to successful completion of probation Respondent shall pay twenty-thousand dollars ($20,000.00) to the Board of Pharmacy for its costs of investigation and prosecution. Respondent shall be permitted to pay these costs through a payment plan that shall be pre-approved by the Board. There shall be no deviation from this schedule absent prior written approval by the Board or its designee. Failure to pay costs by the deadline (s) as directed shall be considered a violation of probation.

The filing of bankruptcy by Respondent shall not relieve Respondent of his or her responsibility to reimburse the board its costs of investigation and prosecution.

12. Respondent's probation is subject to revocation because he failed to reimburse the Board for its costs of investigation and prosecution in the amount of twenty thousand dollars ($20,000.00) in violation of Condition #8. Respondent has failed to make any payments to the Board.

FOURTH CAUSE TO REVOKE PROBATION

(Failure to Comply with Community Service Program)

13. At all times during probation, Respondent was subject to the following condition:

CONDITION #16- COMMUNITY SERVICE PROGRAM.

Within sixty (60) days of the effective date of this decision, Respondent shall submit to the board or its designee, for prior approval, a community service program in which Respondent shall provide free health-care related services on a regular basis to a community service or charitable facility or agency for at least sixty (60) hours per year for the first three (3) years of probation. Within thirty (30) days of board approval thereof Respondent shall submit documentation to the board demonstrating commencement of the community service program. A record of this notification shall

be provided to the Board upon request. Respondent shall report on progress with the community service program in the quarterly reports. Failure to timely submit, commence, or comply with the program shall be considered a violation of probation.

14. Respondent's probation is subject to revocation because he failed to comply with a community service program in violation of Condition #16.

FIFTH CAUSE TO REVOKE PROBATION

(Failure to Comply with Remedial Education Requirement)

15. At all times during probation, Respondent was subject to the following condition:

CONDITION #17- REMEDIAL EDUCATION.

Within sixty (60) days of the effective date of this decision, Respondent shall submit to the board or its designee, for prior approval, an appropriate program of remedial education related to dispensing prescriptions and controlled substances. The program of remedial education shall consist of at least ten (10) hours, which shall be completed within three (3) years at Respondent's own expense. All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes.

Failure to timely submit or complete the approved remedial education shall be considered a violation of probation. The period or probation will be automatically extended until such remedial education is successfully completed and written proof, in a form acceptable to the board, is provided to the board or its designee.

Following the completion of each course, the board or its designee may require the Respondent, at his or her own expense, to take an approved examination to test the Respondent's knowledge of the course. If the Respondent does not achieve a passing score on the examination, this failure shall be considered a violation of probation. Any such examination failure shall require Respondent to take another course approved by the board in the same subject area.

16. Respondent's probation is subject to revocation because he failed to comply with the remedial education requirement in violation of Condition #17.

PRAYER

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

1. Revoking the probation that was granted by the Board in Case No. 3254 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No. RPH 40911, issued to Paul Aquinas Lim;

2. Revoking or suspending Pharmacist License No. RPH 40911, issued to Paul Aquinas Lim; and

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

DATED: 3/30/15

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

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Exhibit A

Decision and Order

Board of Pharmacy Case No. 3254

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

In the Matter of the First Amended Accusation Against:	Case No. 3254
MIV CARE,INC., **d.b.a. RX CARE PHARMACY** **MICHAEL VOLDMAN, President** 19000 Hawthorne, Suite #302 Torrance, CA 90503 Pharmacy Permit No. PHY 46138 AND **PAUL AQUINAS LIM** 1441 S. Huntington Drive, #1880 South Pasadena, CA 91030 Pharmacist License No. RPH 40911 Respondent.	OAH Case No. 2012100134

DECISION AND ORDER

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

This decision shall become effective on November 27, 2013.

It is so ORDERED on November 20, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

STAN C. WEISSER
Board President

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the First Amended Accusation Against: **MIV CARE, INC.,** **d.b.a. RX CARE PHARMACY,** **MICHAEL VOLDMAN, President** 19000 Hawthorne, Suite #302 Torrance, CA 90503 **Pharmacy Permit No. 46138** AND **PAUL AQUINAS LIM** 1441 S. Huntington Drive, #1880 South Pasadena, CA 91030 **Pharmacist License No. RPH 40911** Respondents.	Case No. 3254; OAH No. 2012100134 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR RESPONDENT PAUL AQUINAS LIM**

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

PARTIES

1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy ("Board"). She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Armando Zambrano, Supervising Deputy Attorney General.

2. Paul Aquinas Lim ("Respondent Lim") is represented in this proceeding by attorney Herb L. Weinberg, whose business address is McGuireWoods LLP, 1800 Century Park East, 8th Floor, Los Angeles, CA 90067.

3. On or about June 5, 1987, the Board of Pharmacy issued Pharmacist License Number RPH 40911 to Paul Aquinas Lim. The Pharmacist License was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 3254. The pharmacist license will expire on February 28, 2015, unless it is renewed. Respondent Lim was the Pharmacist-In-Charge of MIV Care, Inc., d.b.a. Rx Care Pharmacy, and employed in that capacity since November 14, 2006 and during all times relevant to the charges brought in First Amended Accusation No. 3254.

4. On or about October 8, 2002, the Board issued Pharmacy Permit Number 46138 to MIV Care, Inc., doing business as Rx Care Pharmacy, with Michael Voldman as President ("Respondent Rx Care"). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 3254. The Pharmacy Permit expired on October 1, 2011 and is delinquent, but subject to renewal.

JURISDICTION

5. First Amended Accusation No. 3254 was filed before the Board of Pharmacy, Department of Consumer Affairs, and is currently pending against Respondent Lim and Respondent Rx Care. The First Amended Accusation No. 3254 and all other statutorily required documents were properly served on Respondents on August 23, 2012. Respondents timely filed a Notice of Defense contesting First Amended Accusation No. 3254.

6. A copy of First Amended Accusation No. 3254 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

7. Respondent Lim has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 3254.

8. Respondent Lim has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

9. Respondent Lim is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

10. Respondent Lim voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

11. Respondent Lim admits the truth of each and every charge and allegation in First Amended Accusation No. 3254.

12. Respondent Lim agrees that his pharmacist license is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent Lim understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulated settlement, without notice to or participation by Respondent Lim or his counsel. By signing the stipulation, Respondent Lim understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board of Pharmacy fails to adopt this stipulation as its Decision and Order, the stipulation shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments, whether written or oral. This stipulated settlement may not be

altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. The parties understand and agree that electronic or facsimile copies of this Stipulated Settlement of License and Disciplinary Order, including electronic or facsimile signatures thereto, shall have the same force and effect as an original.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License Number RPH 40911 issued to Respondent Paul Aquinas Lim is revoked. However, the order of revocation is stayed and the Respondent is placed on probation for five (5) years on the following terms and conditions:

1. Obey All Laws. Respondent shall obey all state and federal laws and regulations.

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

- An arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- A plea of guilty or nolo contendre in any state or federal criminal proceeding to any criminal complaint, information, or indictment
- A conviction of any crime
- Discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's pharmacist license, or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

2. Report to the Board. Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as

directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

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

4. Cooperate with Board Staff. Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to cooperate shall be considered a violation of probation.

5. Continuing Education. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board or its designee.

6. Notice to Employers. During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 3254 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause his or her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 3254 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify his or her direct supervisor, pharmacist-in-charge and owner at every pharmacy of the terms and conditions of the decision in case number 3254 in advance of the respondent commencing work at each pharmacy. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause his or her direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that he or she has read the decision in case number 3254 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

Failure to timely notify present or prospective employer(s) or to cause that/those employer(s) to submit timely acknowledgements to the board shall be considered a violation of probation.

"Employment" within the meaning of this provision shall include any full-time, part-time, temporary or relief service or pharmacy management service as a pharmacist or any position for which a pharmacist license is a requirement or criterion for employment, whether the respondent is considered an employee, independent contractor or volunteer.

7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as Designated Representative-in-Charge, or Serving as a Consultant. During the period of probation, respondent shall not supervise any intern pharmacist, be the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board nor serve as a consultant unless otherwise specified in this order. Assumption of any such unauthorized supervision responsibilities shall be considered a violation of probation.

8. Reimbursement of Board Costs. As a condition precedent to successful completion of probation, respondent shall pay Twenty-Thousand dollars ($20,000.00) to the Board of Pharmacy for its costs of investigation and prosecution. Respondent shall be permitted to pay

these costs through a payment plan that shall be pre-approved by the Board. There shall be no deviation from this schedule absent prior written approval by the Board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

The filing of bankruptcy by respondent shall not relieve respondent of his or her responsibility to reimburse the board its costs of investigation and prosecution.

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

10. Status of License. Respondent shall, at all times while on probation, maintain an active, current license with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

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

11. License Surrender While on Probation/Suspension. Following the effective date of this decision, should respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her license to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish his or her pocket and wall license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the board for

three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

12. Notification of a Change in Name, Residence Address, Mailing Address, or Employment. Respondent shall notify the board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving, the address of the new employer, the name of the supervisor and owner, and the work schedule if known. Respondent shall further notify the board in writing within ten (10) days of a change in name, residence address and mailing address, or phone number.

Failure to timely notify the board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

13. Tolling of Probation. Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacist in California for a minimum of forty (40) hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation.

Should respondent, regardless of residency, for any reason (including vacation) cease working as a pharmacist for a minimum of forty (40) hours per calendar month in California, respondent must notify the board in writing within ten (10) days of cessation of practice and must further notify the board in writing within ten (10) days of the resumption of the practice. Any failure to provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months.

"Cessation of practice" means calendar month during which respondent is not practicing as a pharmacist for at least forty (40) hours, as defined in Business and Professions Code section 4000 et seq. "Resumption of practice" means any calendar month during which respondent is

practicing as a pharmacist for at least forty (40) hours as a pharmacist as defined by Business and Professions Code section 4000 et seq.

Respondent is required to practice as a pharmacist in a licensed pharmacy setting that dispenses medication for a minimum of one year prior to the completion of probation. After the first year of probation, the board or its designee may consider a modification of this requirement. If respondent fails to comply with this requirement or a subsequent modification thereto, such failure shall be considered a violation of probation.

14. Violation of Probation. If respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

15. Completion of Probation. Upon written notice by the board indicating successful completion of probation, respondent's pharmacist license will be fully restored.

16. Community Services Program. Within sixty (60) days of the effective date of this decision, respondent shall submit to the board or its designee, for prior approval, a community service program in which respondent shall provide free health-care related services on a regular basis to a community or charitable facility or agency for at least sixty (60) hours per year for the first three (3) years of probation. Within thirty (30) days of board approval thereof, respondent shall submit documentation to the board demonstrating commencement of the community service program. A record of this notification shall be provided to the Board upon request. Respondent

shall report on progress with the community service program in the quarterly reports. Failure to timely submit, commence, or comply with the program shall be considered a violation of probation.

17. Remedial Education. Within sixty (60) days of the effective date of this decision, respondent shall submit to the board or its designee, for prior approval, an appropriate program of remedial education related to dispensing prescriptions and controlled substances. The program of remedial education shall consist of at least ten (10) hours, which shall be completed within three (3) years at respondent's own expense. All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes.

Failure to timely submit or complete the approved remedial education shall be considered a violation of probation. The period of probation will be automatically extended until such remedial education is successfully completed and written proof, in a form acceptable to the board, is provided to the board or its designee.

Following the completion of each course, the board or its designee may require the respondent, at his or her own expense, to take an approved examination to test the respondent's knowledge of the course. If the respondent does not achieve a passing score on the examination, this failure shall be considered a violation of probation. Any such examination failure shall require respondent to take another course approved by the board in the same subject area.

18. No Ownership of Licensed Premises. Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional

business, firm, partnership, or corporation licensed by the board. If respondent currently owns or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction shall be considered a violation of probation.

ACCEPTANCE

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

DATED: May 17, 2013

Paul Aquinas Lim

PAUL AQUINAS LIM
Respondent

I have read and fully discussed with Respondent Paul Aquinas Lim the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: May 17, 2013

Noah Jussim on behalf of Herb L Weinberg

HERB L. WEINBERG
Attorney for Respondent Paul Lim

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ENDORSEMENT

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

DATED: May 20, 2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

ARMANDO ZAMBRANO
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 3254

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Attorney General of California
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **MIV CARE, INC.,** **d.b.a. RX CARE PHARMACY,** **MICHAEL VOLDMAN, President** 19000 Hawthorne, Suite #302 Torrance, CA 90503 **Pharmacy Permit No. 46138,** AND **PAUL AQUINAS LIM** 1441 S. Huntington Drive, #1880 South Pasadena, CA 91030 **Pharmacist License No. RPH 40911,** Respondents.	Case No. 3254 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about October 8, 2002, the Board issued Pharmacy Permit Number 46138 to MIV Care, Inc., doing business as Rx Care Pharmacy, with Michael Voldman as President

("Respondent Rx Care"). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein. The Pharmacy Permit expired on October 1, 2011, but it is subject to renewal. The Board has jurisdiction to discipline the Pharmacy Permit during the period in which it is subject to renewal.

3. On or about June 5, 1987, the Board issued Pharmacist License Number RPH 40911 to Paul Aquinas Lim ("Respondent Lim"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2013, unless it is renewed. Respondent Lim is the Pharmacist-In-Charge of MIV Care, Inc., d.b.a. Rx Care Pharmacy, and has been employed in that capacity since November 14, 2006.

JURISDICTION

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

STATUTORY PROVISIONS

5. Section 4040 of the Code provides, in pertinent part:

"(a) 'Prescription' means an oral, written, or electronic transmission order that is both of the following:

"(a)(1) Given individually for the person or persons for whom ordered that includes all of the following:

"(A) The name or names and address of the patient or patients.

"(B) The name and quantity of the drug or device prescribed and the directions for use.

"(C) The date of issue.

. . .

"(a)(2) Issued by a physician [or other lawful prescriber]...licensed in this state."

6. Section 4063 of the Code provides:

"No prescription for any dangerous drug or dangerous device may be refilled except upon authorization of the prescriber. The authorization may be given orally or at the time of giving the

original prescription. No prescription for any dangerous drug that is a controlled substance may be designated refillable as needed."

7. Section 4076 of the Code provides:

"(a) A pharmacist shall not dispense any prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following:

. . .

"(9) The expiration date of the effectiveness of the drug dispensed."

8. Section 4081 of the Code provides, in pertinent part:

"(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form."

9. Section 4126.5 of the Code provides, in pertinent part:

"(b) Drugs purchased pursuant to Section 256b of Title 42 of the United States Code and received by a pharmacy shall be segregated from the pharmacy's other drug stock by either physical or electronic means. All records of acquisition and disposition of these drugs shall be readily retrievable in a form separate from the pharmacy's other records."

10. Section 4300 of the Code provides:

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

11. Section 4301 of the Code states:

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

. . .

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

"(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

. . .

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

. . .

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

12. Section 4342 of the Code provides, in pertinent part:

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

13. Health and Safety Code section 11153 provides, in pertinent part:

"(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription."

14. Health and Safety Code section 11162.1 provides, in pertinent part:

"(a) The prescription forms for controlled substances shall be printed with the following features:

"(1) A latent, repetitive 'void' pattern shall be printed across the entire front of the prescription blank; if a prescription is scanned or photocopied, the word 'void' shall appear in a pattern across the entire front of the prescription.

"(2) A watermark shall be printed on the backside of the prescription blank; the watermark

shall consist of the words 'California Security Prescription.'

"(3) A chemical void protection that prevents alteration by chemical washing.

"(4) A feature printed in thermochromic ink.

"(5) An area of opaque writing so that the writing disappears if the prescription is lightened.

"(6) A description of the security features included on each prescription form."

15. Health and Safety Code section 11164 provides, in pertinent part:

"Except as provided in Section 11167, no person shall...fill, compound, or dispense a prescription for a controlled substance, unless it complies with the requirements of this section.

"(a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V, except as authorized by subdivision (b), shall be made on a controlled substance prescription form as specified in Section 11162.1."

16. Health and Safety Code section 11200 provides, in pertinent part:

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

REGULATORY PROVISIONS

17. California Code of Regulations, title 16, section 1716 provides:

"Pharmacists shall not deviate from the requirements of a prescription except upon the prior consent of the prescriber or to select the drug product in accordance with Section 4073 of the Business and Professions Code.

"Nothing in this regulation is intended to prohibit a pharmacist from exercising commonly-accepted pharmaceutical practice in the compounding or dispensing of a prescription."

18. California Code of Regulations, title 16, section 1717 provides, in pertinent part:

"(b) In addition to the requirements of Section 4040, Business and Professions Code, the following information shall be maintained for each prescription on file and shall be readily retrievable:

"(1) The date dispensed, and the name or initials of the dispensing pharmacist. All prescriptions filled or refilled by an intern pharmacist must also be initialed by the supervising

pharmacist before they are dispensed."

19. California Code of Regulations, title 16, section 1735.2 provides, in pertinent part:

"(h) Every compounded drug product shall be given an expiration date representing the date beyond which, in the professional judgment of the pharmacist performing or supervising the compounding, it should not be used. This 'beyond use date' of the compounded drug product shall not exceed 180 days from preparation or the shortest expiration date of any component in the compounded drug product, unless a longer date is supported by stability studies of finished drugs or compounded drug products using the same components and packaging. Shorter dating than set forth in this subsection may be used if it is deemed appropriate in the professional judgment of the responsible pharmacist."

20. California Code of Regulations, title 16, section 1761 provides, in pertinent part:

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

21. United States Code of Federal Regulations, title 21, section 1305.13 provides, in pertinent part:

"(e) The purchaser must record on Copy 3 of the DEA Form 222 the number of commercial or bulk containers furnished on each item and the dates on which the containers are received by the purchaser."

COST RECOVERY

22. Under section 125.3 of the Code, the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to a pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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DRUG CLASSIFICATIONS

23. Actonel, a trade name for risendronate, is an oral bisphosphonate indicated for postmenopausal osteoporosis. Actonel is defined as a dangerous drug by Code section 4022.

24. Ambien, a trade name for zolpidem tartrate, is a non-benzodiazepine hypnotic drug indicated for insomnia. Ambien is defined as a dangerous drug by Code section 4022 and is classified as a Schedule IV controlled substance under Health and Safety Code section 11057, subdivision (d)(32).

25. Ativan, a trade name for lorazepam, is a psychotropic drug indicated for the management of anxiety disorders or for the short-term relief of the symptoms of anxiety. Ativan is defined as a dangerous drug by Code section 4022 and is classified as a Schedule IV controlled substance under Health and Safety Code section 11057, subdivision (d)(32).

26. Boniva, a trade name for inbandronate, is an oral bisphosphonate indicated for postmenopausal osteoporosis. Boniva is defined as a dangerous drug by Code section 4022.

27. Effexor, a trade name for venlafaxime hydrochloride, is an elective serotonin and norepinephrine reuptake inhibitor indicated for depression. Effexor is defined as a dangerous drug by Code section 4022.

28. Lomotil, a trade name for dephenoxylate with atropine, is indicated for diarrhea. Lomotil is defined as a dangerous drub by Code section 4022 and is classified as a Schedule IV controlled substance under Health and Safety Code section 11058, subdivision (c)(4).

29. Lunesta, a trade name for eszophiclone, is a hypnotic drug indicated for insomnia. Lunesta is defined as a dangerous drug by Code section 4022 and is classified as a Schedule IV controlled substance under Health and Safety Code section 11057, subdivision (d).

30. Lyrica, a trade name for pregabalin, is indicated for neuropathic pain. Lyrica is defined as a dangerous drug by Code section 4022 and is classified as a Schedule V controlled substance under Health and Safety Code section 11058, subdivision (b).

31. Nasonex, a trade name for mometasone, is a steroidal nasal inhalation drug indicated for allergies. Nasonex is defined as a dangerous drug by Code section 4022.

32. Opana, a trade name for oxymorphone, is an opiate analgesic indicated for moderate

to severe pain. Opana is defined as a dangerous drug by Code section 4022 and is classified as a Schedule II controlled substance under Health and Safety Code section 11055, subdivision (b)(1)(o).

33. Provigil, a trade name for modafinil, is a wakefulness promoting agent indicated for excessive sleepiness incident to narcolepsy or shift work sleep disorder. Provigil is defined as a dangerous drug by Code section 4022 and is classified as a Schedule IV controlled substance under Health and Safety Code section 11057, subdivision (f)(3).

34. Restoril, a trade name for temazepam, is a benzodiazepine indicated for insomnia. Restoril is defined as a dangerous drug by Code section 4022 and is classified as a Schedule IV controlled substance under Health and Safety Code section 11057, subdivision (d)(29).

35. Veramyst, a trade name for fluticasone, is a corticosteroid indicated for allergies. Veramyst is defined as a dangerous drug by Code section 4022.

PHARMACY INSPECTION

36. On or about May 29, 2008, representatives of the Board conducted an inspection of Respondent Rx Care. The inspection revealed the following violations of Pharmacy Law:

FIRST CAUSE FOR DISCIPLINE

(Dispensing Drugs of Unknown Quality)

37. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), and Code Section 4342, for unprofessional conduct in that Respondents dispensed drugs that do not conform to the standard and tests as to quality and strength provided in the latest edition of the United States Pharmacopeia or National Formulary. On or about May 29, 2008, a review of pharmacy inventory indicated that Respondents comingled with regular pharmacy inventory dangerous drugs that were expired, unlabeled, or improperly labeled, as well as dangerous drugs that were filled by other pharmacies and dangerous drugs that were returned to Respondent RX Care by Board and Care facilities (Health & Saf. Code, §§ 1569.10, et seq.).

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SECOND CAUSE FOR DISCIPLINE

(Dispensing Uncertain Prescriptions)

38. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with California Code of Regulations, title 16, section 1761, for unprofessional conduct in that Respondents dispensed the following prescriptions containing a significant error, omission, irregularity, uncertainty, or ambiguity:

(a) On or about March 10, 2008, Dr. M.R. wrote prescription number 119378 for Actonel 35 mg without providing directions for use. On or about March 22, 2008, Respondents dispensed the prescription with instructions to "take 1 tablet by mouth weekly."

(b) On or about November 13, 2007, Dr. M.R. wrote prescription number 114657 for Boniva 150 mg and failed to provide directions for use. On or about November 13, 2007, Respondents dispensed the prescription with instructions to "take 1 tablet by mouth month [sic]."

THIRD CAUSE FOR DISCIPLINE

(Deviating From Prescription Requirements Without Prescriber Consent)

39. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with California Code of Regulations, title 16, section 1716, for unprofessional conduct in that Respondents deviated from the requirements of a prescription without the prior consent of the prescriber. Respondents dispensed the following non-conforming prescriptions without the prior consent of the prescriber:

Fill Date	Prescription Number	Prescription Requirements	As Dispensed without Prior Prescriber Consent
11/13/2007	114637	Effexor XR 37.5 mg	Effexor XR 75 mg
11/13/2007	114645	Lunesta 2 mg	Lunesta 3 mg
11/13/2007	114652	Effexor XR 37.5 mg	Effexor XR 75 mg
11/13/2007	114653	Nasonex "2 puffs daily"	Nasonex "1 puff 2 times daily"
11/13/2007	114657	Boniva 150 mg No use instructions	Boniva 150 mg "take 1 tablet by mouth

			month [sic]"
3/22/2008	119364	Lunesta 2 mg	Lunesta 3 mg
3/22/2008	119370	Veramyst "one puff every day"	Veramyst "2 sprays daily"
3/22/2008	119378	Actonel 35 mg No use instructions	Actonel 35 mg "1 tablet by mouth weekly"
3/22/2008	119732	Provigil 200 mg "1 tablet twice daily"	Provigil 200 mg "1 tablet by mouth daily"

FOURTH CAUSE FOR DISCIPLINE

(Refilling Prescriptions for Dangerous Drugs Without the Prescriber's Authorization)

40. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), and Code Section 4063 for unprofessional conduct in that Respondents refilled prescriptions for the dangerous drug Boniva without the prescriber's authorization, as follows.

(a) On or about August 8, 2007, Dr. M.R. wrote patient F.V. prescription number 111448 for Boniva 150 mg. No refills were authorized. On or about August 8, 2007, Respondents filled the prescription. On or about the dates indicated, Respondents dispensed the following four (4) refills without the prescriber's authorization:

Fill Date	Refill Number
8/27/2007	First Refill
12/19/2007	Second Refill
3/24/2008	Third Refill
5/3/2008	Fourth Refill

(b) On or about August 29, 2007, Dr. M.R. wrote patient G.G. prescription number 112086 for Boniva 150 mg. No refills were authorized. On or about August 29, 2007, Respondents filled the prescription. On or about the dates indicated, Respondents dispensed the following two (2) refills without the prescriber's authorization:

Fill Date	Refill Number
1/15/2008	First Refill
5/3/2008	Second Refill

(c) On or about January 9, 2008, Dr. M.R. wrote patient Z.F. prescription number 116662 for Boniva 150 mg. No refills were authorized. On or about January 11, 2008, Respondents filled the prescription. On or about the dates indicated, Respondents dispensed the following two (2) refills without the prescriber's authorization:

Fill Date	Refill Number
5/3/2008	First Refill
7/3/2008	Second Refill

(d) On or about June 20, 2007, Dr. M.R. wrote patient R.R. prescription number 110383 for Boniva 150 mg. No refills were authorized. On or about July 8, 2007, Respondents filled the prescription. On or about the dates indicated, Respondents dispensed the following six (6) refills without the prescriber's authorization:

Fill Date	Refill Number
8/2/2007	First Refill
8/27/2007	Second Refill
11/2/2007	Third Refill
12/14/2007	Fourth Refill
1/11/2008	Fifth Refill
5/3/2008	Sixth Refill

(e) On or about January 24, 2008, Dr. M.R. wrote patient S.R. prescription number 117236 for the drug Boniva 150 mg. No refills were authorized. On or about January 26, 2008, Respondents filled the prescription. On or about May 3, 2008, Respondents refilled the prescription without the prescriber's authorization.

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FIFTH CAUSE FOR DISCIPLINE

(Refilling Schedule IV Controlled Substances More Than Five Times)

41. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Health and Safety Code Section 11200, subdivision (b), for unprofessional conduct in that Respondents refilled Schedule IV controlled substances more than five times. Respondents refilled the following Schedule IV controlled substances more than five times on or about the dates indicated:

Last Date Dispensed	Prescription Number	Substance	Schedule	Total Refills
4/25/2008	110315	Provigil	Schedule IV	10
4/26/2008	113021	Clonazepam	Schedule IV	7
5/3/2008	109104	Lorazepam	Schedule IV	10
5/3/2008	115806	Temazepam	Schedule IV	7
5/6/2008	112063	Clonazepam	Schedule IV	7

SIXTH CAUSE FOR DISCIPLINE

(Dispensing Prescriptions Not Written on California Security Prescription Forms)

39. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with Health and Safety Code section 11164, subdivision (a), for unprofessional conduct in that Respondents dispensed the following prescriptions for Schedule II, IV, and V controlled substances, which were not written on California Security forms:

Date Dispensed	Prescription Number	Substance	Schedule
11/13/2007	114643	Ambien	Schedule IV
11/13/2007	114655	Ambien	Schedule IV
11/13/2007	114645	Lunesta	Schedule IV
11/13/2007	114656	Lunesta	Schedule IV
11/13/2007	114659	Lyrica	Schedule V
11/13/2007	114658	Opana ER	Schedule II

Date Dispensed	Prescription Number	Substance	Schedule
3/21/2008	119341	Lunesta	Schedule IV
3/22/2008	119358	Lunesta	Schedule IV
3/22/2008	119364	Lunesta	Schedule IV
3/22/2008	119365	Lyrica	Schedule V
3/22/2008	119372	Provigil	Schedule IV

SEVENTH CAUSE FOR DISCIPLINE

(Failing to Record Date Dispensed and Name and Initials of Pharmacist on Prescriptions)

42. Respondents are subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16, section 1717, subdivision (b)(1), for unprofessional conduct in that Respondents failed to record on each prescription the date they dispensed it and the name or initials of the dispensing pharmacist. On or about May 3, 2008, Respondents dispensed the following prescriptions without recording the dispensing date or the name or initials of the dispensing pharmacist:

Rx. Number	Drug Dispensed	Rx. Number	Drug Dispensed
112388	Fosamax 70 mg	112468	Exelon 1.5 mg
111488	Aricept 10 mg	118686	Coumadin 5 mg
111487	Namenda 10 mg	119392	Nitrolingual SPR
111486	Risperdal 0.5 mg	109761	Docusate Sodium 100 mg
115777	Zetia 10 mg	110261	Aspirin 31 mg
118640	Lantus 100 ml	110262	Timolol 0.5%
110995	Arimidex 1 mg	110264	Premarin 0.3 mg
113168	Lovaza 1 g	112466	Airicept 5mg
113034	Janumet 50/1000	112467	Buspirone 5mg
117463	Amlodopine 5 mg	119140	Nitrolingual SPR
112469	Trazadone 50 mg	118689	Benicar/HCTZ 40/25 mg

Rx. Number	Drug Dispensed	Rx. Number	Drug Dispensed
120011	Simvastatin 20mg	120013	Aspirin 81 mg
117859	Furosemide 40mg	116501	Hyzaar 12.5 mg
120016	Lexapro 10 mg	120017	Meloxicam 7.5 mg
116800	Aspirin 81 mg t	118687	Simvastatin 20 mg
118810	Coreg CR 20 mg	115725	Diovan HCT 160/12.5
120066	Meloxicam 7.5 mg	118905	Nexium 40 mg
118808	Diovan 80 mg	120071	Meloxicam 7.5 mg
117382	Singulair 10 mg	113408	Namenda 10 mg
113406	Exelon 1.5 mg	113429	Januvia 100 mg
114517	Ascensia Elite 100	113427	Lipitor 40 mg
113430	Plavix 75 mg	116033	Docusate Sodium 250 mg
113434	Glimepride 4 mg	113426	Actos 45 mg
113433	Amantadine 100 mg	113432	Carbidopoa/Levad ER 50/200
114518	Lancets 100	109104	Lorazepam 1 mg
108197	Nexium 40 mg		

EIGHTH CAUSE FOR DISCIPLINE

(Failing to Record Schedule II Controlled Substances on Copy 3 of DEA Form 222)

43. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), in conjunction with United States Code of Federal Regulations, title 21, section 1305.13, subdivision (e), for unprofessional conduct in that Respondents failed to record on Copy 3 of Drug Enforcement Administration Form 222 the number of containers and the dates on which Respondents received Schedule II controlled substances.

NINTH CAUSE FOR DISCIPLINE

(Commission of an Act Involving Dishonesty, Fraud, or Deceit)

44. Respondent Rx Care is subject to disciplinary action under Code section 4301, subdivision (f), for unprofessional conduct in that Respondent Rx Care committed an act

involving dishonesty, fraud, or deceit. On or about August 2, 2002, Michael Voldman, in his capacity as an officer of MIV Care, Inc., d.b.a. Rx Care Pharmacy, submitted to the Board a certification of personnel form containing a false statement of fact. Michael Voldman certified under penalty of perjury to the truth and accuracy of all statements, answers, and representations made in the form on or about August 2, 2002. Question seven of the form asked whether any owner, director, officer, major shareholder, or pharmacist-in-charge shared a financial interest or was associated in business with any person whose pharmacy permit was revoked. Michael Voldman answered in the negative by placing an "x" in the box corresponding to the word "no." Between approximately September of 1999 and August of 2002, Respondent Rx Care operated in the same office space and used the same phone number as Integrated Design Services, Inc., a business owned and operated by Zina Frayman, whose pharmacy permits for Lenark pharmacy and Shell pharmacy were revoked in December of 1999 and March of 2000, respectively. Respondent Rx Care had knowledge of the revocation of Zina Frayman's licenses, but failed to disclose to the Board the financial interest it shared with Zina Frayman.

TENTH CAUSE FOR DISCIPLINE

(Knowingly Making or Signing Any Certificate or Other Document That Falsely Represents the Existence or Nonexistence of a State of Facts)

45. Respondent Rx Care is subject to disciplinary action under Code section 4301, subdivision (g), for unprofessional conduct in that Respondent Rx Care knowingly made and signed a certificate that falsely represented the existence or nonexistence of a state of facts. Complainant refers to and by this reference incorporates the allegations set forth in paragraph 44, as though set forth fully.

ELEVENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

46. Respondents are subject to disciplinary action under Code section 4301 for unprofessional conduct. Complainant refers to and by this reference incorporates the allegations set forth in paragraphs 36–45, inclusive, as though set forth fully.

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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 issue a decision:

1. Revoking or suspending Pharmacy Permit Number 46138, issued to MIV Care, Inc., d.b.a. Rx Care Pharmacy.

2. Revoking or suspending Pharmacist License Number RPH 40911, issued to Paul Aquinas Lim.

3. Ordering MIV Care, Inc., d.b.a. Rx Care Pharmacy, and Paul Aquinas Lim to pay the Board the reasonable costs of the investigation and enforcement of this case pursuant to Code section 125.3; and

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

DATED: 8/14/12

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

LA2009602431/51116895.doc/08.13.2012