

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

In the Matter of the First Amended Accusation
Against:

**ACE 4Q INC. DBA WHITE FRONT DRUG
AND DISCOUNT**

Pharmacy Permit No. PHY 41461

and

ABDUL KAREEM JAWAD

Pharmacist License No. RPH 45101

and

BLAKE LIEM VO

Pharmacist License No. RPH 51136

Respondents.

Case No. 4661

OAH No. 2014051286

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO ABDUL
KAREEM JAWAD ONLY**

DECISION AND ORDER

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

This Decision shall become effective on August 21, 2015.

It is so ORDERED on July 22, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

AMARYLIS GUTIERREZ
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 MARICHELLE S. TAHMIC
Deputy Attorney General
4 State Bar No. 147392
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3154
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the First Amended Accusation
Against:
12 **ACE 4Q INC. DBA WHITE FRONT DRUG**
13 **AND DISCOUNT**
14 **801 B Baker Street**
Costa Mesa, CA 92626
15 **Pharmacy Permit No. PHY 41461**
16 and
17 **ABDUL KAREEM JAWAD**
18 **801 B Baker Street**
Costa Mesa, CA 92626
19 **Pharmacist License No. RPH 45101**
20 and
21 **BLAKE LIEM VO**
22 **1929 W. Red Fox Road**
Santa Ana, CA 92704
23 **Pharmacist License No. RPH 51136**
24 Respondents.

Case No. 4661

OAH No. 2014051286

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO ACE 4Q
INC. DBA WHITE FRONT DRUG AND
DISCOUNT AND ABDUL KAREEM
JAWAD ONLY**

25
26 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
27 entitled proceedings that the following matters are true:
28

1 PARTIES

2 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
3 She brought this action solely in her official capacity and is represented in this matter by Kamala
4 D. Harris, Attorney General of the State of California, by Marichelle S. Tahimic, Deputy
5 Attorney General.

6 2. Respondents Ace 4Q Inc. dba White Front Drug and Discount, Abdul K. Jawad and
7 Blake Vo ("Respondents") are represented in this proceeding by attorney John Cronin, whose
8 address is: 5720 Oberlin Drive, San Diego, CA 92121-1723.

9 3. On or about April 5, 1996, the Board of Pharmacy issued Pharmacy Permit No. PHY
10 41461 to Respondent Abdul K. Jawad to do business as White Front Drug and Discount and on
11 June 25, 2010 re-issued that permit to Ace 4Q Inc., to do business as White Front Drug and
12 Discount, with Abdul Jawad as Chief Executive Officer, President, Secretary and Treasurer/Chief
13 Financial Officer (Respondent White Front). The Pharmacy Permit was in full force and effect at
14 all times relevant to the charges brought herein and will expire on April 1, 2016, unless renewed.

15 4. On or about March 18, 1992, the Board of Pharmacy issued Pharmacist License No.
16 RPH 45101 to Respondent Abdul Kareem Jawad (Respondent Jawad.) The Pharmacist License
17 was in full force and effect at all times relevant to the charges brought herein and will expire on
18 December 31, 2015, unless renewed.

19 JURISDICTION

20 5. First Amended Accusation No. 4661 was filed before the Board of Pharmacy (Board),
21 Department of Consumer Affairs, on May 8, 2015 and served on May 8, 2015 and is currently
22 pending against Respondents. Accusation No. 4661 and all other statutorily required documents
23 were served on March 19, 2014. Respondents timely filed their Notice of Defense contesting the
24 Accusation.

25 6. A copy of First Amended Accusation No. 4661 is attached as exhibit A and
26 incorporated herein by reference.

27 ///

28 ///

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 41461 issued to Respondent Ace 4Q Inc., dba White Front Drug and Discount, with Abdul Jawad, as Chief Executive Officer, President, Secretary and Treasurer/Chief Financial Officer, is surrendered and accepted by the Board of Pharmacy. The surrender of Pharmacy Permit No. PHY 41461 is stayed thirty (30) days from the effective date of the Decision, at which time the pharmacy shall be sold or closed.

1. In the event that Respondent Ace 4Q Inc., dba White Front Drug and Discount is sold or there is a change in ownership, and an application for a new permit is submitted to the Board, the Board shall expedite the processing of that application.

2. In the event the new owner of White Front Drug and Discount continues to operate the pharmacy as "White Front Drug and Discount," a new Pharmacist-in-Charge shall be selected for White Front Drug and Discount and a "Change in Pharmacist-in-Charge" (Form 17A-14) shall be submitted to the Board for approval on or before thirty (30) days from the effective date of the Decision.

3. The surrender of Respondent's Pharmacy Permit PHY 41461 and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent Ace 4Q Inc., dba White Front Drug and Discount, Abdul Jawad, Chief Executive Officer, President, Secretary and Treasurer/Chief Financial Officer. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.

IT IS HEREBY FURTHER ORDERED that Pharmacist License No. RPH 45101 issued to Respondent Abdul Kareem Jawad (Respondent Jawad) is revoked in First Amended Accusation No. 4930 and First Amended Accusation 4661. However, the revocation is stayed and Respondent Jawad is placed on probation for five (5) years on the following terms and conditions for First Amended Accusation No. 4930 and First Amended Accusation 4661.

1. Suspension

As part of probation, Respondent is suspended from the practice of pharmacy until he provides proof of completion of either of the following: (1) a minimum 6-hour continuing

1 education course on the topic of corresponding responsibility presented by the Drug Enforcement
2 Agency; or, (2) a minimum 6-hour, in-person, pre-approved, continuing education course on the
3 topic of corresponding responsibility.

4 During suspension, respondent shall not enter any pharmacy area or any portion of the
5 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
6 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
7 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
8 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
9 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
10 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
11 and devices or controlled substances.

12 Respondent shall not engage in any activity that requires the professional judgment of a
13 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.
14 Respondent shall not perform the duties of a pharmacy technician or a designated representative
15 for any entity licensed by the board.

16 Subject to the above restrictions, respondent may continue to own or hold an interest in any
17 licensed premises in which they holds an interest at the time this decision becomes effective
18 unless otherwise specified in this order.

19 Failure to comply with this suspension shall be considered a violation of probation.

20 **2. Obey All Laws**

21 Respondent Jawad shall obey all state and federal laws and regulations.

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

- 24 • an arrest or issuance of a criminal complaint for violation of any provision of the
25 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
26 substances laws
- 27 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
28 criminal complaint, information or indictment

- 1 • a conviction of any crime
- 2 • discipline, citation, or other administrative action filed by any state or federal agency
- 3 which involves respondent's pharmacist license or which is related to the practice of
- 4 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
- 5 for any drug, device or controlled substance.

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

7 **3. Report to the Board**

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

16 **4. Interview with the Board**

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

22 **5. Cooperate with Board Staff**

23 Respondent Jawad shall cooperate with the board's inspection program and with the board's
24 monitoring and investigation of respondent's compliance with the terms and conditions of their
25 probation. Failure to cooperate shall be considered a violation of probation.

26 **6. Continuing Education**

27 Respondent Jawad shall provide evidence of efforts to maintain skill and knowledge as a
28 pharmacist as directed by the board or its designee.

1 7. **Notice to Employers**

2 During the period of probation, respondent Jawad shall notify all present and prospective
3 employers of the decision in case number 4661 and the terms, conditions and restrictions imposed
4 on respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
6 respondent undertaking any new employment, respondent shall cause his direct supervisor,
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
8 tenure of employment) and owner to report to the board in writing acknowledging that the listed
9 individual(s) has/have read the decision in case number 4661, and terms and conditions imposed
10 thereby. It shall be respondent's responsibility to ensure that their employer(s) and/or
11 supervisor(s) submit timely acknowledgment(s) to the board.

12 If respondent works for or is employed by or through a pharmacy employment service,
13 respondent must notify their direct supervisor, pharmacist-in-charge, and owner at every entity
14 licensed by the board of the terms and conditions of the decision in case number 4661 in advance
15 of the respondent commencing work at each licensed entity. A record of this notification must be
16 provided to the board upon request.

17 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
18 (15) days of respondent undertaking any new employment by or through a pharmacy employment
19 service, respondent shall cause their direct supervisor with the pharmacy employment service to
20 report to the board in writing acknowledging that they has read the decision in case number 4661
21 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
22 that their employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

26 "Employment" within the meaning of this provision shall include any full-time,
27 part-time, temporary, relief or pharmacy management service as a pharmacist or any
28

1 position for which a pharmacist license is a requirement or criterion for employment,
2 whether the respondent is an employee, independent contractor or volunteer.

3 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
4 **Designated Representative-in-Charge, or Serving as a Consultant**

5 During the period of probation, Respondent Jawad shall not supervise any intern
6 pharmacist, be the pharmacist-in-charge or designated representative-in-charge of any entity
7 licensed by the board nor serve as a consultant unless otherwise specified in this order.
8 Assumption of any such unauthorized supervision responsibilities shall be considered a violation
9 of probation.

10 **9. Reimbursement of Board Costs**

11 Respondents White Front and Abdul Kareem Jawad shall pay to the board its costs of
12 investigation and prosecution in the amount of \$15,000.00. Respondents may pay these costs in a
13 payment program acceptable to the Board. Respondents White Front Drug and Discount and
14 Abdul Kareem Jawad shall be jointly and severally liable for the payment of these costs.

15 There shall be no deviation from the payment schedule absent prior written approval by the
16 board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a
17 violation of probation.

18 The filing of bankruptcy by respondent shall not relieve respondent of their responsibility to
19 reimburse the board its costs of investigation and prosecution.

20 **10. Probation Monitoring Costs**

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

25 **11. Status of License**

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

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

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

6 Following the effective date of this decision, should respondent cease practice due to
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
8 respondent may tender their license to the board for surrender. The board or its designee shall
9 have the discretion whether to grant the request for surrender or take any other action it deems
10 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent
11 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
12 record of discipline and shall become a part of the respondent's license history with the board.

13 Upon acceptance of the surrender, respondent shall relinquish their pocket and wall license
14 to the board within ten (10) days of notification by the board that the surrender is accepted.
15 Respondent may not reapply for any license from the board for three (3) years from the effective
16 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
17 of the date the application for that license is submitted to the board, including any outstanding
18 costs.

19 **13. Notification of a Change in Name, Residence Address, Mailing Address or**
20 **Employment**

21 Respondent Jawad shall notify the board in writing within ten (10) days of any change of
22 employment. Said notification shall include the reasons for leaving, the address of the new
23 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
24 shall further notify the board in writing within ten (10) days of a change in name, residence
25 address, mailing address, or phone number.

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

28 ///

1 **14. Tolling of Probation**

2 Except during periods of suspension, Respondent Jawad shall, at all times while on
3 probation, be employed as a pharmacist in California for a minimum of 40 hours per calendar
4 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,
5 the period of probation shall be extended by one month for each month during which this
6 minimum is not met. During any such period of tolling of probation, respondent must
7 nonetheless comply with all terms and conditions of probation.

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

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

16 "Cessation of practice" means any calendar month during which respondent is
17 not practicing as a pharmacist for at least 40 hours, as defined by Business and
18 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
19 month during which respondent is practicing as a pharmacist for at least 40 hours as a
20 pharmacist as defined by Business and Professions Code section 4000 et seq.

21 **15. Violation of Probation**

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

27 If respondent violates probation in any respect, the board, after giving respondent notice
28 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

1 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
2 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
3 a petition to revoke probation or an accusation is filed against respondent during probation, the
4 board shall have continuing jurisdiction and the period of probation shall be automatically
5 extended until the petition to revoke probation or accusation is heard and decided.

6 **16. Completion of Probation**

7 Upon written notice by the board or its designee indicating successful completion of
8 probation, respondent's license will be fully restored.

9 **17. Remedial Education**

10 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
11 board or its designee, for prior approval, an appropriate program of remedial education related to
12 the appropriate use of controlled substances for pain management or corresponding responsibility.
13 The program of remedial education shall consist of at least six (6) hours per year, at least 50% of
14 which shall be in person, for each year of the five (5) years of probation, and shall be completed
15 at Respondent Jawad's own expense. All remedial education shall be in addition to, and shall not
16 be credited toward, continuing education (CE) courses used for license renewal purposes.

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

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

26 **18. Supervised Practice**

27 During the period of probation, respondent shall practice only under the supervision of a
28 licensed pharmacist not on probation with the board. Upon and after the effective date of this

1 decision, respondent shall not practice pharmacy and their license shall be automatically
2 suspended until a supervisor is approved by the board or its designee. The supervision shall be,
3 as required by the board or its designee, either:

4 Continuous – At least 75% of a work week

5 Substantial - At least 50% of a work week

6 Partial - At least 25% of a work week

7 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

8 Within thirty (30) days of the effective date of this decision, respondent shall have their
9 supervisor submit notification to the board in writing stating that the supervisor has read the
10 decision in case number 4661 and is familiar with the required level of supervision as determined
11 by the board or its designee. It shall be the respondent's responsibility to ensure that their
12 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
13 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
14 acknowledgements to the board shall be considered a violation of probation.

15 If respondent changes employment, it shall be the respondent's responsibility to ensure that
16 their employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s)
17 to the board. Respondent shall have their new supervisor, within fifteen (15) days after
18 employment commences, submit notification to the board in writing stating the direct supervisor
19 and pharmacist-in-charge have read the decision in case number 4661 and is familiar with the
20 level of supervision as determined by the board. Respondent shall not practice pharmacy and
21 their license shall be automatically suspended until the board or its designee approves a new
22 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
23 acknowledgements to the board shall be considered a violation of probation.

24 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

25 During suspension, respondent shall not enter any pharmacy area or any portion of the
26 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
27 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
28 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act

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

5 During suspension, respondent shall not engage in any activity that requires the
6 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
7 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
8 designated representative for any entity licensed by the board.

9 Subject to the above restrictions, respondent may continue to own or hold an interest in any
10 licensed premises in which they holds an interest at the time this decision becomes effective
11 unless otherwise specified in this order.

12 Failure to comply with this suspension shall be considered a violation of probation.

13 **19. No Ownership of Licensed Premises**

14 Respondent Jawad shall not own, have any legal or beneficial interest in, or serve as a
15 manager, administrator, member, officer, director, trustee, associate, or partner of any business,
16 firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall
17 sell or transfer any legal or beneficial interest in any entity licensed by the board within thirty (30)
18 days following the effective date of this decision and shall immediately thereafter provide written
19 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
20 documentation thereof shall be considered a violation of probation.

21 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
22 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
23 business, firm, partnership, or corporation licensed by the board.

24 **20. Ethics Course**


25 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
26 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
27 Failure to initiate the course during the first year of probation, and complete it within the second
28 year of probation, is a violation of probation.

1 Respondent shall submit a certificate of completion to the board or its designee within five
2 days after completing the course.

3 ACCEPTANCE

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

9 DATED: 6/08/2015



10 ABDUL KAREEM JAWAD
11 as an individual and as the Chief Executive Officer,
12 President and authorized agent on behalf of
13 ACE 4Q INC. dba WHITE FRONT DRUG AND
14 DISCOUNT,
15 Respondents

16 I have read and fully discussed with Respondents Ace 4Q Inc. dba White Front Drug and
17 Discount and Abdul Kareem Jawad the terms and conditions and other matters contained in the
18 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

19 DATED: 6/8/2015



20 JOHN CRONIN
21 Attorney for Respondents

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

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

ENDORSEMENT

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

Dated: *June 15, 2015*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General

Marichelle S. Tahmic
MARICHELLE S. TAHMIC
Deputy Attorney General
Attorneys for Complainant

SD2013705823/81066309.docx

Exhibit A

**First Amended
Accusation No. 4661**

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 MARICHELLE S. TAHIMIC
Deputy Attorney General
4 State Bar No. 147392
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3154
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the First Amended Accusation
12 Against:
13 **ACE 4Q INC.,**
14 **DBA WHITE FRONT DRUG AND**
DISCOUNT
15 **801 B Baker Street**
Costa Mesa, CA 92626
16 **Pharmacy Permit No. PHY 41461**
17 **and**
18 **ABDUL KAREEM JAWAD**
19 **801 B Baker Street**
Costa Mesa, CA 92626
20 **Pharmacist License No. RPH 45101**
21 **and**
22 **BLAKE LIEM VO**
23 **1929 W. Red Fox Road**
Santa Ana, CA 92704
24 **Pharmacist License No. RPH 51136**
25 Respondents.

Case No. 4661
FIRST AMENDED
A C C U S A T I O N

1 Complainant alleges:

2 **PARTIES**

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

6 2. On or about April 5, 1996 the Board of Pharmacy issued Pharmacy Permit Number
7 PHY 41461 to Respondent Abdul K. Jawad, to do business as White Front Drug and Discount
8 and on June 25, 2010 re-issued that permit to Ace 4Q Inc., to do business as White Front Drug
9 and Discount, with Abdul Jawad, Chief Executive Officer, President, Secretary and
10 Treasurer/Chief Financial Officer (Respondent White Front Drug and Discount). The Pharmacy
11 Permit was in full force and effect at all times relevant to the charges brought herein and will
12 expire on April 1, 2016, unless renewed.

13 3. On or about March 18, 1992, the Board of Pharmacy issued Pharmacist License No.
14 RPH 45101 to Respondent Abdul Kareem Jawad (Respondent Abdul Jawad). Respondent Abdul
15 K. Jawad was the Pharmacist-In-Charge of Respondent White Front Drug and Discount from
16 April 5, 1996 to February 1, 2010. The Pharmacist License was in full force and effect at all
17 times relevant to the charges brought herein and will expire on December 31, 2015, unless
18 renewed.

19 4. On or about September 9, 1999, the Board of Pharmacy issued Pharmacist License
20 No. RPH 51136 to Respondent Blake Liem Vo (Respondent Blake Vo.) Respondent Blake Vo
21 was the Pharmacist-In-Charge of Respondent White Front Drug and Discount from February 1,
22 2010 to the present. The Pharmacist License was in full force and effect at all times relevant to
23 the charges brought herein and will expire on January 31, 2017, unless renewed.

24 **JURISDICTION**

25 5. This First Amended Accusation is brought before the Board of Pharmacy (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.

1 6. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 7. Section 4300(a) of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 8. Section 4300.1 of the Code states:

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

11 **STATUTORY AND REGULATORY PROVISIONS**

12 9. Section 4301 of the Code states:

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

16 ...

17 (c) Gross negligence.

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

19 ...

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

22 ...

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

26 10. Section 4113(c) of the Code states:

27 The pharmacist-in-charge shall be responsible for a pharmacy's
28 compliance with all state and federal laws and regulations pertaining to the
practice of pharmacy.

1 11. Section 4306.5 states:

2 Unprofessional conduct for a pharmacist may include any of the
3 following:

4 (a) Acts or omissions that involve, in whole or in part, the inappropriate
5 exercise of his or her education, training, or experience as a pharmacist,
6 whether or not the act or omission arises in the course of the practice of
7 pharmacy or the ownership, management, administration, or operation of a
8 pharmacy or other entity licensed by the board.

9 (b) Acts or omissions that involve, in whole or in part, the failure to
10 exercise or implement his or her best professional judgment or corresponding
11 responsibility with regard to the dispensing or furnishing of controlled
12 substances, dangerous drugs, or dangerous devices, or with regard to the
13 provision of services.

14 (c) Acts or omissions that involve, in whole or in part, the failure to
15 consult appropriate patient, prescription, and other records pertaining to the
16 performance of any pharmacy function.

17 (d) Acts or omissions that involve, in whole or in part, the failure to fully
18 maintain and retain appropriate patient-specific information pertaining to the
19 performance of any pharmacy function.

20 12. Section 4307 states:

21 (a) Any person who has been denied a license or whose license has been
22 revoked or is under suspension, or who has failed to renew his or her license
23 while it was under suspension, or who has been a manager, administrator,
24 owner, member, officer, director, associate, or partner of any partnership,
25 corporation, firm, or association whose application for a license has been
26 denied or revoked, is under suspension or has been placed on probation, and
27 while acting as the manager, administrator, owner, member, officer, director,
28 associate, or partner had knowledge of or knowingly participated in any
conduct for which the license was denied, revoked, suspended, or placed on
probation, shall be prohibited from serving as a manager, administrator, owner,
member, officer, director, associate, or partner of a licensee as follows:

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

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

(b) "Manager, administrator, owner, member, officer, director,
associate, or partner," as used in this section and Section 4308, may refer to a
pharmacist or to any other person who serves in that capacity in or for a
licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading
filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of
Division 3 of the Government Code. However, no order may be issued in that

1 case except as to a person who is named in the caption, as to whom the pleading
2 alleges the applicability of this section, and where the person has been given
3 notice of the proceeding as required by Chapter 5 (commencing with Section
4 11500) of Part 1 of Division 3 of the Government Code. The authority to
5 proceed as provided by this subdivision shall be in addition to the board's
6 authority to proceed under Section 4339 or any other provision of law.

7
8
9
10
11
12 13. Health and Safety Code section 11153 states in pertinent part:

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

27
28 14. Health and Safety Code section 11200(b) states in pertinent part:

13
14 ...
15 (b) No prescription for a Schedule III or IV substance may be refilled
16 more than five times and in an amount, for all refills of that prescription taken
17 together, exceeding a 120-day supply.

18
19
20 15. Section 1707.3 of title 16, California Code of Regulations ("CCR"), states:

21 Prior to consultation as set forth in section 1707.2, a pharmacist shall review a
22 patient's drug therapy and medication record before each prescription drug is
23 delivered. The review shall include screening for severe potential drug therapy
24 problems.

25
26 16. Section 1716 of title 16, CCR, states:

27 Pharmacists shall not deviate from the requirements of a prescription except
28 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.

17. Section 1761 of title 16, CCR, states:

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

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

5 COST RECOVERY

6 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
7 administrative law judge to direct a licentiate found to have committed a violation or violations of
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
9 enforcement of the case.

10 DRUGS

11 19. Adderall, a brand name for amphetamine salts, is a Schedule II controlled substance
12 pursuant to Health and Safety Code section 11055(d)(1) and is a dangerous drug pursuant to
13 Business and Professions Code section 4022. It is used in the treatment of Attention Deficit
14 Hyperactivity Disorder (“ADHD”) and Attention Deficit Disorder (“ADD”).

15 20. Alprazolam, sold under the brand name Xanax, is a Schedule IV controlled substance
16 as designated by Health and Safety Code section 11057(d)(1) and is a dangerous drug pursuant to
17 Business and Professions Code section 4022. Alprazolam tablets are indicated for the
18 management of anxiety disorder or the short-term relief of symptoms of anxiety.

19 21. Clonazepam, is a Schedule IV controlled substance as designated by Health and
20 Safety Code Section 11057(d)(7) and is a dangerous drug pursuant to Business and Professions
21 Code section 4022. It is an anti-anxiety medication in the benzodiazepine family.

22 22. Hydrocodone/Ibuprofen, is a Schedule III controlled substance pursuant to Health and
23 Safety Code section 11056(e)(4) and is a dangerous drug pursuant to Business and Professions
24 Code section 4022.

25 23. Hydrocodone/APAP, also sold under the brand names Norco and Vicodin, is a
26 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4)
27 and is a dangerous drug pursuant to Business and Professions Code section 4022.

28 24. Lunesta, a brand name for eszopiclone, is a Schedule IV controlled substance as
designated by Health and Safety Code section 11057(d) and is a dangerous drug pursuant to
Business and Professions Code section 4022.

1 25. Opana ER, a brand name for oxymorphone extended release, is a Schedule II
2 controlled substance pursuant to Health and Safety Code section 11055(b)(1)(N) and is a
3 dangerous drug pursuant to Business and Professions Code section 4022. It is used for pain.

4 26. Oxycontin, a brand name for oxycodone extended release, is a Schedule II controlled
5 substance pursuant to Health and Safety Code section 11055(b)(1)(M) and is a dangerous drug
6 pursuant to Business and Professions Code section 4022. It is used for pain.

7 27. Roxicodone, a brand name for oxycodone, is a Schedule II controlled substance
8 pursuant to Health and Safety Code section 11055(b)(1)(M) and is a dangerous drug pursuant to
9 Business and Professions Code section 4022.

10 28. Soma, a brand name for carisoprodol, was added as a Schedule IV controlled
11 substance pursuant to title 21 CFR 1308.14(c)(5) on January 11, 2012. Carisoprodol is a
12 dangerous drug pursuant to Business and Professions Code section 4022.

13 29. Suboxone, containing buprenorphine and naloxone, is a Schedule III controlled
14 substance pursuant to Health and Safety Code section 11056(e) and is a dangerous drug pursuant
15 to Code section 4022.

16 30. Subutex, containing buprenorphine, is a Schedule III controlled substance pursuant to
17 Health and Safety Code section 11056(e) and is a dangerous drug pursuant to Code section 4022.

18 31. Triazolam, is a Schedule IV controlled substance pursuant to Health and Safety Code
19 section 11057(d)(30) and is a dangerous drug pursuant to Business and Professions Code section
20 4022.

21 32. Valium, a brand name for diazepam, is a Schedule IV controlled substance pursuant
22 to Health and Safety Code section 11057(d)(9) and is a dangerous drug pursuant to Business and
23 Professions Code section 4022.

24 33. Vyvanse, a brand name for lisdexamphetamine, is a Schedule II controlled substance
25 pursuant to Health and Safety Code section 11055(d)(1) and is a dangerous drug pursuant to
26 Business and Professions Code section 4022. It is used in the treatment of ADHD/ADD

1 34. Zolpidem, sold under the brand name Ambien, is a Schedule IV controlled substance
2 as designated by Health and Safety Code section 11057(d)(32) and is a dangerous drug pursuant
3 to Business and Professions Code section 4022.

4 FACTUAL ALLEGATIONS

5 35. Respondent Abdul Jawad was the Pharmacist-in-Charge of Respondent White Front
6 Drug and Discount from April 5, 1996 through February 1, 2010. Respondent Blake Vo was the
7 Pharmacist-in-Charge of Respondent White Front Drug and Discount from February 1, 2010
8 through the present.

9 2011 Inspections

10 36. On August 17, 2011, a Board inspector conducted an inspection of Respondent
11 pharmacy after discovering that Respondent was one of three pharmacies that allegedly dispensed
12 controlled substances written by a physician, Dr. L.T., to two patients who had subsequently died
13 of a drug overdose.

14 37. From January 2007 to August 2011, the most frequent prescribers of controlled
15 substances dispensed by Respondent included Dr. M.W., Dr. J.P. Dr. P.L. and Dr. A.Y.

16 38. Respondents dispensed the following "early refills" of prescriptions for controlled
17 substances, mostly issued by Dr. M.W., resulting in patients receiving controlled substances
18 earlier than prescribed by the providers, as shown below:

19 Patient	20 Drug	21 Time Period Drug Dispensed	22 Number of Times Furnished	23 Days Early	
24 MA	Hydrocodone/APAP 10/325	1/27/10-9/26/11	76	597	
25 TA	Hydrocodone/APAP 10/325	7/26/10-9/30/11	48	284	
26 TA	Alprazolam 2	7/26/10-9/15/11	23	77	
27 CB	Hydrocodone/APAP 7.5/750	11/7/07-9/26/11	93	282	
28 WB	Clonazepam 0.5	1/19/07-9/27/11	54	37	
	WB	Zolpidem 5	12/22/07-9/20/11	45	27
	CDD	Hydrocodone/APAP 10/325	6/5/09-9/26/11	66	293
	CDD	Alprazolam 1	6/5/09-8/15/11	42	323
	CD	Hydrocodone/APAP	1/8/07-9/9/11	72	328

Patient	Drug	Time Period Drug Dispensed	Number of Times Furnished	Days Early
	7.5/750			
JE	Hydrocodone/APAP 10/325	12/3/08-9/26/11	105	734
JE	Alprazolam 2	12/3/08-9/26/11	100	812
AG	Lunesta 1	3/22/10-9/19/11	20	53
EH	Hydrocodone/APAP 10/325	1/12/09-9/28/11	117	839
JH	Hydrocodone/APAP 10/325	11/7/08-7/22/11	114	819
JH	Diazepam 10	6/18/10-6/24/11	15	198
JJ	Hydrocodone/APAP 10/325	7/9/07-9/28/11	192	853
JJ	Hydrocodone/ibuprofen 7.5/200	7/6/07-9/28/11	194	1292
JJ	Triazolam 0.25	7/6/07-9/24/11	171	1102
DJ	Hydrocodone/APAP 7.5/750	12/20/07-9/20/11	63	6
DJ	Zolpidem 10	3/9/09-8/25/11	38	5
AM	Zolpidem 10	1/12/10-1/8/11	15	73
CM	Hydrocodone/APAP 10/325	8/1/08-10/1/11	81	228
JP	Hydrocodone/APAP 10/325	3/18/08-9/23/11	99	271
CR	Hydrocodone/APAP 10/325	5/7/10-12/1/10	12	31
LR	Zolpidem 10	9/17/09-9/9/11	21	27
JS	Hydrocodone/APAP 10/325	8/6/08-9/15/11	119	699
DS	Hydrocodone/APAP 10/325	7/18/07-9/28/11	59	11
BS	Hydrocodone/APAP 7.5/750	2/22/08-9/20/11	113	509
KS	Hydrocodone/APAP 10/325	7/20/09-8/26/11	31	35
JS	Hydrocodone/APAP 10/325	2/06/09-10/22/11	30	249
JS	Valium 5	12/7/07-1/6/11	129	852
PT	Hydrocodone/APAP 10/500	1/10/07-9/2/11	147	676
SW	Hydrocodone/APAP 10/325	2/23/07-9/24/11	117	715
MB	Suboxone or Subutex	5/20/10-7/23/10	8	36
MB	Suboxone or Subutex	8/9/10-11/30/10	7	51
MB	Suboxone or Subutex	12/22/10-1/24/11	7	71
CC	Suboxone or Subutex	3/13/09-8/12/09	7	21

Patient	Drug	Time Period Drug Dispensed	Number of Times Furnished	Days Early
CC	Suboxone or Subutex	12/9/10-5/3/11	17	5
PM	Suboxone or Subutex	10/10/09-12/2/09	11	1
PM	Suboxone or Subutex	12/17/09-1/12/10	8	6
PM	Suboxone or Subutex	1/13/10-3/24/10	18	11
PM	Suboxone or Subutex	3/26/10-4/21/10	9	6
PM	Suboxone or Subutex	4/29/10-5/27/10	9	5
PM	Suboxone or Subutex	6/4/10-7/7/10	9	3
PM	Suboxone or Subutex	8/14/10-9/10/10	12	4
PM	Suboxone or Subutex	9/13/10-10/15/10	15	29
PM	Suboxone or Subutex	10/18/10-11/12/10	11	5
PM	Suboxone or Subutex	11/15/10-12/15/10	14	16
PM	Suboxone or Subutex	12/16/10-1/10/11	13	9
PM	Suboxone or Subutex	2/28/11-4/18/11	25	15
PM	Suboxone or Subutex	5/9/11-6/9/11	11	4
PM	Suboxone or Subutex	6/10/11-7/5/11	7	2
PM	Suboxone or Subutex	7/7/11-8/9/11	10	7
KM	Suboxone or Subutex	8/24/09-9/15/09	7	2
KM	Suboxone or Subutex	10/6/09-11/6/09	8	1
KM	Suboxone or Subutex	5/2/11-5/14/11	8	15
KM	Suboxone or Subutex	6/16/11-6/30/11	7	1
KM	Suboxone or Subutex	7/21/11-8/15/11	8	4
BP	Suboxone or Subutex	3/27/09-5/2/09	9	1
BP	Suboxone or Subutex	5/20/09-7/14/09	7	7
CS	Suboxone or Subutex	12/26/07-2/4/08	6	35
CS	Suboxone or Subutex	3/18/08-6/19/09	9	28
CS	Suboxone or Subutex	10/24/08-1/29/08	9	13
CS	Suboxone or Subutex	2/6/09-4/3/09	9	80
CS	Suboxone or Subutex	5/28/09-9/11/09	12	5
CS	Suboxone or Subutex	9/23/09-12/17/09	8	2
JW	Suboxone or Subutex	1/5/10-1/27/10	8	9
JW	Suboxone or Subutex	3/20/10-4/14/10	11	11
JW	Suboxone or Subutex	4/15/10-6/4/10	16	7
JW	Suboxone or Subutex	7/6/10-3/21/11	37	75

39. Respondents dispensed early partial refills of prescriptions for Suboxone or Subutex:

Patient	Prescription Number	Time Period Drug Dispensed	Number of Times Drug Dispensed	Days Early (Total)
MB	888547	5/20/10-7/23/10	8	36
MB	895686	8/9/10-11/30/10	7	51

1	MB	908022	12/22/10-1/24/11	7	71
	CC	853957	3/13/09-8/12/09	7	21
2	CC	906645	12/9/10-5/3/11	17	5
	PM	869300, 939976	10/10/09-12/2/09	11	1
3	PM	874856, 939989	12/17/09-1/12/10	8	6
	PM	876993, 940069, 879326	1/13/10-3/24/10	18	11
4	PM	883640	3/26/10-4/21/10	9	6
	PM	886628	4/29/10-5/27/10	9	5
5	PM	889989	6/4/10-7/7/10	9	3
	PM	896212	8/14/10-9/10/10	12	4
6	PM	898625	9/13/10-10/15/10	15	29
7	PM	901957	10/18/10-11/12/10	11	5
	PM	904436	11/15/10-12/15/10	14	16
8	PM	907371	12/16/10-1/10/11	13	9
	PM	914518, 918168	2/18/11-4/18/11	25	15
9	PM	924084	5/9/11-6/9/11	11	4
10	PM	928019	6/10/11-7/5/11	7	2
	PM	931000	7/7/11-8/9/11	10	7
11	KM	865469	8/24/09-9/15/09	7	2
	KM	868941, 939966	10/6/09-11/6/09	8	1
12	KM	923223	5/2/11-5/14/11	8	15
	KM	928741	6/16/11-6/30/11	7	1
13	KM	932254, 939684	7/21/11-8/15/11	8	4
14	BP	855131, 939956	3/27/09-5/2/09	9	1
	BP	859099, 939957	5/20/09-7/14/09	7	7
15	CS	822678	12/26/07-2/4/08	6	35
	CS	828721, 940254	3/18/08-6/19/08	9	28
16	CS	843936, 939869	10/24/08-1/29/09	9	13
	CS	851236, 939955	2/6/09-4/3/09	9	80
17	CS	859668, 939958	5/28/09-9/11/09	12	5
	CS	868023, 939962	9/23/09-12/17/09	8	2
18	JW	876000, 940024	1/5/10-1/27/10	8	9
	JW	883048	3/20/10-4/14/10	11	11
19	JW	885503	4/15/10-6/4/10	16	7
20	JW	892721, 940220, 896007, 940161, 900070, 940207, 903863, 940209	7/6/10-3/21/11	37	75

FIRST CAUSE FOR DISCIPLINE

(Dispensing Controlled Substances with Variations from Prescriptions)

40. Respondents are subject to disciplinary action under Code section 4301(o) for violating title 16, California Code of Regulations, section 1716, in that they dispensed controlled substances which deviated from the requirements of the prescriptions without the prior consent of

1 the prescribers, as set forth in paragraphs 34 – 38, and incorporated by this reference as though set
2 forth in full herein.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Failure to Review Patients' Medication Record Before Prescription Drugs Delivered)**

5 41. Respondents are subject to disciplinary action under Code section 4301(o) for
6 violating title 16, California Code of Regulations, section 1707.3, in that they dispensed
7 prescriptions for controlled substances, without review of patients' medication records before
8 each prescription drug was delivered. Such a review would have revealed that the patients
9 requested early refills of prescriptions for controlled substances, as set forth in paragraphs 34 –
10 38, and incorporated by this reference as though set forth in full herein.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Dispensing Early Refills in Excess of Restrictions)**

13 42. Respondents are subject to disciplinary action under Code section 4301(j) for
14 violating Health and Safety Code section 11200(b), in that they dispensed refills of prescriptions
15 for controlled substances in excess of the restrictions for refills, as set forth in paragraphs 37 – 38,
16 and incorporated by this reference as though set forth in full herein.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 43. Respondents are subject to disciplinary action under Code section 4301 for
20 unprofessional conduct in that they engaged in the activities described in paragraphs 34 – 38, and
21 incorporated by this reference as though set forth in full herein.

22 **2014 Inspection**

23 44. On or about July 10, 2014, the Board discovered that two of Respondent's frequent
24 prescribers, Dr. P.L., and Dr. J.P., were disciplined by the Medical Board of California related to
25 their prescribing practices. The Board discovered that an Accusation before the Medical Board of
26 California is pending against another one of Respondent's frequent prescribers, Dr. A.Y., related
27 to his prescribing practices.

28

1 45. Inspections were conducted on July 16, 2014 and July 23, 2014 during which time
2 pharmacy records were obtained and reviewed.

3 46. During the period January 1, 2010 to July 8, 2014, the top four medications dispensed
4 by Respondent were oxycodone HCL 30 mg tablets, alprazolam 2 mg tablets,
5 hydrocodone/APAP 10-325 mg tablets and carisoprodol 350 mg tablets. Oxycodone products,
6 oxymorphone products, hydrocodone products, alprazolam and carisoprodol are commonly
7 abused controlled substances. A drug cocktail given the name "The Trinity" is made from a
8 combination of hydrocodone products, alprazolam and carisoprodol. When an oxycodone
9 product (Oxycontin is the extended release version of oxycodone) is used in place of
10 hydrocodone, the drug cocktail was called "The Holy Trinity."

11 47. Respondent dispensed over 100,000 tablets more of these four drugs than its
12 neighboring pharmacies:

13 a. Quantity dispensed by prescription:

14 Pharmacy	Alprazolam 2mg (Rx)	Carisoprodol 350 mg (Rx)	Hydrocodone/ APAP 10/325 (Rx)	Oxycodone 30 mg (Rx)	Oxycontin 80 mg (Rx)
15 Respondent	4,221	4,652	8,146	4,334	1,955
16 CVS	729	943	3,989	33	48
17 Rite Aid	598	1,145	5,043	220	131
18 Target	360	680	2,108	12	7
19 Steven's	472	61	1,979	623	187

20 b. Quantity dispensed by tablet:

21 Pharmacy	Alprazolam 2mg (tablets)	Carisoprodol 350 mg (tablets)	Hydrocodone/ APAP 10/325 (tablets)	Oxycodone 30 mg (tablets)	Oxycontin 80 mg (tablets)
22 Respondent	252,464	299,083	676,724	586,635	150,182
23 CVS	46,002	55,582	330,205	4,272	3,160
24 Rite Aid	37,806	70,493	455,320	27,751	11,038
25 Target	18,926	40,055	140,453	1,286	470
26 Steven's	30,708	4,790	217,066	85,905	14,725

27 48. The unbalanced proportion in which Respondent dispensed these five drugs compared
28 with the other pharmacies was unusual because the pharmacies selected for comparison were

1 located less than three miles from Respondent. For example, when considering oxycodone alone,
2 Respondent dispensed over 500,000 tablets more than the next highest dispensing pharmacy of
3 this drug.

4 49. A review of distances between the prescriber's office and the home addresses of 28
5 patients and the distances between these patients' home addresses and Respondent pharmacy
6 revealed that almost all of the 28 patients lived outside Respondent's local trade area. A majority
7 of these patients had home addresses in excess of 20 miles from Respondent pharmacy and
8 almost all of these patients had home addresses in excess of 20 miles from their physician's
9 offices. The distance between Respondent and a patient's home address was a red flag that
10 should have alerted Respondents to question the legitimacy of the patient's prescription.

11 50. Cash (including debit and credit card), instead of insurance, was the most common
12 form of payment for the four controlled substances most often dispensed by Respondent. For
13 example, the most prevalent quantity of oxycodone 30 mg dispensed was 180 tablets at a cost of
14 \$144.00, which was paid in cash. The most prevalent quantity of Oxycontin 80 mg was 60 tablets
15 at a cost of \$840.00, which was paid in cash. However, for non-controlled substances, the most
16 common form of payment was insurance. Cash payments for controlled substances was another
17 red flag that should have alerted Respondents to question the legitimacy of the patient's
18 prescription.

19 51. A review of prescriptions written by Drs. J.P., P.L., A.Y. and D.C. for the period
20 January 1, 2010 to July 8, 2014 revealed an irregular prescribing pattern in that 90% or more of
21 the prescriptions written by these prescribers were for controlled substances, versus non-
22 controlled substances. In addition, the highest percentage of drugs dispensed by these prescribers
23 are drugs known for their high abuse potential. Only Dr. J.P. represented that pain management
24 was one of his specialties (second to anesthesiology). Dr. P.L.'s areas of specialty were internal
25 medicine and pediatrics. None of these top four prescribing physicians were Board certified in
26 pain management.

27 52. The prescribing patterns of Drs. J.P., P.L., A.Y. and D.C. revealed red flags that
28 should have alerted Respondents to question the legitimacy of the patients' prescriptions.

1 53. The prescribing patterns of Drs. J.P., P.L., A.Y. and D.C. revealed a lack of diversity
2 in treating different types of pain. Because of different types of pain, the prescribing pattern for
3 pain specialists typically includes medication for neuropathic pain and anti-inflammatories, in
4 addition to muscle relaxants, such as carisoprodol, and opioid agonists, such as hydrocodone,
5 oxycodone, oxymorphone and morphine. However, prescriptions written by these prescribers,
6 and dispensed by Respondent, were mostly for muscle relaxants and opioid agonists with very
7 few or no prescriptions to address neuropathic pain or inflammation. For example, Dr. J.P. had
8 the most diversity in pain medication prescriptions with a paltry three percent of his prescriptions
9 for neuropathic pain and 2.6% for anti-inflammatories.

10 54. In addition, Respondent frequently dispensed "The Trinity" or "The Holy Trinity"
11 controlled substance combinations to patients:

12 Prescriber	No. of Instances "Trinity" or "Holy 13 Trinity" drugs dispensed
14 Dr. J.P.	133
15 Dr. P.L.	69
16 Dr. A.L.	43

17 55. Respondent filled prescriptions for the highest strengths of controlled substances such
18 as alprazolam, hydrocodone products, Opana, and oxycodone, when the patients' histories did not
19 indicate a recent history of taking the drug. Considering patient variability and the availability of
20 varying lower doses, this prescribing pattern is a factor of irregularity.

21 56. Respondent filled prescriptions for duplicate therapies prescribed by Dr. J.P. For
22 example, G.B., R.F., T.G., T.P., and M.R. were dispensed hydrocodone/APAP and oxycodone
23 simultaneously. Both drugs contain immediate release opioid agonists. They were also dispensed
24 Oxycontin 80 mg ER for round-the-clock pain treatment. M.L. was dispensed alprazolam and
25 lorazepam simultaneously. Both drugs are benzodiazepines. This prescribing pattern is a factor
26 of irregularity.

27 57. Another factor of irregularity is Dr. J.P.'s prescriptions for controlled substances to
28 treat ADD and ADHD. If it is accepted that Dr. J.P. is a pain management specialist,
prescriptions for ADD and ADHD drugs are outside his scope of practice.

1 58. In addition, Respondent repeatedly dispensed controlled substances early as indicated
2 below. These "early refills" are in addition to those listed in paragraphs 37 and 38 above and
3 were red flags that should have alerted Respondents to question the legitimacy of the patient's
4 prescriptions:

5 a. P.A. – 15 early refills of alprazolam 0.5 mg. Patient alternated between 4 different
6 doctors to obtain early refills.

7 b. S.A. – 17 early refills of alprazolam 2 mg. On some occasions, early refills were
8 consecutive and compounded.

9 c. K.S. – 3 early refills of hydrocodone/APAP 10/325 mg or oxycodone 30 mg.

10 d. M.B. – 11 early refills of diazepam 10 mg, hydrocodone/APAP 10/325 mg or
11 oxycodone 30 mg.

12 e. J.S. – 20 early refills of alprazolam 2 mg.

13 f. T.M. – 19 early refills of diazepam 10 mg, hydrocodone/APAP 10/325 mg. On some
14 occasions, early refills were consecutive and compounded.

15 g. W.F. – 6 early refills of hydrocodone/APAP 10/325 mg or oxycodone 30 mg.

16 h. M.P. – 46 early refills of carisoprodol 350 mg and hydrocodone/APAP 10/325 mg.

17 In some instances, drug supplies that should have lasted one month were refilled in 2 weeks or
18 less.

19 i. K.A. – 161 early refills of Ativan 1 mg, hydrocodone/APAP 7.5/750 mg and
20 zolpidem 12.5 mg ER. On some occasions, early refills were consecutive and compounded; each
21 refill made earlier and earlier. Respondent repeatedly and consistently dispensed drugs to this
22 patient months early on 76 different occasions. Respondent dispensed 6,767 tablets of zolpidem
23 ER 12.5 mg to this patient from January 8, 2010 to March 12, 2014. Based on the directions on
24 the prescription, 6,767 tablets should have lasted 6,767 days. This patient received 6,767 tablets
25 in approximately 1,550 days, therefore the patient would have had to consume or lose 4 tablets
26 every day.

27 59. Pain management agreements were provided to the Board's inspectors between Dr.
28 D.C. and his patients. Dr. D.C. indicated his primary area of practice is general medicine. As

1 such, the existence of pain management agreements was irregular. In addition, many of the
2 assessments were the same, that is, each of the 16 agreements included a diagnosis of arthritis and
3 anxiety. All of the patients with pain management agreements with Dr. D.C. received oxycodone
4 products, hydrocodone products and alprazolam from Dr. D.C. Multiple patients who all have a
5 similar diagnosis is a factor of irregularity for a physician whose practice is in general medicine.
6 Many patients receiving the same drug therapy is also a factor of irregularity. In addition,
7 alprazolam is indicated to treat anxiety. It is also a factor of irregularity for all patients with pain
8 management contracts with Dr. D.C. to also be assessed with anxiety during a pain evaluation.
9 These irregularities were red flags that should have alerted Respondents to question the
10 legitimacy of the patients' prescriptions.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with Corresponding Responsibility**
13 **for Legitimate Controlled Substance Prescriptions)**

14 60. Respondents are subject to discipline pursuant to Code section 4301, subdivision (j),
15 in conjunction with Health and Safety Code section 11153(a) for unprofessional conduct in that
16 Respondents failed to comply with their corresponding responsibility to ensure that controlled
17 substances are dispensed for a legitimate medical purpose when Respondents failed to evaluate
18 the totality of the circumstances (information from the patient, physician and other sources) to
19 determine the prescription's legitimate medical purpose in light of information showing that
20 prescriptions for controlled substances were filled early, there was duplication of therapy, the
21 same drug combinations were repeatedly prescribed for multiple patients by the same prescriber,
22 numerous patients had addresses outside of White Front's normal trade area, and certain
23 prescribers wrote a disproportionate number of prescriptions for controlled substances, including
24 the combination of drugs known as "The Trinity" and/or "The Holy Trinity" among other
25 irregularities, as more fully set forth in paragraphs 35 – 38 and 43 – 58 above, and incorporated
26 by this reference as though set forth in full herein.

27 ///

28 ///

1 **NINTH CAUSE FOR DISCIPLINE**

2 **AS TO BLAKE LIEM VO and ABDUL JAWAD**

3 **(Unprofessional Conduct)**

4 64. Respondents Blake Vo and Abdul Jawad are subject to discipline pursuant to Code
5 section 4301 for unprofessional conduct in that Respondents engaged in the activity described in
6 paragraphs 43 - 58 above, and incorporated by this reference as though set forth in full herein.

7 **OTHER MATTERS**

8 65. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
9 PHY 41461 issued to Ace 4Q Inc., doing business as White Front Drug and Discount, it shall be
10 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
11 or partner of a licensee for five years if Pharmacy Permit Number PHY 41461 is placed on
12 probation, or until Pharmacy Permit Number 41461 is reinstated if it is revoked.

13 66. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
14 PHY 41461 issued to Ace 4Q Inc., doing business as White Front Drug and Discount, while
15 Abdul Kareem Jawad was a manager, administrator, owner, member, officer, director, associate,
16 or partner and had knowledge of or knowingly participated in any conduct for which the licensee
17 was disciplined, Abdul Kareem Jawad shall be prohibited from serving as a manager,
18 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
19 Pharmacy Permit Number PHY 41461 is placed on probation, or until Pharmacy Permit Number
20 PHY 41461 is reinstated if it is revoked.

21 67. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
22 PHY 41461 issued to Ace 4Q Inc., doing business as White Front Drug and Discount, while
23 Blake Liem Vo was a manager, administrator, owner, member, officer, director, associate, or
24 partner and had knowledge of or knowingly participated in any conduct for which the licensee
25 was disciplined, Blake Liem Vo shall be prohibited from serving as a manager, administrator,
26 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
27 Permit Number PHY 41461 is placed on probation, or until Pharmacy Permit Number PHY
28 41461 is reinstated if it is revoked.

1 68. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
2 Number RPH 45101 issued to Abdul Kareem Jawad, Abdul Kareem Jawad shall be prohibited
3 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
4 of a licensee for five years if Pharmacist License Number RPH 45101 is placed on probation, or
5 until Pharmacist License Number RPH 45101 is reinstated if it is revoked.

6 69. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
7 Number RPH 51136 issued to Blake Liem Vo, Blake Liem Vo shall be prohibited from serving as
8 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
9 five years if Pharmacist License Number RPH 51136 is placed on probation, or until Pharmacist
10 License Number RPH 51136 is reinstated if it is revoked.

11 **DISCIPLINARY CONSIDERATIONS**

12 70. To determine the degree of discipline, if any, to be imposed on Respondents,
13 Complainant alleges:

14 a. On December 19, 2006, the Board issued Citation number CI 2005 31780 against
15 Respondent White Front for violating title 16, California Code of Regulations, section 1716. No
16 compliance was required because the Board did not issue a fine or order of abatement.

17 b. On August 21, 2002, the Board issued Citation number CI 2001 21875 against
18 Respondent Blake Vo for violating Business and Professions Code sections 4076 and 4077 and
19 title 16, California Code of Regulations, section 1716. The Board issued a fine which
20 Respondent paid on September 17, 2002.

21 c. On December 19, 2006, the Board issued Citation number CI 2006 32535 against
22 Respondent Blake Vo for violating title 16, California Code of Regulations, section 1716. The
23 Board issued a fine which Respondent paid on January 4, 2007.

24 d. On May 11, 2012, the Board issued Modified Citation number CI 2010 48334 against
25 Respondent White Front Drug and Discount, for violations of Business and Professions Code
26 sections 4059(b) and 4169(a)(1); title 16, California Code of Regulations, section 1761(a) and
27 title 21, Code of Federal Regulations, sections 1306.04(b), 1301.13, 1301.28(b)(1), (d)(1) and (3)
28 and 1306.7(d). A fine was assessed in the amount of \$20,000.00. The citation was resolved

1 through a Stipulated Settlement and Order and Respondent White Front Drug and Discount
2 complied.

3 e. On May 11, 2012, the Board issued Modified Citation Number CI 2011 51194
4 against Respondent Abdul Jawad, for violations of Business and Professions Code sections
5 4059(b) and 4169(a)(1); title 16, California Code of Regulations, section 1761(a) and title 21,
6 Code of Federal Regulations, sections 1306.04(b), 1301.13, 1301.28(b)(1), (d)(1) and (3) and
7 1306.7(d). A fine was assessed in the amount of \$10,000.00. The citation was resolved through a
8 Stipulated Settlement and Order and Respondent Abdul Jawad complied.

9 f. On May 11, 2012, the Board issued Modified Citation Number CI 2011 51193
10 against the Respondent Blake Vo, for violations of Business and Professions Code sections
11 4059(b) and 4169(a)(1); title 16, California Code of Regulations, section 1761(a) and title 21,
12 Code of Federal Regulations, sections 1306.04(b), 1301.13, 1301.28(b)(1), (d)(1) and (3) and
13 1306.7(d). A fine was assessed in the amount of \$8,000.00. The citation was resolved through a
14 Stipulated Settlement and Order and Respondent Blake Vo complied.

15 **PRAYER**

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

- 18 1. Revoking or suspending Pharmacy Permit Number PHY 41461, issued to Ace 4Q
19 Inc., doing business as White Front Drug and Discount;
- 20 2. Revoking or suspending Pharmacist License Number RPH 45101, issued to Abdul
21 Kareem Jawad;
- 22 3. Revoking or suspending Pharmacist License Number RPH 51136, issued to Blake
23 Liem Vo;
- 24 4. Prohibiting Ace 4Q Inc., doing business as White Front Drug and Discount, from
25 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
26 licensee for five years if Pharmacy Permit Number PHY 41461 is placed on probation, or until
27 Pharmacy Permit Number PHY 41461 is reinstated if it is revoked;

1 5. Prohibiting Abdul Kareem Jawad, from serving as a manager, administrator, owner,
2 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
3 Number PHY 41461 is placed on probation, or until Pharmacy Permit Number PHY 41461 is
4 reinstated if it is revoked;

5 6. Prohibiting Blake Liem Vo from serving as a manager, administrator, owner,
6 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
7 Number PHY 41461 is placed on probation, or until Pharmacy Permit Number PHY 41461 is
8 reinstated if it is revoked.

9 7. Prohibiting Abdul Kareem Jawad from serving as a manager, administrator, owner,
10 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
11 Number RPH 45101 is placed on probation, or until Pharmacist License Number RPH 45101 is
12 reinstated if it is revoked.

13 8. Prohibiting Blake Liem Vo from serving as a manager, administrator, owner,
14 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
15 Number RPH 51136 is placed on probation, or until Pharmacist License Number RPH 51136 is
16 reinstated if it is revoked.

17 9. Ordering White Front Drug and Discount, Abdul Kareem Jawad and Blake Liem Vo,
18 jointly and severally, to pay the Board of Pharmacy the reasonable costs of the investigation and
19 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

20 10. Taking such other and further action as deemed necessary and proper.

21 DATED: May 8, 2015

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

28 SD2013805197/70994102.doc